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WASHINGTON, THURSDAY, MARCH 17, 1988

No. 33

House of Representatives

The House met at 11 a.m.

The Chaplain, Rev. Jan ord, D.D., offered the James Ford, following

Loving God, as You reach out to each person from the time of infancy to the last day, we pray that under the leading of Your hand we will walk in love and peace, and at each moment of testing Your blessing will be upon us. May we not be distracted by the cuits of our world, but seek righteousness and justice, knowing that all good things will then be given to us. In Your name, we pray. Amen. Loving God, as You reach out to

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.

POINDEXTER AND NORTH: FALL GUYS

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

Mr. ALEXANDER. Mr. Speaker, Adm. John Poindexter and Lt. Col. Oliver North are not criminals. They were carrying out the orders of the Commander in Chief for which they have been indicted by the special prosnave occil indicted by the special pros-ceutor for alleged crimes but, Poin-dexter and North are not criminals. They are victims, Mr. Speaker, victims of a Presidential policy of simple-minded deception of the Congress and the American people.

In plain talk, Poindexter and North re fall guys, fall guys of Ronald

REPEAL FUEL TAX COLLECTION CHANGES

(Mr. CRAIG asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

CRAIG. Mr. Speaker. Budget Reconcillation Act that passed the House in December changed the way fuel taxes are collected. Instead of being collected from the end user of the fuel, taxes are now charged when a wholesaler sells to a dealer.

This change is aimed at preventing loss of revenue due to fraud. Unfortunately, the change also forces farmers and others who are exempt from fuel taxes to first pay the tax, then collect

I have looked at the effects of the new law, Mr. Speaker, and it has become clear to me that the problems causes—temporary loss of capital d burdensome paperwork—are worse than the problem it attempts to

I suggest that we abandon this poorly thought-out change. Today I am introducing a bill that simply repeals the portion of the Budget Reconciliation Act dealing with fuel tax collection, reverting to the code as previously written. I urge my colleagues to join me in supporting the farm sector by supporting this repeal.

TURMOIL AND HEARTBREAK IN IRELAND

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

Mrs. KENNELLY. Mr. Speaker, in stead of happiness and celebration in Ireland on this St. Patrick's Day, there is turmoil and heartbreak.

Yesterday in Belfast as mourners stood at a funeral, they were pelted with grenades and fired upon, Relations between the British and Catholics in Northern Ireland have reached

Since the time of the Greeks and Romans warring parties have taken time out to bury their dead in peace.

Today, instead of rejoicing, Northern Ireland has more senseless deaths and a multitude of serious injuries. It is a multitude of serious injuries. It is time for all those in positions of lead-ership on all sides to step forward and end this chaos and mayhem.

An eye for eye has never solved a

problem or resulted in peace; further escalation of violence and more sense-less death will not bring peace to Northern Ireland.

Enough. Civil and religious leaders renew their commitment to bringing an end to this senseless destruction. an end to this sense ess destruction, More violence is not the answer on this March 17, but rather our sympathy and our prayers for the injured and the families of the dead and renewed commitment to peace for their

SANDINISTAS SEEK CONSOLIDA-TION OF THEIR COMMUNIST REGIME IN NICARAGUA

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

Mr. LAGOMARSINO. Mr. Spranct to achieve peace in Central America, the Arias peace plan calls for reconcili-make a ceasefire and to "make ation and a ceaselire and to "make dialog prevail over violence and reason over rancor." The House Democratic leadership has promoted the Arias peace plan as the salvation of Central America and it pressured the Sandinis-tas to take minimal actions in support of the Arias plan to help defeat military aid for the Contras.

lary alo for the Contras.

Now, that there's no military aid for the Contras—or any kind of aid at all for the Contras—House Democratic leaders are trying to shift the focus and the blame for what's going on in Central America. The Sandinistas aren't seeking reconciliation, a cease-fire or dialog over violence, they're seeking the total defeat and surrender of the democratic resistance. They're seeking the consolidation of their

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m. Matter set in this typotace indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Communist regime in Nicaragua and Communist regime in Auguragua and the defeat of democracy and freedom in Central America, and the Democratic leadership is trying to say it's not their fault. Well, they cannot escape the responsibility. They control this House; they make the rules; they have the votes; and they have to rec ognize the Sandinistas quite obviously aren't interested in giving peace

ONE STEP CLOSER TO INVADING NICARAGUA

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

Mr. SCHUMER. Mr. Speaker, Ollie North and John Poindexter didn't have such a bad day yesterday. While they were being indicted in a Washington courtroom, America took a step closer to invading Nicaragua.

Today, planes filled with 2,400 United States troops landed in Honduras while 800 more servicemen para-chuted into that country. This is Olie North's and John Poindexter's fantasy

Foreign policy by parachute, This policy is just as disorganized as the North-Poindexter fiasco.

At 7 last night the administration was saying it would not send troops, at and this morning the Pentagon chiefs are saying that they weren't even informed about the decision.

This is not good strategy when our military leaders don't know where their troops are going. Today's headline reads "Troop Order Takes Pentagon Chiefs by Surprise."

Mr. Speaker, I think the American people are very suspicious.

Suspicious that the administration has seized the pretense of a border skirmish to send 3,200 troops to Hondurss.

duras

I think the American people are suspicious that just as the House of Representatives has moved away from intervention in Nicaragua, the administration has found this excuse to send those to the region troops to the region.

I heard the news called this a

regolden opportunity" for the Reagan administration. a golden opportunity for what? A golden opportunity for bloodshed and panicked policy-making? A golden opportunity for America to become mired in the muck

of military intervention?

Everyone says don't use the "V" word. Well, how can we simply forget history? America did inch its way into Vietnam without clear objectives, could this be another Tonkin Gulf?

HASTENING THE DAY OF AMER-ICAN MILITARY INVOLVEMENT IN NICARAGUA

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

Mr. KYL. Mr. Speaker, we take no joy in having to send troops to Central America. As a matter of fact, I would like to remind my colleagues that this is precisely what we predicted would happen when the majority of this body cut off the aid to the Contras. Our support for the aid was to

enable people who wanted to fight for their own freedom to have the capability of doing that. We wanted to avoid the situation where we would have to send troops to Central America, but by cutting off that aid we hastened the day when American troops had to be sent to Central America.

It is very clear that right after the vote on Pebruary 3, Daniel Ortega made a decision. He made a decision to fight rather than negotiate. He fired Cardinal Obando y Bravo as mediator and began immediately to make plans

to invade Honduras.

Mr. Speaker, now that this is now clear to all of us, is it not time to acknowledge the facts and to influence Daniel Ortega in the only way that he can be influenced, through pressure from the Contras?

It is time to help those who are willto fight for themselves and for their own freedom rather than to send American troops to Central America.

DEPLOYMENT OF TROOPS TO HONDURAS

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

Mr. PANETTA. Mr. Speaker, all of us should be concerned when this Nation deploys 3,200 troops to a sensi-tive area of conflict like Central America. For me it is a particular concern because it involves the soldiers and families of the Seventh Light Infantry Division stationed at Fort Ord in my district of California. There is no ques-tion that this Nation should respond when there is a legitimate threat to our security, but this action follows in the footprints of a haphazard policy in Central America that is virtually in shambles. It is mired in deceptions and lies and lack of diplomatic effort and almost single-minded emphasis on military responses and partisan political confrontation

For these reasons it is difficult to know whether this is a legitimate secu-rity threat and response to that threat, or a political ploy to push for additional military aid to the Contras.

The only hope for resolving the conflict in Central America remains the

effort of the five nations led by President Arias to find a negotiated settlement. In the middle of this effort for peace, it is wrong for the Contras, Nicaragua, or the United States to inthe fear is that this deployment threatens not only greater military escalation but also the peace process

REESTABLISHMENT OF THE NATIONAL BIPARTISAN COMMISSION ON CENTRAL AMERICA

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

Mr. PURSELL. Mr. Speaker, obviously there is concern over yesterday's announcement that more United States troops are being sent to Hondu-

However, I think we all would be in agreement the situation in Central America is getting worse and that it's time to look for a bipartisan approach to our policy.

Today along with my colleague from Pennsylvania, Mr. Murtha, we will introduce a resolution calling for the reestablishment of the National Bipartisan Commission on Central America. This Commission would be modeled after the Kissinger Commission ap-pointed in 1983 by President Reagan.

This bipartisan group would be charged with making recommenda-tions regarding the nature of United States interests in Central America and assessing the threats now posed to those interests.

Based on its findings, the Commission would provide advice to the President and Congress on the key elements of a long-term bipartisan foreign policy.

Mr. Speaker, Mr. Murtha and myself believe the time is right for a bipartisan initiative. I ask my col-leagues to join with us in cosponsoring this resolution.

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TROOPS IN HONDURAS

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

Mr. WEISS. Mr. Speaker, the President has undertaken a dangerous escalation in Central America by sending American troops to Honduras. This gross overreaction on the part of the President seriously undermines the ongoing Central American peace process and significantly raises the risk of direct American participation in the Contra war.

Two weeks ago today the administration argued against the Democratic plan for humanitarian Contra aid by insisting that the Department of Deinsisting that the Department of De-fense should not be involved in con-tracting for the delivery of Contra supply efforts. Today, with their lethal aid plan soundly defeated and former high administration officials under indictment for unlawful con-duct, the administration duct, the administration has jumped at the opportunity to introduce American troops into the region. They will

try anything, it seems, to have their way, including hypocrisy and deceit.

Incidents such as yesterday's along the Honduran border are inevitable so long as the Contra war continues. But President Reagan's decision to further militarize the region will do nothing to halt the cycle of violence. Instead, it sabolages the peace efforts and brings us ever closer to a Victnam-style involvement in Nicaragua.

JOB ENHANCEMENT FOR FAMILIES ACT

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

Mr. PETRI. Mr. Speaker, the purpose of the minimum wage is supposed to be to help low-skilled workers to support families. But, the minimum wage proposal now making its way to the floor threatens to destroy hundreds of thousands of entry-level jobs. This is a lousy way to help the workling poor!

There's a better way.

I'm proposing a compromise \$4 minimum wage, coupled with a reform of the earned income tax credit as contained in my proposal, the Job Enhancement For Families Act.

My compromise proposal would provide more help to the people who need it than would the current minimum wage bill.

And this compromise avoids most of the bad side effects of the committee bill—namely, the destruction of jobs, higher inflation, and higher welfare payments to those who get kicked out of work because they've been priced out of the job market.

I urge my colleagues to think about doing something to really help the working poor. Take a serious look at the numbers, and support a reasonable compromise.

SEPARATE FACT FROM FICTION IN CENTRAL AMERICA

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

Mr. TRAFICANT. Mr. Speaker, it is time to separate fact from fiction in Central America. The President said that Nicaragua has invaded Honduras. I believe the President is overreacting. In fact, I believe he is making another dramatic attempt to mislead this Congress so that we would send more money to the Contras who have not overthrown an outhouse and who do not even enjoy the support of the Nicaraguan people. In fact, they have to operate out of Honduras.

The bottom line is what can Congress believe. Elliot Abrams admitted in the Iran-Contra hearings he lied to Congress. Can we be lied to now just so we can continue to send money to a group of inept, so-called freedom fighters?

I say to the Congress we do not need another Gulf of Tonkin resolution, and Congress has to stick to its guns. We want the facts, Mr. President. This time we want the facts, not theatries.

The Oscar Award stops here in Congress, not in Hollywood.

BY NOT SUPPORTING CONTRA AID UNITED STATES MUST RESORT TO TERMS OF BONIOR AMENDMENT

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

Mr. DORNAN of California. Testing, testing.

Happy St. Patrick's Day, Mr. Speaker, and I know you would rather your name was O'Wright than Luis Rose, the one man who chose to leave the Alamo on May 5, 1836.

Mr. Speaker, you are going to have lunch today with our great Irish American President, and while you are dining, young boys and girls, fellow North Americans will be dying in Central America.

The former great orator, the gentleman from Ohio [Mr. Traficant] says we are overreacting, but we are told by our intelligence sources that the Nicaragua resistance is surrounded. Don't you people listen to our CIA? Or do you prefer to believe what the Sandinistas tell you? Eurique Bermudez, the resistance commander, may be hung up by his heels with a sign "mercenary" hung on him by your friend Danny Ortega right now. That is a sight I do not want to see this weekend.

Here are the words of the Bonior amendment to the Democrat's referee package for the Contras which was voted down: It says, and I quote:

A commitment to take appropriate militury action if Nicaragua takes offensive military action against its neighbors or obtains a military capacity that directly threatens the United States.

The Communist Sandinistas are taking such action, but Mr. Bonior doesn't want to react. Now, we see that the Democrat package was really only rindow describe.

window dressing.

The President's response is measured and correct, and I hope you pat him on the back at lunch today, Mr. Speaker, and say, "O'Rengan, O'Wright agree with you. Onward freedom in Central America."

WHITE HOUSE PLAYING POLITICS WITH AMERICAN AID

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

Mr. MARKEY. Mr. Speaker, history teaches us to be skeptical of invasions of Honduras that follow administration defeats on Contra ald.

tion defeats on Contra aid.

Two years ago, the White House lest the vote on the Contras, and within a week, the White House was screaming about a Nicaraguan invasion of Honduras, while the Honduran Govern-

ment was saying there was no problem at all.

We would up sending boats to the Honduran Navy in response to a land incursion in the middle of Honduras.

It was hyped the last time. It is being hyped this time. It has more to do with American politics than it does with American security.

You have to wonder if President Reagan is sending the 82d Airborne south to divert attention from Oliver North.

The White House has been playing politics with American aid. They have been playing politics with the Contras, and now they are playing politics with American boys. That is wrong, Mr. President.

Oliver North and John Poindexter were just indicted for doing an end run around Congress, and they did not get their way on Contra aid. Well, Oliver North is gone, but his spirit lives on in the White House.

REPEAL OF WINDFALL PROFITS TAX

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

Mr. SMITH of Texas. Mr. Speaker, in a recent letter to House conferces, 50 House Members joined with me in urging repeal of the windfall profits tax in the final version of the trade bill.

We believe this provision is essential if we are to restore this vital domestic industry to a competitive position and enhance the Nation's energy security. This is truly one of the key trade issues. With U.S. domestic production falling by 4.5 percent last year at the same time that demand increased, our oil import bill contributed \$42 billion to the trade deficit.

The windfall measure—which is mislabeled a tax on profits because it actually imposes taxes on production—is a disincentive to investment that has also failed to generate significant revenue. It is overly burdensome and has contributed to cutting in half the number of operating drilling rigs. No other industry has been singled out and forced to pay such high tax rates.

and forced to pay such high tax rates.
The repeal provision included in the Senate trade bill provides us with the opportunity to do something meaningful to give the oil and gas industry renewed incentive to explore for and produce more domestic fuel.

We must not be lulled into the complacency that was so costly during the 1970's. Again, I urge House and Senate conferces to end this burden and agree to repeal of the windfall profits tax.

CONTINUED TRAGEDY IN NORTH IRELAND

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

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

Mr. DONNELLY. Mr. Speaker, unfortunately it is with doen sadness and

fortunately it is with deep sadness and regret that we celebrate this St. Patrick's Day.

Once again, the weeks preceding St. Patrick's Day, have seen an outbreak of senseless killing that has added additional tragedy in north Ireland.

Yesterday's hand grenade attack into a crowd of mourners at a cemetery in Belfast, was a new low in the level of terror that is pervasive in Northern Ireland. More men, women, and children are victims of the mindless cycle of terror employed by those who oppose any and every step toward reconciliation.

I ask all those who care about Ire-

I ask all those who care about Ireland to refrain from providing any assistance or support to this alliance of terror that stalks the land that we hold so dearly.

OPTIONS IN CENTRAL AMERICA

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

Mr. McEWEN. Mr. Speaker, when America's allies are overrun by Soviet gunships, we have three potential responses. No. 1 is to close our ears, close our eyes, wash our hands and ignore it. No. 2 is to send assistance to those fighting for their democratic freedoms. No. 3 is to use American troops to do it ourselves.

Mr. Speaker, the President used the second alternative very successfully. He brought the Sandinistas to the table and negotiations were about to take place. La Prenza was printing. Those in prisons were being released.

But yet on February 3 this Congress chose to deny him that option. Now we are left with two, to stand by and watch the helicopter gunships move into our democratic neighbors in Central America or do as the majority in this Congress supported on March 2, 1988, to "use United States policy toward Nicaragua to include a commitment to take appropriate military action if Nicaragua" takes offensive military action against its neighbors."

The question is, Mr. Speaker, do you support standing aside and doing nothing or do you support sending troops? I believe neither option is advisable.

TROOPS IN CENTRAL AMERICA POLITICAL DECISION, NOT MILITARY

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

his remarks.)
Mr. RICHARDSON. Mr. Speaker,
"this is a political decision, not a military decision," said one ranking Pentagon official. According to the Washington Post, White House orders late
last night to send more than 3,200
United States troops to Honduras

caught top Pentagon leaders by surprise and left several officials angry that they were not informed of the decision.

The entire decisionmaking process agitated officials at several levels of the Pentagon throughout the day. I repeat: "This is a political decision, not a military decision," said one of our officials.

Interestingly, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff were not even in town when this decision was made.

Mr. Speaker, I do not know whom to believe anymore. I do not believe Daniel Ortega and the Sandinistas who say it was not an invasion. The credibility gap on both sides is so wide that it is increasingly difficult for us who have to make decisions affecting people's lives to make honest judgments.

The time is now for bipartisanship, not recriminations. The time is now for unity, not politics.

INCREASING THE MINIMUM WAGE IS ANTICOMPETITIVE

(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, yesterday, the Committee and Education and Labor favorably reported an amended version of H.R. 1834, a bill to increase the minimum wage. Although the indexing provisions were dropped, the bill now calls for an increase in wage rate to \$5.05 per hour by 1992.

Boosting the wage rate increases labor costs and, therefore, the costs of production. Unless these increases are tied to increases in productivity, they contribute to rising inflation and a loss of competitiveness with foreign countries.

With the current emphasis in Congress toward fostering America's competitiveness, this is not the time to saddle American industry with another Federal mandate. Our Nation is already experiencing difficulty competing with foreign countries whose wage rates are substantially lower than ours.

Upon the 50th anniversary of the Fair Labor Standards Act, Congress should take a fresh look at the economic and social costs of increasing the minimum wage. There are alternatives which do not further erode our competitiveness. I urge my colleagues to take a look at them. We cannot afford to export more jobs overseas.

PEACE IN CENTRAL AMERICA

(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, do you remember the original rationale for aiding the Contras? I do. The original rationale was to inter-

dict arms from Nicaragua to El Salva-

When that rationale did not work, do you remember what the second was? It was to aid the Contras so that they could facilitate the peace process.

Remember the third rationale? The third rationale and the one that we see so boldly reached before us today is to get rid of the Government of Nicaragua. President Reagan has been very candid about this process, even though his policies have taken many twists and turns. He wants the Government of Nicaragua removed, and by hook or by crook or American soldiers he intends to see that accomplished.

Mr. Speaker, we have an opportunity here to restrain ourselves. We must restrain ourselves and so must Daniel Ortega. The next couple of days will really make a big difference because now we can keep the peace talks focused on a cease-fire. Ortega will have to withdraw and so will we if peace is to be given a chance in Central America.

□ 1130

ON THE 15TH ANNIVERSARY OF SENATOR JOHN MCCAIN'S RE-LEASE FROM PRISON IN NORTH VIETNAM AND HIS RETURN TO THE UNITED STATES

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

Mr. RIDGE. Mr. Speaker, I rise today to honor one of our most distinguished former colleagues, my friend and now Senator, John McCain. On this day 15 years ago, John McCain returned to the United States after spending 5½ grueling years in a North Victnamese prison.

On October 29, 1967, John McCain, at 31 years of age, was on his 23d flying mission over Hanoi when a hit from a Russian missile forced him to eject from his crippled Skyhawk. He ejected, was knocked unconscious, his leg was broken at the knee, his left arm was pulled from its socket and his right arm was proken in three places. His captors slammed a rifle batt down on his left shoulder and bayoneted his foot and groin area. This started an odyssey of 5½ years of solitary confinement and torture for John McCain. The Vietnamese unsuccessfully tried to exploit John McCain because of his relationship with his father, Adm. John McCain, commander of alteraft carriers in the Pacific during World War II. Throughout this ordeal, John McCain remained a patriot, a hero, a source of pride for all

ot, a hero, a source of pride for all servicemen in Vietnam.

On March 15, 1973 JOHN McCAIM was released from prison, 2 months after the signing of the Paris peace accords. On March 17, he returned home.

Since his release JOHN McCAIN continued his service to his country, first in the Navy and then in the House and now in the Senate.

He is living testimony to the valor

He is living testimony to the valor and heroism of American servicemen and women of all wars, but particularly the 3 million who served in Victnam.

He is living proof that many Americans believe freedom is worth fighting for.

VIOLENCE WILL BE MET BY VIO-LENCE IN CENTRAL AMERICA

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

Mr. SCHEUER. Mr. Speaker, yesterday supporters of the President's Central American policy repeated their tired time worn assertions that those of us who oppose aid to the Contras support Daniel Ortega and that we are responsible for losing Nicaragua to the Communists.

In response, I want to set out two simple facts to clear up the confusion in those Members' minds

First, those of us who oppose aid to the Contras do so because we believe the Contra leadership is no more dedicated to meeting the legitimate aspirations of the Nicaraguan people for a democratic government than the Sandinistas.

Second, the cause of events in Nicaragua today is the excess of the despotic regime of Anastaslo Somoza, Somoza, not any Member of this body, lost Nicaragua to the Communists.

Mr. Speaker, before Members on the other side of the aisle reflexively appliand the President's decision to send American boys to Honduras, I hope they will take note of a geopolitical law of nature that is evidencing itself around the world from Northern Ireland to the Middle East to South Africa.

Every act of violence will be met by an equal and opposing act of violence. Before they go any farther in involving our troops in Central America, the President and his supporters should carefully assess the implications in terms of American lives at stake and the long-run damage intervention would do to our foreign policy interests in this hemisphere and abroad.

THE CENTRAL AMERICAN PRESI-DENTS DO NOT WANT THE SAME GOAL THAT WE HAVE

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

Mr. DREIER of California, Mr. Speaker, my very good friend from California who took the well a few moments ago and talked about how he proudly represents Fort Ord said that our involvement in Central America and the fact that the troops have been

deployed to Honduras jeopardizes the Arias peace plan. Yet Mr. Speaker, it was this morning

tet Mr. Speaker, it was this morning that President Oscar Arias said that the most reprehensible thing that has developed has been Nicaragius's incursion into Honduras. He in no way condemned the plan that President Reagan launched last night and it is really unfortunate. And I have said it about four times down here that the four democratically elected Central American Presidents do not have the same goal that we have, Mr. Speaker. They do not want us to fund the Contras so that we will send in U.S. troops. That is what they want.

That is what they want.
They have said it time and time again. Mr. Arias has said it in the past, and he now has condemned the Nicaraguan incursion into Honduras for just what reason, so that there will be United States involvement.

We know full well that this statement has been read several times. Why is it that Members on the other side of the alse are condemning what was done last night when their proposal read "a commitment to take appropriate military action if Nicaragua takes offensive military action against its neighbors or obtains the military capacity that directly threatens the United States."

That is just what happened, and that is exactly what we should be doing now.

THESE DEMOCRATS HAVE VOTED FOR "A COMMITMENT TO TAKE APPROPRIATE MILITARY ACTION"

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

Mr. WALKER. Mr. Speaker, we should not be surprised, I guess, when the left wing of the Democratic Party comes to the floor and justifies the Communist invasion of Honduras and blames America instead. We should not be surprised, except that some of these same folks voted just the other day for what was virtually a Gulf of Tonkin resolution. Mr. Weiss, Mr. Richardson, Mr. Schumer, Mr. Downey, Mr. Panetta, Mr. Markey, all of whom have spoken on the floor today, voted for language which said, and I quote: "a commitment to take appropriate action if Nicaragua takes offensive military action against its neighbors."

But the thing is, they voted for it but they did not really mean it, it was an attempt to sound tough about dealing with the Communists without really doing anything.

an attempt to sound tough about dealing with the Communists without really doing anything.

Today we find out their real position. Their real position, that of the American left, is that the Communist invasion of their neighbors is acceptable. Some speakers here today have called it a relatively minor matter. The anti-Communist forces in Nicaragua were stopping this kind of invasion. The anti-Communist forces in Communist forces in Nicaragua were stopping this kind of invasion. The anti-Communist forces in

Nicaragua were stopping this kind of invasion and were keeping us from having to deploy American forces. When we stopped helping the anti-Communist forces in Nicaragua, we produced a tragedy.

THE ACTION ON THE HONDU-RAN-NICARAGUAN BORDER WAS INEVITABLE WHEN CON-GRESS DECIDED TO VOTE NO MORE MILITARY ASSISTANCE TO THE CONTRAS

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

Mr. DrWINE. Mr. Speaker, there has been talk about the 3,200 United States troops going to Honduras. But frankly, what is significant is what is going on along the border. What is going on along the border was inevitable. It was inevitable. It was inevitable. It was inevitable once this Congress decided to vote no more military assistance to the Contras. It is predictable, it was inevitable, it is tragic.

What we are seeing is that the Communists are engaged in a final wipe-up operation of the Contras. They have crossed over into Honduras to kill the Contras, they have crossed over to get the last military materiel that the United States was able, under the old law, to deliver. So, yes, this is the end or nearing the end, unless this Congress changes its position and changes its mind.

And let there be no doubt where the responsibility for what is going on in Central America, where that responsibility lies; it lies with the those in this Congress who refused to vote for additional funds for the Contras.

It is inevitable, it is tragle, and yes, there may be eventually peace in Nicaragua, but it will be the peace of communism. it will be that dull, drab peace of a poor economy, it will be the peace of a Cuba.

WE MADE THE DECISIONS, WE HAVE TO ACCEPT THE CONSE-QUENCES

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

Mr. LUNGREN. Mr. Speaker, if we will recall a few years ago the criticism of the Contras uttered on this floor was they were ineffective, there were too few of them, there is no way they could mount a real offensive to bring any real pressure to bear on the Sandinistas.

As they became more successful, as they began to increase in their numbers, the criticism was that they might be too effective and we ought to be concerned about that.

As the Sandinistas came grudgingly to the bargaining table and as the Contras continued to increase and become more effective, the debate that raged in this House was was it proper thing for us to support them?

We made decisions here on the floor—I am not going to question the reason why we did anything—but we made decisions and we have to accept the consequences.

The consequences are that we gave a very strong indication in the last couple of weeks that we are willing to send bread and mashed potatoes to

the Contras but not willing to give them continued military support.

I ask you, Mr. Speaker, how we expect that they were going to stop tanks and artillery and other people with guns, with food? Did we really think that was going to be the case?

Now we have the situation in which

there is evidence that the Sandinistas have moved on into the Honduran area. The question is, what are we going to do about it?

The question still is here; the answer is for us to give. Let us hope it is an answer for peace with honor and liber-

THERE IS NO TRUTH TO THE RUMOR

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

Mr. JACOBS. Mr. Speaker, to the best of my knowledge, there is no truth to the rumor that the Sandinis-tas have demanded that President Reagan negotiate with Walter Mon-

I yield back the balance of my time.

PRIVILEGES OF THE HOUSE BROADCAST COVERAGE OF HOUSE PROCEEDINGS

Mrs. MARTIN of Illinois. Mr. Speak er. I rise to a question of the privileges of the House pursuant to rule IX of the rules of the House, and I have a resolution at the desk and ask for its immediate consideration.

The Clerk read the resolution as fol-

H. Rrs. 406

Whereas, the broadcast coverage of House proceedings affects the dignity, decorum and integrity of those proceedings; and Whereas, House Rule I, clause 9(b) requires the "complete and uncellted audio and visual broadcasting" of House proceedings and complete and uncelled audions and Inex and

Inex and
Whereas, the Speaker held on April 30,
1985, that H. Res. 150, directing the Speaker
to "provide for the audio and visual broadcast coverage of the Chamber while Members are voting," raised a legitimate question of the privileges of the House (House
Rules & Manual, 100th Congress, 2662);
and

and
Whereas, on Wednesday, March 16, 1988,
the audio broadcast coverage of House proceedings was terminated during a Member's
spoken remarks while the audio system in
the Chamber continued to operate; and
whereas, such termination of audio
broadcast coverage violates the provision of

clause 9(bX1) of House Rule I requiring "complete and unedited audio and visual broadcasting of House proceedings: Now,

Resolved. The Speaker is hereby directed to take such steps as are necessary to ensure future compliance with House Rule I, clause 9(b) that the audio and visual broadcast coverage of House proceedings not be inter-rupted, including instructions to any Members acting as Speaker pro tempore, and any officers or employees of the House involved with the broadcast system, and the implementation of any necessary safeguards to prevent the termination of such coverage.

The SPEAKER. The Chair believes

that the resolution offered by the gentlewoman from Illinois (Mrs. MARTIN) does constitute a question of the privileges of the House under the precedents cited in the preamble of the resolution since it directs compliance with clause 9(a)1 of rule I, which requires complete and unedited broadst coverage of the proceedings of the House.

Therefore, the gentlewoman from Illinois [Mrs. Martin] is recognized for 1 hour.

Mrs. MARTIN of Illinois. Mr. Speak-er, I yield myself such time as I may consume.

Mr. Speaker, we thank you and thank the Chair for recognizing how appropriate and necessary such a discussion is today, which we hope can be relatively brief.

Yesterday, events occurred which, to put the best face on it, were less than desirable for Members of the House from either party. It was the deeply held and felt belief of many Members, and again on this side of the aisle, but we think joined by others, that as we move into this new technological age and as we attempt, in effect, to have the House's deliberations as open as possible to the public whom we serve and represent, that if the Chair, for whatever reason, cut that discussion so that America cannot see what is happening on the House floor, indeed we have a real problem.

Yesterday's instance could be, al-though we accept that it was accidental, the beginnings, if someone were ever in the chair who chose to behave in a way not appropriate to a speaker and, indeed, each Member would have no recourse, and the people whose inests we must serve and whose interests must come first, would be sadly misrepresented.

That is the purpose of this. It is not done in the spirit of either spite, but in a spirit of moving forward so that even when we may wish that America would not see us, that we recognize America has the right to see us and to hear us

And that is the purpose of this resolution.

Mr. FOLEY. Mr. Speaker, will the gentlewoman from Illinois yield to

Mrs. MARTIN of Illinois. If I may, for purposes of debate only and since I know the microphones are on, a Happy St. Patrick's Day wish to the

gentleman from Washington, I will certainly yield to him.

Mr. FOLEY. I thank the gentlewom-

for her good wishes.

Mr. Speaker, we have no objection to the adoption of the resolution on this side, but I think it is important to note as well that while the American people certainly have the right to see what-ever occurs on the floor of the House during the legislative session of the House, it is also incumbent on all Members of the House on both sides of the aisle to observe the rules of the House and to observe good order and decorum. And without attempting to characterize the events of yesterday, it is clear that under the traditions and rules of the House. Members who proout of order after their time has expired or proceed when not properly recognized by the Chair are not in good order and are not debating in the spirit of the rules of the House.

T 1145

That also must have our bipartisan disapproval. When Speaker O'Neill, on the occasion of the beginning of radio and television broadcasting in House of Representatives, on June 8 and June 14, 1978, welcomed the ophe cautioned all the Members of the House on both sides of the aisle that they should seek proper recognition and assure proper decorum. As the gentlewoman has said, the American people have the right under our rules to see what occurs on the House floor. We hope that Members on both sides of the aisle will behave in a way that indicates that they are observing good order and decorum, that they are responding to the rulings of the Chair, and that they are also observing the rules that proper debate cannot take place in the House when the time alloted to the Member has expired or the Member is acting in contravention to the proper rulings of the Chair.
Mr. GREGO. Mr. Speaker, will the

gentlewoman yield?

Mrs. MARTIN of Illinois, I am happy to yield to the gentleman from

New Hampshire.
Mr. GREGO. Mr. Speaker, having been involved in the process which raised this issue yesterday, I congratulate the gentlewoman for continuing question and raising this point of the privilege and asking for this resolution.

I respect the majority leader's deci-I respect the majority leader's decision to support this resolution. I think that that is very appropriate, and the action of the majority side on this issue obviously sets the matter to rest. But I do think the question of yester-day was a question day was a question of where the issue of enforcement of decorum stops and where the issue of initiation of cenship begins. Yesterday I believe that the action which occurred relative to the Representative from California really did not involve the question of decorum but rested more on the issue

of censorship. It was an error in judgment, in my opinion, and I think it is an error we all regret, but I think it is one that we can all agree results in more comity in the House.

Mrs. MARTIN of Illinois, Mr. Speak er, I thank the gentleman from New Hampshire not just for his statement today, but the gentleman from New Hampshire comes from that heritage of free speech and town meetings, and he was quick to carefully note how imthat was on the House floor

Mr. WALKER. Mr. Speaker, will the

gentlewoman yield?
Mrs. MARTIN of Illinois. I yield to

the gentleman from Pennsylvania [Mr. WALKER]. Mr. WALKER. Mr. Speaker, I thank the gentlewoman for yielding. I, like the gentleman from New Hampshire, was directly involved in the events of yesterday, and in fact at one point I offered a resolution roughly similar to

what the gentlewoman brings to the floor today that was ultimately ruled out of order by the Chair.

It was a hastily drafted resolution, but it seems to me that it raised exactbut it seems to the that it has a caac-ly the same questions the gentlewom-an is raising here today. We had a vote not to sustain my position yesterday. I am glad the gentlewoman has been able to bring to the floor a resolution that deals with this matter that hopefully is going to pass because it is a very fundamental question, and the only difference I would have with what the majority leader said a few moments ago is the fact that a part of that also have the fact that a part of that also has to be a fundamental fr ness on the part of the Chair with regard to these matters because what we in the minority feel is unfair at times is that when there are Members times is that when there are Members making partisan statements against the minority, they seem to get a stretch of time on some of these time allocations. When there are state-ments being made from our side which may be admittedly partisan, the time

seems to be very carefully monitored.

Mr. Speaker, what we would ask is just fundamental fairness in all of this to assure that everybody lives under the same rules and there are not some rules for the majority and some rules for the minority. I think with that un-derstanding that we could have the kind of decorum in the body that is necessary for the legislative process to go forward,
Mrs. MARTIN of Illinois, Mr. Speak-

er, I thank the gentleman.

I must say we freely copied and give you pride of authorship on this, and may I say on that point of fairness that it seems, I think, appropriate from our side, whether it would be this gentlewoman in the chair or another Member of the leadership, when we get the chair, we promise to be fair to the other side of the aisle and, in fact, to treat them in the way we know

they should be treated.
Mr. LUNGREN. Mr. Speaker, will the gentlewoman yield?

Mrs. MARTIN of Illinois. I would be happy to yield to the gentleman from California

LUNGREN, Mr. Speaker thank the gentlewoman for yielding. Mr. Speaker, one of the things think we should always remind our-selves is that we serve here at the

pleasure of the people.

Being from California, recognizing that many of my constituents, particularly my young constituents, are not able to get to the Nation's Capital, as is the case with many people from this side of the continent, I have always viewed television as basically expanding the galleries of the House. That is people from California and other parts of the United States can see what is happening without the price of a ticket of flying here.

The problem with using the microphone as a weapon within our debates is that it really does not punish us; it punishes our constituents. To turn the microphone off is the same as immediately throwing every single person out of the galleries who is here so they cannot hear, or in another case see what is happening here, and even though we may have ways of estab-lishing decorum in the House at the discretion of the Chair, I think it is valuable for us to recognize that using the microphone as a means of doing that does not really affect decorum here. What it does is it blacks out what is happening here for the people

Mr. Speaker, that is the last thing that we would ever want to do.

Mrs. MARTIN of Illinois. Mr. Speak

I thank the gentleman, and I assure the majority leader that there is no question that all must obey the rules, and this is not an abridgment of the power of the Speaker, but a shared reflection of the power of the

Mr. MURTHA, Mr. Speaker, will the gentlewoman yield? Mrs. MARTIN of Illinois. Mr. Speak-

man from Pennsylvania.

Mr. Murtha. Mr. Speaker, as one

who has presided over floor, I just want to relate the difficulty I had. It is not only on your side of the aisle, but on this side of the aisle where Members criticize the Chair for cutting them off, and I certainly try, as I think do most Speaker pro tempores, in giving everybody an opportunity to finish their thought, but it goes beyond that when a person obviously is violating the rules and you have no alternative except to forceably remove the person.

So, you have a difficult decision to make. You try to end the thing as expeditiously as you can, and, as one who was not for televising the pro-ceedings of the House in the first place, I saw the danger of playing to the gallery rather than talking to the

people on the floor of the House.

But at any rate, I think, If you look and keep track of the record, you will

find that the Chair in most cases lets people go beyond the 1 minute, and, if they have something to say, if they mention it to the Chair, they usually get as much time as they need within reason.

So, we have to have some respect. If everybody went just a minute long and we had 435 Members speaking, you could imagine how long it would take us to finish our proceedings. So I understand and agree that we have to follow the rules very closely and also understand what the gentlewoman is saying about the ability of the Chair to cut somebody off.

So, Mr. Speaker, I appreciate very much what she is doing and support

her resolution.

Mrs. MAR'TIN of Illinois, Mr. Speaker, I thank the gentleman from Pennsylvania whose presence in the Chair is welcomed by this side of the aisle and whose fairness, and even though we gush about each other a little too much on the floor, let me say that the gentleman is a good Chair.

gentieman is a good Chair.

I will say, however, considering how difficult it is for the gentlemen and this side, this side is willing to take this pressure on its shoulders, if need be, and assume the Chair, if that would be appropriate. This is done, as I think and I home the audience can I think and I hope the audience can see, in the kind of spirit that should always rule this House.

Last night, Mr. Speaker, I had the opportunity to be with a former Member of the other body. Eugene McCarthy, who talked about the speakership and how a Speaker is not of one party or the other body. of one party or the other, but must represent the House. That is true whether it is a temporary or the elected Speaker. This resolution is merely to enforce that which we know any good Speaker would want and has done so in a bipartisan way.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.
Mr. WALKER, Mr. Speaker, I object

to the vote on the ground that a quorum is not present and make the point of order that a quorum is not

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify

absent Members.

The vote was taken by electronic device, and there were—yeas 381, not voting 51, as follows:

(Roll No. 341 YEAS 381

Ackerman Akaka Alexander Anderson Andrews Annunzio Anthony

Armey Aikins Ballenger Barnard Bartlett Barton Bateman Bates Bales Bellenson

Bennett Bentley Bereuter Bevill Bilbray Bilirakis Bliley Boehlert Boges

Boland
Bonior
Boraki
Bosco
Boucher
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
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Burton Gradison Grandy Grant Gray (PA) Green Green Gunderson Hall (OH) Hall (TX) Hamilton Harris Harsen Harris Hastert Hatcher Meyers
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Moonly Hatcher Hawkins Hayes (IL) Hayes (LA) Hefley Hefner Burtemante Byron Callahan Henry Herger Hertel Hiller Chandler Chapman Chappell Cheney Clarke Hiler Hochbrueckner Holloway Hopkins Horton Houghton Howard Onth Ortens (NY)
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Conghila
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Coyne
Craix
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Crockett
Darden
Davis (ILI)
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Johnson (CT)
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Jones (NC)
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Durver Kastenmeler Kennedy Kennelly Kildee Kalbe Ridge Rinaldo Ritter Kostmarer Roberts Robinson Rodino Kostmayer Kyl LaPaloe Lapomarsino Lancaster Lantos Leach (IA) Leath (TK) Lehman (CA) Lehman (FL) Roe Rogers Rogers
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Roth
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Loken, Thomas
Lukena, Donald
Lungren
MacKay
Madigan
Manton
Markey
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Mortin (U) Schrueder Schutze Schutze Schutze Schumer Schseibrenner Shays Shuster Skoraki Sissky Skaggs Sheen Sketton Skatton Schruede Pish Pish Pilppo Poglietta Martin (IL) Martin (NY) Martinea Mateul Poley Pord (MI) Frank Frenzel Mayroules Marsoli McCandless McCloskey McCollum Prost Gallegty Slaughter (NY) Slaughter (VA) Smith (PL) Smith (IA) Gallo Garcia Garcia Gaydos Gejdenso Gokas Gingrich Glickman Gonzalez Gooding McCurdy
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Weldon
Wheat
Whittaker
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Williams
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Yatron
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Spratt
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Starcer
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Stump
Sundquist
Sweeney Viscinsky Volkmer Vucanovich Walgren

NOT VOTING-51

Aspin	Florio	Mack
AuColn	Pord (TN)	Mica
Badham	Gephardt	Mineta
Baker	Gibbons	Molinari
Berman	Gliman	Mollohan
Biaggi	Gray (IL)	Mrazck
Bonker	Hammerschmidt	Murphy
Boulter	Ireland	Nelson
Boxer	Kemp	Obey
Campbell	Kleczka	Price (IL)
Clay	Kolter	Pursell
Clinger	Konnyu	Savage
Convers	latta	Sharp
Dannemeyer	Lewis (PL)	Slattery
DePazio	Lightfoot	Stratton
Dixon	Lipinski	Swift
Plake	Lujan	Wortley

□ 1215

So the resolution was agreed to. The result of the vote was an-nounced as above recorded. A motion to reconsider was laid on

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE AS COSPONSOR OF JOINT RESOLUTION 390

Mr. DAUB, Mr. Speaker, I ask unanimous consent that my name be re-moved as a cosponsor of House Joint Resolution 390.
The SPEAKER pro tempore.

MURTHA). Is there objection to the request of the gentleman from Nebras-

There was no objection.

PERMISSION FOR COMMITTEE ON JUDICIARY TO HAVE UNTIL NOON, FRIDAY, MARCH 18, 1988 TO FILE SEVERAL REPORTS

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the Commit-tee on the Judiciary be extended until noon on Friday, March 18, 1988, to file reports on three bills that will be on the calendar on Monday: House Joint Resolution 480, H.R. 1259, and S. 1397. Mr. Speaker, this has been cleared with the minority. The SPEAKER pro tempore. Is

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

There was no objection.

DISASTER RELIEF AND EMER-GENCY ASSISTANCE AMEND-MENTS OF 1988

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 403 and ask for its immediate consideration. The Clerk read the resolution, as fol-

H. RES. 403

Resolved. That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Commit-Union for the consideration of the bill (H.R. 2707) to amend the Disaster Relief Act of 2707) to amend the Disaster Relief Act of 1974 to provide for more effective assistance in response to major disasters and emergencies, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of clause 2(1×6) of rule XI and clause 7 of rule XIII are hereby waived. After general debate, which shall be confined to the bill and to the substitute made in order by this resolution and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute ered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by titles instead of by sections, each title shall be considered as having been read, and all points stead of by sections, each title shall be considered as having been read, and all points of order against and substitute for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. It shall be in order to consider the amendments en bloc printed in the report of the Committee on Rules accompanying this resolution, said amendments shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and all points of order against said amendments for failure to comply with the provisions of clause 7 or rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The

The SPEAKER pro tempore. The

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gentleman from California IMr. Bril-rasoni is recognized for 1 hour. Mr. BEILENSON, Mr. Speaker, I yield the customary 30 minutes for purposes of debate only to the gentle-man from Missouri [Mr. Taylor], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 403 is the rule providing for consideration of H.R. 2707, the Disaster Relief and Emergency Assistance Amendments of 1988. It is an open rule, providing for 1 hour of debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Public Works and Committee on Transportation.

The rule waives clause (2)(1)(6) of rule XI, which requires a 3-day layover after a bill is reported from committee. Because H.R. 2707 was reported just 2 days ago, this waiver is needed to allow the consideration of this bill on the floor of the House of Representatives today. It also waives clause 7 of rule XIII, which requires a cost estimate to be included in the committee report. Although the Public Works Committee's estimate of the cost of H.R. 2707 was not prepared in time to be included in the accompanying report, the committee has since made it available.

The rule makes in order the Public Works Committee's amendment in the nature of a substitute, now printed in the bill, as original text for the purpose of amendment; and, it provides that the substitute will be considered by title, rather than by section. The rule waives clause 7 of rule XVI, which prohibits nongermane amendments, against the substitute. This germaneness waiver is needed because the committee-approved substitute is broader than the bill as introduced.

The rule also makes in order the amendments en bloc which are printed in the report accompanying this resolution, and it also waives clause 7 of rule XVI, the germaneness rule, against these en bloc amendments. These amendments are not subject to a demand for a division of the question in the House or in the Committee of the Whole. The Rules Committee of the Whole. The Rules Committee of the Public Works Committee as a way of allowing more expeditious consideration of this bill.

Finally, the rule provides for one motion to recommit, with or without instructions.

H.R. 2707, the bill for which the Rules Committee has recommended this rule, will provide for more effective Pederal assistance in cases of disasters and emergencies. It also authorizes a new program of grants to Great Lakes-area States for assistance to owners of properties threatened by erosion or flooding, and it increases the authorization for the New York Harbor driftwood removal project.

Mr. Speaker, to summarize, House Resolution 403 is an open rule which includes the waivers needed to allow us to consider this important bill today.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

myself such time as I may consume.

(Mr. TAYLOR asked and was given permission to revise and extend his remarks)

Mr. TAYLOR. Mr. Speaker, House Resolution 403 is an open rule under which the House will consider a bipartisan initiative to reorganize the Disaster and Emergency Relief Program operated by the Federal Emergency Preparedness Agency.

The bill made in order by the rule, H.R. 2707, improves the way the Federal Government will respond to major disasters and emergencies and

creates a stronger partnership among Federal, State, and local governments who bear the brunt of helping our citizens following hurricanes, tornadoes, storms, and floods.

Mr. Speaker, the rule waives the requirements in clause 2 of rule 11 that the bill lay over for 3 days before being brought up for consideration. The majority leadership has scheduled the bill for today, and the Rules Committee acted upon that schedule.

The rule makes in order a substitute reported from the Committee on Public Works and Transportation, and walves clause 7 of rule 13 against the committee report. The waiver is included because the committee did not have enough time to obtain a Congressional Budget Office cost estimate, which is required by the rules of the House.

The committee substitute, which is now printed in the bill, will be the text for amendment under the 5-minute rule. The committee report is now available, and the CBO letter outlining the estimated cost is also now available.

Mr. Speaker, the rule also waives clause 7 of rule 16 for the committee substitute, because the Committee on Public Works adopted amendments that are nongermane to the bill as introduced by the gentleman from Pennsylvania [Mr. Ripge].

sylvania [Mr. Ridge].
Mr. Speaker, the rule also makes in order a specified group of committee amendments, which are printed in the Rules Committee report accompanying House Resolution 403.

The committee amendments, which were presented to the Rules Committee during our hearing yesterday, will be considered en bloc and are not subject to a demand for a division in the House or in the Committee of the Whole.

Mr. Speaker, the rule also provides a waiver of clause 7 of rule 16 against the committee amendments, since they are likewise not germane to the bill.

Mr. Speaker, the various waivers in this rule are ample evidence of the kind of difficulties the House has in setting a schedule and holding to it, especially when legislative committees are unable to meet and report bills in accordance with the rules of the House

I mention this point to underscore that there is no reason to oppose this rule, since the Committee on Public Works and Transportation does not have the ability to decide when its legislation will be brought to the floor

islation will be brought to the floor.

Mr. Speaker, the Committee on Public Works has reported a three-title bill designed to broaden eligibility of local and State governments for Federal disaster relief, that includes special circumstance funding for flooding in the area around the Great Lakes, as well as an increase in the authorization for drift removal in the New York Harbor.

There is no controversy about the bill, and there is little quarrel about the need for the legislation

Mr. Speaker, I support this rule and I urge it be adopted.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania IMr. WALKER!

Mr. WALKER, Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I guess my concern is that we are now in one of those areas where we do not seem to have any enforcement powers, but that which we are doing has really serious consequences.

There was a bipartisan agreement about how we were going to deal with budget matters that was arrived at last year. It was done by the Congress and by the administration. It was an attempt to make certain that as we dealt with legislation that we would deal with it in a format that assured that everybody agreed to the spending levels involved.

What we now have is a bill which the administration says very clearly would violate the budget agreement and would result in substantial increases in Federal disaster relief expenditures

I suppose that if we want to break the bipartisan agreement the first time, one of the best ways to do it is to do it in disaster relief. That sounds very innocuous and everybody ought to be for putting additional disaster relief money in. But the problem is having broken it once we will open the flood gates for additional violations of that which I thought we had locked in last year, and we are now going through a budget process in the committee which has not yet been completed, but yet here we are

Let us understand what we are doing when we are busting the budget agreement. We are not purely acting in the area of disaster relief, the nice title that goes with this bill. We are in fact putting provisions in this bill to protect vacation homes along the Great Lakes. Those are probably homes owned by people who can well afford to do something themselves, but now the Federal taxpayers are going to help bail out people along the Great Lakes who have vacation homes.

We have also added \$25 million to clean up driftwood in the New York Harbor. I would suggest that that is not exactly something that fits into the disaster relief title of this bill.

So here we are adding millions of dollars of additional funding that is nondisaster relief, and doing so in ways that violate the bipartisan budget agreement.

We ought not waive the Budget Act. In this case we do not waive the Budget Act, but we are providing waivers that will cause problems. We ought not do it.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time. Mr. BEILENSON. Mr. Speaker, we

have no requests for time, but I just take a moment to point out, as the gentleman from Pennsylvania [Mr. WALKER] finally did, there is no waiver of the Budget Act involved here

Mr. Speaker, I yield back the balance of my time and I move the previ-ous question on the resolution.

The previous question was ordered.

The resolution was agreed to motion to reconsider was laid on

the table. The SPEAKER pro tempore. Pursu

ant to House Resolution 403 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2707.

The Chair designates the gentleman from Oklahoma [Mr. McCurny] as Chairman of the Committee of the Whole, and requests the gentleman from California [Mr. Benenson] to assume the chair temporarily.

CJ 1229

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Whole House on the State of the Union for the consideration of the bill (H.R. 2707) to amend the Disaster Relief Act of 1974 to provide for more effective assistance in response to major disasters and emergencies, and for other purposes, with Mr. Beilkn-son (Chairman pro tempore) in the chair.
The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

the bill is dispensed with.
Under the rule, the gentleman from
New Jersey [Mr. Howard] will be recognized for 30 minutes, and the gentleman from Minnesota [Mr. StangsLAND] will be recognized for 30 min-

The Chair recognizes the gentleman

from New Jersey (Mr. Howard).
Mr. HOWARD, Mr. Chairman, I
yield myself such time as I may con-

(Mr. HOWARD asked and was given permission to revise and extend his re-

O 1230

Mr. HOWARD. Mr. Chairman, H.R. 2707, the Major Disaster Relief and Emergency Assistance Amendments of 1987, reported without objection by the Committee on Public Works and Transportation, is an important bill. It will enable federal officials to work with their State and local counterparts to prepare an effective Federal response to disasters and emergencies caused by natural catastrophes

It will also provide assistance to Great Lakes Homeowners faced with the problem of shore erosion.

The committee bill revises the Disaster Relief Act of 1974 to improve the

delivery of Federal assistance to State and local governments that have been victimized by disasters. This is the first major revision of the program since 1974.

Many members are aware of problems with the administration of disaster relief program by the Federal ency Management Agency. have been many complaints Emergency about the Agency's response to local need during disasters.

The concerns about the program became especially widespread 2 years ago when FEMA proposed cutbacks in the program that would have reduced Federal disaster assistance despite the expressed intent of Congress. This bill ensures that those changes in policy cannot be made by administrative action.

H.R. 2707 has strong bipartisan support. The disaster relief title closely follows the bill introduced by the gentleman from Pennsylvania [Mr. Ridge] which had more than 100 cosponsors.

Many members have made signifi-cant contributions to the legislation we are bring before the House today. The chairman of the Subcommittee on Water Resources, Mr. Nowak, has devoted a great deal of effort to its development. The gentleman from Arkansas [Mr. HAMMERSCHMIDT] the ranking Republican member of the committee and the gentleman from Minnesota [Mr. STANGELAND] the ranking Republican member of the Subcommittee on Water Resources, deserve much of the credit as do the chairman of the Subcommittee on Investigations and Oversight, the gentleman from Minnesota [Mr. OBERSTAR] and the ranking Republican member of the Subcommittee, the gentleman from Pennsylvania [Mr. CLINGER].

Title I of the substitute maintains Title I of the substitute maintains the Federal share at 75 percent for major disasters and 100 percent for comergencies to prevent implementation of FEMA's proposal to reduce it to 50 percent. It also prohibits the use of mathematical sliding scales such as the one proposed by FEMA in 1986 which would have discriminated against large population States such as California New York, and New as California, New York, and New

Title II deals with the very important problem of shore erosion on the Great Lakes. The gentleman from New York and other members of the committee have been working on this issue for several years and have produced a program that will provide much needed protection for shorefront homeowners.

Title III is very important to the New Jersey-New York region. This provision raises the cap on appropria-tions for the harbor driftwood collection project from \$30.5 to \$55 million to allow continuation of the project.

The project was first authorized in 1974 to remove the many rotting tim-bers that are floating in the area waters. Most of these have broken off from the numerous abandoned piers that dot the shoreline.

Unfortunately, this worthwhile effort is only about half completed and the authorization cap has been reached. The project involves a low level of spending annually but pays great dividends in terms of the climination of safety hazards in the area.

The floating logs threaten boaters, fishermen, and swimmers in the waters off the New Jersey shore. Last year, two young children were struck by floating logs and scriously injured while swimming in the ocean off Mantoloking in my district

The driftwood collection program operated by the Corps of Engineers is not a high visibility program but it is an important safety and environmental project. It has a high level of non-Federal cost-sharing totalling about 65 percent of the overall project cost. It is a key to the effort to reclaiming our shoreline and to providing protection rom the threat of submerged logs in the ocean.

Mr. Chairman, this legislation is designed to provide help for people when they need it the most, at the time of disasters and emergencies. It will help get that assistance there in a more timely and effective manner. I urge my colleagues to support the Public Works and Transportation Committee

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. Nowak], the chairman of the Subcommittee on Water Resources of the Committee on Public Works and Transportation.

(Mr. NOWAK asked and was given permission to revise and extend his remarks)

Mr. NOWAK. I thank the gentleman for yielding time to me.

Mr. Chairman, I am pleased to speak on behalf of the bill H.R. 2707 and urge its prompt passage by the House of Representatives. This bill amends the Disaster Relief Act of 1974. It represents the first major revision of this act since that time. It provides for a more efficient and orderly Federal response to assist the citizens of this country, when they have been devastated by catastrophe.

Mr. Chairman, I would also like to thank the many Members who have made significant contributions to forming this legislation, and bringing it to the floor today. These include, of course, my chairman, James Howard of New Jersey, and the ranking Republican member of the committee. JOHN PAUL HAMMERSCHMIDT, and the ranking Republican member of the subcommittee, Arlan Stangs, LAND, I would also like to acknowledge the work of Congressman Tom Ridge of Pennsylvania, and the work of the chairman and ranking Republican member of our Subcommittee on Investigations and Oversight, Mr. James Oberstar and William F. Clinger.

The Disaster Relief Act of 1974 provides assistance for disasters, where substantial efforts are needed to repair and restore facilities and provide housing and other assistance to where a lesser level of assistance is needed to save lives and protect health and property.

The Disaster Relief Program is well established and well regarded, and generally has performed well in assisting State and local governments and individuals in overcoming the damage and hardships resulting from disasters.

The program provides three basic categories of assistance:
First, activities immediately follow

In a disaster or emergency to save lives and protect public health and property, including search and rescue, distribution of food and medical supplies, and reestablishment of transpor tation and communications:

Second, helping State and local governments, and owners of certain "private nonprofit" facilities repair, restore and replace damaged and destroyed facilities, such as roads, stroyed facilities, such schools, and hospitals; and.

schools, and hospitals; and,
Third, helping individuals and families with grants, temporary housing,
and unemployment assistance.
The bill reported by the committee
contains three titles. Title I is a modified version of H.R. 2707, differing
mainly in style, with few substantive
changes. Title II establishes a program
of assistance to homeowners and local of assistance to homeowners and local governments for erosion and flooding damages caused by high water levels in the Great Lakes. Title III increases the authorization for the ongoing project for removal of drift and debris in New York Harbor.

Title I contains a number of amend-ments to the Disaster Relief Program designed to assure consistency in the types of assistance provided and to make it more responsive to the needs of communities and individuals.

These include:

Modifications to the definitions of disaster and emergency to better delineate the differences between the two situations and the types of assistance available:

stablishment of the Federal share at 100 percent for emergencies and not less than 75 percent for disasters:

A provision for the Federal Govern-ment to advance the non-Federal share, and for forgiveness of repayment in extreme circumstances;

A prohibition on the use of a sliding scale or arithmetic formula to deny relief to a particular geographic area; Federal assistance for mitigation measures to reduce the risk of future

damage: and

Improvements in temporary housing, individual and family grants, de-livery of assistance, and disaster preparedness assistance.

Title II authorizes a program of grants to the Great Lakes States to enable the States to make payments to

reduce interest not more than 5 percent on loans not to exceed \$25,000 to elevate, relocate, floodproof or protect a home. A State may also make pay-ments to reduce interest not more than 5 percent on loans not to exceed \$300,000, and make grants not to exceed \$200,000, to local governments for the repair, restoration, replacement, relocations and protection of public facilities. State and local governments would have to enact and enforce 30 year erosion setback requirements for new construction. A State share of 30 percent is required.

This title will reduce the amount of rederal disaster assistance that might otherwise have been incurred in the future in the Great Lakes by helping to move structures out of the danger a and preventing new construction in the crosion or flood-prone areas. It may also reduce expenses under the National Flood Insurance Act which gives FEMA authority to purchase homes in circumstances where they have been severely or repeatedly damaged by flooding. In short, this new program should more than pay for itself in economical and ecological benover time.

Title III increases the authorization ceiling on the New York Harbor drift removal project to \$55,000,000, to enable completion of the project, 'This project was originally authorized in 1974 and is currently producing bene-fits almost six times its costs.

Mr. Chairman, this bill is a bipartisan effort of our committee, and the Members of the House of Representatives. It has the widespread support of all interested groups. I urge my colleagues to join me in giving this legis-lation their unanimous support. II S CONC

U.S. CONGRESS.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 16, 1988.

HON. JAMES J. HOWARD,
Chairman, Committee on Public Works and
Transportation, U.S. House of Representatives, Washington, DC.
DEAR MR. CHAIRMAN: The Congressional
Budget Office has prepared the attached
cost estimate for H.R. 2707, a bill to amend
the Disaster Relief Act of 1974 to provide
for more effective assistance in response to
major disasters and on emergencies, and for major disasters and emergencies, and for

other purposes.

If you wish further details on this estimate, we will be pleased to provide them Sincerely.

Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, MARCH 16, 1988

1. Bill Number: H.R. 2707.
2. Bill Title: A bill to amend the Disaster Relief Act of 1974 to provide for more effective assistance in response to major disasters and emergencies, and for other pur-

3. Bill Status: As ordered reported by the House Committee on Public Works and Transportation, March 15, 1988,

4. Bill Purpose: Title I, the Disaster Relief and Emergency Assistance Amendments of 1988, amends the Disaster Relief Act of 1974 to modify existing programs and to estab-lish new forms of federal assistance in re-sponse to major disasters and emergencies.

Title II, the Great Lakes Erosion Damage Assistance and Prevention Act of 1988, au-thorizes grants to each Great Lakes state for the purpose of providing assistance to homeowners and local governments whose structures have been damaged, or are threatened to be damaged, by the high water levels in the Great Lakes.

water revers in the Great Lakes.

Title III increases the authorization for
the New York Harbor collection and removal of drift project to enable completion of

the project.

5. Estimated Cost to the Federal Government: The potential budget impact of H.R. 3. Estimate Ost to the Pederal Government: The potential budget impact of H.R. 2707 is very uncertain because it depends upon the extent and nature of future disasters, the manner in which the Administration would implement certain programs, and ultimately, on appropriations provided by the Congress. CBO projects that the cost of this bill could range from \$50 million to \$150 million annually. Our best estimate would be about \$80 million in 1989, rising to about \$90 million in subsequent years, assuming appropriation of the necessary amounts. Because the effective date would be well into fiscal year 1988, and because new regulations would have to be Issued to implement many of the provisions, no significant cost would be incurred in this fiscal year.

The costs of this bill fall within budget functions 300 and 450.

Basis of Estimate: A July 1988 effective date is assumed. All amounts reflect the ad-ditional cost to the federal government of implementing the bill, assuming appropria-tion of the necessary sums. Provisions of the bill not discussed below are not expected to result in additional cultary by the federal

Private Nonprofit Facilities. In the bill, private nonprofit facilities are redefined to include facilities that provide services of a governmental nature to the general public. Based on information from FEMA, the number of nonprofit facilities eligible for public assistance would increase by 50 percent, resulting in additional costs of about \$2.5 million per year to the federal govern-

preserved by the second state preparedness Grant. The maximum State Preparedness Grant is increased from \$25,000 to \$50,000 per year. In recent years, 52 states and trust territories have participated in the program, with the average award roughly equaling the maximum grant of \$25,000. Assuming that the number of grants awarded would remain constant and that the grant amounts would rise to the maximum, additional costs of about \$1 million per year would be incurred by the federal government. eral government

eral government.

Recovery of Assistance. The federal government is empowered to recover any funds expended for a disaster when it is determined that a private party acted in a negligent way and thereby caused the disaster to occur. Insufficient data are available to estimate with any preciding the amount of such mate with any precision the amount of such recoveries. CBO has included in its estimate \$1 million per year in savings for such recov-eries, although potential savings could be much greater.

much greater.

Hazard Mitigation Measures. The federal
government is required to contribute 50 percent of the cost of hazard mitigation
projects undertaken by state or local governments. Total contributions under this ernments. Total contributions under this provision could not exceed 10 percent of the sum of all grants made under Title IV, or \$1 million, whichever is greater, Historically, total Title IV grants made by the federal government have averaged \$330 million annually. If the 10 percent contribution is assumed, additional costs of about \$33 million per year would be incurred by the federal government

government.

However, based on information from a number of states, CBO estimates the cost of this provision to be less than the maximum, or about \$7 million for fiscal year 1989, increasing to about \$20 million annually in 1991 and beyond. This gradual increase in costs is assumed because it is expected that states would require a number of years to fully depend militarities programs.

states would require a number of years to fully develop militation programs. Flood Insurance Requirement. Any public or private nonprofit facility that is located on a special flood hazard area is required to on a special mod nazard area is required to be covered by flood insurance in order to re-ceive full federal assistance in the event of a flood. The Pederal Emergency Management Agency (FEMA) has estimated that insur-Agency (FEMA) has estimated that insurable structures comprise 6 percent of total disaster costs and that floods comprise 75 percent of all disasters. Federal assistance for non-covered, insurable public and non-profit structures totals nearly \$7.8 million annually. This provision would result in savings to the federal government of about \$0 million annually through both additional premium collections and a reduction in disaster relief benefits for uninsured structures. tures

tures.

Minimum 75 Percent Federal Share. A
minimum federal contribution for public assistance is set at 75 percent of net eligible
costs. For the purposes of this cost estimate,
it was assumed that the present 75/25 federal/state share would continue in effect as
under current law. Therefore, no additional
cost is expected to be incurred as a result of
this provision.

Net Fights Costs. Net eligible costs are

nis provision.

Net Eligible Costs. Net eligible costs are

this provision. Net eligible costs are redefined to include the following.

(1) Hazard mitigation required by the federal government. Mitigation is required on 10 percent of projects over \$5,000 (which account for \$2 percent of federal public assistance totals approximately \$330 million per year. CBO estimates the cost of this provision would be 15 percent of the total cost of the covered projects, or about \$5 million per year.

(2) Cost of repairing facilities under construction. Under current law, facilities under construction that are the responsibility of the contractor are eligible for repair assistance. The bill eliminates assistance for projects under the contractor's responsibility, resulting in savings of about \$2 million per year.

(3) The administrative costs assistance for projects under the contractor's responsibility, resulting in savings of about \$2 million per year.

per year.
(3) The administrative costs associated

(3) The administrative costs associated with requesting, obtaining, and administering federal assistance. The federal share of this expense is 100 percent. Applying historical data to the cost schedule included in the bill, this provision would result in additional costs of about \$4\text{ million per year.}

(4) Cost of preparing damage reports and inspections by state employees. Again, the federal share for this expense is 100 percent. Based on historical data of per diem, overtime and travel expenses of state inspectors, the cost of this provision would range from \$0.5\text{ million to \$1\text{ million annually.}}

range from \$0.5 million to \$1 million annually,
(5) Cost associated with using the National Guard and/or prison labor. It is expected that there would be little change from current practice; therefore no significant costs would result.

would result.

(6) Fringe benefits of applicant's employees. The estimated cost would be \$8 million per year, based on a FEBA estimate of work done by the employees of applicants.

Temporary Housing Assistance. The federal share of temporary housing assistance is set at 100 percent—the level specified under existing law. Some additional costs would result because the bill provides for the federal states of the federal states of the federal states and the states of the federal states are successful to the federal states of the federal states are states and the federal states are states and the federal states are states and the federal states are states as a state of the fede

eral government to pay 90 percent of group site development costs. Under current prac-

site development costs. Under current practice, the federal share for group site development is 75 percent. The additional costs would total about \$0.4 million per year.

IFOP Administrative Costs. The Individual and Family Orant Program (IFGP) is amended to increase the maximum allowance for administrative expenses from three percent to five percent. Because FEMA has indicated that combined verification has reduced tempirate with the cost of the percent of the perce

perent to five perent. Geause Fam has indicated that combined verification has reduced administrative costs to states, it is expected that this provision would result in no additional costs to the federal government. Increased IFGP Limit. The IFGP is further modified to increase the maximum individual grant from \$5.000 to \$10.000. Since the program's inception in 1974, an average of 515 individuals have received the maximum grant each year. For the purposes of this estimate, it was assumed that, on average, 515 grants each would be increased by \$2,500. The federal share of this increase would remain at 75 percent. If enacted, this provision would result in additional costs of about \$1 inilition per year.

Forpiveness of State Share. The President is empowered to advance to a state an

Forgiveness of State Share. The President is empowered to advance to a state an amount not to exceed the state's share in any case where a state is unable to immediately assume its financial responsibility under the cost sharing provisions of Title IV. The President is further empowered to "issue rules describing the terms and condiwhere the cost sharing provisions of The IV. The President is further empowered to "issue rules describing the terms and conditions under which advances under this section may be made and repayment of such advances to reproduce the subjective mature of this forgiveness provision, it is difficult to predict what percentage of the state's share will be forgiven. Depending on the extent of forgiveness, the cost of this provision could amount to over \$100 million annually. For the purposes of this scat estimate, a forgiveness rate of 20 percent of the state share has been assumed resulting in additional costs of about \$21 million per year.

Emergency Assistance. A new Title V is created to provide specific guidelines for the use of emergency declarations. The federal share of assistance for emergencies is increased from the current level of 75 percent to 100 percent of eligible costs, thereby transferring the state/local government's share to the federal government. Historically, the state/local share for emergencies has averaged approximately \$10 million per year. Therefore, assuming no change in the frequency of emergency declarations, the additional costs to the federal government would total \$10 million annually.

Although it is not reflected in this cost estimate, this provision may carry an additional cost if there is an increase in the number of requests made by state and the number of requests made by state and the number of requests made by state and the state/local ahare, there may be an increase in the number of requests made by state

state/local share, there may be an increase in the number of requests made by state and local governments for emergency rather than disaster declarations. This could poten-tially result in additional costs to the feder-al government of tens of millions of dollars each year.

TITLE II

Authorization of Appropriations. The bill authorizes appropriations of not to exceed \$20 million in each of the tiscal years 1988 through 1992 for grants to Great Lakes through 1992 for grants to Great Lakes states for programs of assistance related to high water levels in the Great Lakes. For the purposes of this cost estimate, it was assumed that \$20 million would be appropriated each year and that all of the funds would be expended in the first or second year.

Authorization of Appropriations. The au-thorization of appropriations for the New York Harbor collection and removal of drift project is increased by \$28.3 million. CBO estimates that outlays from this increased limit will total \$4 million to \$5 million a pear over the next several years, assuming appropriation of the authorized amount.

6. Estimated Cost to State and Local Gov-

6. Estimated Cost to State and Local Governments: Under Title I, state and local governments would save \$50 million to \$60 million per year, largely because of the forgiveness of state share provision, the 50 percent federal contribution toward hazard mitigation projects, and the 100 percent federal contribution for emergency assistance. These savings could be greater depending upon the extent and nature of future disasters, and the way in which the Administration would implement certain provisions (i.e., the extent of forgiveness of the state share, and the number of emergency declarates). share, and the number of emergency decla-rations made by the President). Savings would be smaller in 1988, probably about \$20 million.

Title II would require each state that receives grants under this title to expend \$3 of nonfederal funds for every \$7 of federal funds made available to the state. Assuming use of the full \$20 million authorized, the would be about \$9 million per year.

State and local governments participating

year.

State and local governments participating in the harbor drift program are required to share in its cost. The added state and local share would be about \$2 million per year over the next several years.

7. Estimate Comparison: A cost estimate of the introduced version of H.R. 2707 was prepared by FEMA in August 1987. The bill, as introduced, did not include Titles II or III of the reported bill, and Title I was somewhat different. The total annual cost of H.R. 2707 to the federal government was estimated to range from \$68.4 million to \$32.8 million. The FEMA cost estimate differs from this estimate primarily because of the absence of Titles II and III in the introduced bill and differing assumptions regarding a number of provisions (e.g. the extent of forniveness of the state share and the level of hazard mitigation projects undertaken).

8. Previous CBO Estimate: On October 15. 1987, CBO transmitted a cost estimate for H.R. 2707 as introduced on June 17, 1987. The introduced bill did not include Titles II or III, and the estimated costs reflect this difference along with a number of change of Title I

Estimate Prepared By: Douglas Crisci-o (226-2850),

10. Estimate Approved by:

JAMES L. BLUM, Assistant Director for Budget Analysis.

Mr. STANGELAND. Mr. Chairman, I yield myself such time as I may con-

sume,
Mr. Chairman, I rise in strong support of H.R. 2707, a bill to reform the Disaster Relief Act and prevent erosion along the Great Lakes.
This legislation clearly bears the mark of the Public Works and Transportation Committee's Chairman Jin Howarn, ranking Republican Versions.

Howard, ranking Republican John Paul Hammerschmidt, and subcommit-PADL HARMERSCHMIDT, and SUDCOMMIL-tee Chairman Henry Nowak. Through their hard work and leadership, we are able to bring before you today a truly bipartisan and widely supported bill. I also want to commend Congressmen TOM RIDGE, JIM OBERSTAR, and BILL CLINGER for their efforts. They have certainly been instrumental in mobilizing Congress to reform the Disaster Relief Program. In addition, I would like to thank the other committees for their cooperation in moving this legislation swiftly.

H.R. 2707 has three titles. Title I,

H.R. 2707 has three titles. Title I, the Disaster Relief and Emergency Assistance Amendments of 1988, contains needed reforms to FEMA's Disaster Relief Program. It makes very few substantive changes to H.R. 2707, the bill which Congressmen Ridge, Clinger, Oderstar, and I introduced last June and which has received overwhelming support. Title II, the Great Lakes Erosion Damage Assistance and Prevention Act of 1988, addresses cosion and flooding problems in the Great Lakes States due to high lake levels. Title III increases the appropriations ceiling for a project in New York Harbor to collect and remove drift and debris.

drift and debris.

In July 1987, the Water Resources Subcommittee held an extensive hearing on H.R. 2707 and possible amendments to the Disaster Relief Act. Title 1 of the committee reported bill contains H.R. 2707 virtually unchanged, except for various perfecting amendments and fine-tuning provisions to reflect the views and comments of emergency management, officials.

gency management officials.

The new bil builds upon the strong base of H.R. 2707, clarifying the Federal Government's response authorities and financial responsibilities and establishing a stronger partnership among Federal, State, local, and private entities. It strengthens FEMA's existing program by adding needed uniformity, consistency, timeliness, and above 11 classifications.

vate entities. It strengthens FEMA's existing program by adding needed uniformity, consistency, timeliness, and above all else, fairness.

In general, title I reorganizes the Disaster Relief Program to clearly define Presidential authority to respond to major disasters and emergencies. Major disasters would include primarily natural catastrophes or, in certain instances, nonnatural catastrophes while emergencies would include any occasion or instance in which Federal assistance was necessary. The committee, however, does not intend for emergency declarations to be available in responding to public health problems such as AIDS epidemics or environmental or nuclear catastrophes for which Federal assistance is already available. Nor do we intend to interfere with existing Federal emergency authorities or the Comprehensive Crime Control Act's law enforcement

Perhaps most importantly, the bill clarifies cost sharing requirements under the law, establishing a minimum Federal share of 75 percent for major disaster expenses. The bill also details what eligible assistance State and local governments can expect to receive.

Besides improved cost sharing requirements, the bill provides greater recognition of hazard mitigation by

encouraging measures which would prevent a recurrence of a major disaster or minimize the damages that might be sustained. The bill authorizes Federal grants for hazard mitigation and increases the amounts of money available for disaster preparedness grants to the States. This small increase in Federal funding should provide enormous dividends in the future, since local governments and even private homeowners will find greater incentives to prevent, rather than merely react to, disasters. The bill also injects greater discipline into the planning procedures of State and local governments by conditioning future Federal disaster assistance upon flood insurance. Requiring flood-prone areas to obtain flood insurance and participate in the National Flood Insurance Program should save the Federal Treasury millions of dollars in the future.

H.R. 2707 also makes administrative reforms. In response to FEMA's 1986 proposed regulations, this lexislation contains important provisions on cligibility of communities for Federal assistance, the date of eligibility, and the ability to advance payments and wave cost sharing requirements when necessary. We recognize FEMA should have flexibility in determining threshold questions of eligibility, However, we do not condone and will not allow arbitrary decisions based solely on sliding scales or mathematical formulas invalving equipments.

volving population or income.

H.R. 2707 will also help to cut the redtape experienced by individuals and State, local, and private nonprofit entitles. People should be able to receive assistance when they truly need it and without endless hassles. This bill helps ensure that happens without creating a drain on the Federal Treasury or unnecessarily increasing the Federal Government's role.

or unnecessarily increasing the Federal Government's role.

Title II of H.R. 2707 establishes within FEMA a 5-year grant program to help the Great Lakes States prevent or reduce shoreline damages attributable to high lake levels. The bill encourages wise shoreline development and environmentally protective responses, but steers clear of any kind of Federal land use planning. The basic message in title II is: We know we can't completely control the lake levels, just as we can't control Mother Nature, but we can infinitize or prevent future damages by establishing incentives for improved lake shore management and environmentally sensitive development.

Thus, Mr. Chairman, title II conditions Federal assistance upon certain State and local activities. To receive funding, a State must provide a plan for assisting shoreline homeowners and local governments, describe present and future efforts, and meet 70 percent Federal and 30 percent non-Federal cost sharing requirements. No funds, however, can be used in an area where the State or local government does not enforce 30-year

erosion setback and 100-year flood plain requirements. Frankly, Mr. Chairman, I had hoped for even tougher requirements such as 50- or 60-year setbacks. But to be consistent with newly enacted provisions in the national flood insurance act, we have agreed to the 30 year setbacks.

This is not a Federal ballout; nor is

This is not a Federal ballout; nor is it a reward to States for previous failure to participate in the National Flood Insurance Program or the Coastal Zone Management Program. If the Great Lakes States want Federal assistance, they should be expected to do their part first. They should participate in the Coastal Zone Management Program; they should adopt tough erosion setback requirements; and, they should not build in the flood zone.

Title II also authorizes the Corps of Engineers to provide emergency assistance to prevent erosion or flooding damage, to provide technical assistance, to compile and disseminate information on water levels, and to demonstrate low-cost methods of damage prevention.

In addition, title II encourages, where feasible, the use of natural, nonstructural measures to control shoreline erosion. This is an important, environmentally protective policy and I am proud to support it. Title II also encourages—but does not require—the use of dredged material for beach nourishment when feasible and mutually acceptable to the parties. Nothing in this bill, however, conditions the issuance of a section 10 or section 404 permit on using dredged material for such purposes.

Mr. Chairman, I urge all of my col-

RIF. Chairman, I urge all of my colleagues to support this legislation. H.R. 2707 is timely and important. We need to pass it now to continue the road to comprehensive reform in providing disaster relief and environmentally sensitive shoreline protection.

Mr. Chairman, I reserve the balance of my time.

of my time.

Mr. STANGELAND. Mr. Chairman,
I yield 7½ minutes to the gentleman
from Pennsylvania [Mr. Walker].

Mr. WALKER. I thank the gentle-

Mr. WALKER, I thank the gentleman for yielding. Mr. Chairman, since we are doing

Mr. Chairman, since we are doing this in a kind of hurry-up fashion, we waived the 3-day rule, and none of us who do not serve on the committee seem to be very familiar with what is in this legislation, I am going to try to figure out what is in it, if I can ask a few questions here.

If you will look on the front of the

If you will look on the front of the bill you will find out I am a cosponsor of this legislation.

Now the legislation that I cosponsored was, I think, what is in title I of the bill. It seems to me that that was in the original Ridge bill, title I, is that not correct?

in the original Ridge bill, title 1, 48 that not correct?

Mr. STANGELAND. That is correct.

Mr. WALKER. So what we were trying to do was to reform the Disaster Assistance Program in order to

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make it more efficient, more effective and so on

Now as I understand my name has been attached as a cosponsor of the bill that now puts some additional titles in the bill. So what I am trying to figure out is what is my name at tached to here?

First of all, title II, how much is it going to cost?

Mr. STANGELAND, About \$100 miltion.

Mr. WALKER. 100 million bucks

Mr. STANGELAND. If I may take a moment to explain to the gentleman from Pennsylvania why his name appears.

Mr. WALKER. OK

Mr. STANGELAND, The Subcommittee on Water Resources in the Committee on Public Works and Transportation took the Ridge bill, H.R. 2707, as an original bill for markup. Any amendments were added to that. As a result, you have a com-mittee bill with the Ridge bill number and the Ridge bill cosponsors. Of course, anyone, if they do not like what is in the committee bill, what the committee did to the bill, can with-

draw as a cosponsor.

Mr. WALKER, I understand, Maybe I should have done that, but it came

as—in kind of a hurry.

But I am trying to figure out just exectly what we are committed to. Maybe I will ask my name to be withactiv drawn later.

All right, we have \$100 million

Mr. STANGELAND. If I might, the Great Lakes Initiative is a 5-year initiative under FEMA, \$20 million a year for 5 years, \$100 million. Mr. WALKER. So it is \$100 million,

\$20 million a year. OK.
I appreciate that.

Then if I go back here to title III, if I understand correctly, there it is an increase of about \$25 million that is being added there, is that right?

Mr. STANGELAND, Yes. Mr. WALKER, OK, So we have \$125 million that have been added in those two sections of the bill that are distinctly nondisaster relief. I mean we are not talking about emergency disaster relief in either of those two areas. We are talking about a serious problem that affects the Great Lakes, but it is not an emergency, it is something that has been taking place for some period of time and where I am sure there is a desire on the part of the States involved to have something done, but it can hardly be deemed an emergency disaster relief situation.

We have got a situation in New York where I assume that the driftwood oming down the stream is indeed a problem but it is hardly something which can be termed an emergency disaster relief matter.

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

Mr. WALKER. I yield to the gentle-man from New Jersey [Mr. Howard], the chairman of the committee.

Mr. HOWARD, I thank the gentleman for yielding.

Mr. Chairman, if I may just talk to that one point, and I will not argue with the others, but there is an ongoing problem that we have had in the New York Harbor area with the rot. ting piers, trying to pick up this driftwood and these huge pier pilings. This has been going on for quite some time.

This is a continuation to complete that job, I would say, also.

And in this effort the non-Federal interests are paying 52 percent of the cost of it. And I would like to state that in my own area on the New Jersey shore, it is something of a disaster, something of an emergency, because just last summer we had a 3-year-old girl and her 4-year-old brother, both of whom were almost killed, who spent much time in the hospital serious injuries due to this floating debris that comes down.

So an emergency? I do not know. A

serious problem? I would say yes.

Mr. WALKER. I thank the gentleman. But the fact is that a number of man. But the fact is that a number of us thought that something should be done about disaster relief and emer-gency assistance. What we have got out here now is a bill that adds \$125 million of cost that is distinctly not in those particular areas. I have got some oncerns about that, particularly since the administration makes the point that this particular bill now causes problems with the bipartisan agreement that was arrived at last year for purposes of the budget

Now we may want to make a decision that there are emergency conditions that allow, that should allow us to move beyond that budget agreement. I might be willing to buy into that.

So title I of this bill seems to me to be a perfectly rational thing to do, since it is an authorization bill. But I will tell you, I have got real problems with adding titles II and III that add \$125 million over and above the budget agreement. None of this was even contemplated in the agreement last year.

It seems to me that it makes a mockery of our ability to do something about budgets when we come to the floor with things that are nonemer-gency, which add to our inability to

deal with the budget.

deal with the dudget.

So I would say that given that, it would be my intention to try to save that \$125 million by offering an amendment that will strike titles II and III from the bill and thereby assure that well thereby assure that well thereby assure that well thereby assure that we at least home. and III from the bill and thereby assure that we at least have a chance to deal with only the original part of the bill, that being the emergency disaster assistance, and that would save us some \$125 million of budget-breaking activity.

Mr. STANGELAND. Mr. Chairman, will the gentleman yield briefly to me?
Mr. WALKER. I yield to the gentleman from Minnesota IMr. STANGE-

Mr. Chairman, the \$100 million in title II is over 5 years. So to say it is \$125 million in excess of the budget agreement is not correct.

Mr. WALKER. OK.

Mr. STANGELAND. The gentleman is talking at the maximum, \$65 million for both programs, \$25 million for New York and \$40 million here.

Mr. WALKER, Sure.

Mr. STANGELAND. We put this title in, held hearings on the excessive ly high water levels in the Great Lakes, the highest, virtually, in history and the damage to the lakeshore that was being done. I was one who insisted on tough language in here that the States participate but that we not reward States for not being a part, in the past, of shoreline management, of coastal zoning, and to make sure that we do not build in the flood plains and have this damage. We get that now with this legislation.

This appeared to us in the committee at least the appropriate vehicle to

move this kind of legislation.

Our chairman has a real problem in New Jersey, in the waters off New Jersey and New York Harbor with debris. It was essential to increase the authorization level. That authorization level is just that, an authorization level. The corps will have to go-and the appropriate agencies will have to go to the Appropriations Committee to get the money appropriated.

So I would hope my dear friend and colleague from Pennsylvania would withhold on an amendment to strike those two sections. However, in this body one must do what one must do.

The committee went to the Rules Committee for an open rule, so that each member would have every opportunity to take part in the legislative process

Mr. WALKER. Well, I thank the gentleman. The gentleman will notice did not get a vote on the rule because I thought it was a good thing.

I just want to point out that I have read through the provisions on the Great Lakes, and I think there was some good work in trying to limit that,

But the fact is, what I am concerned about is we have no way of protecting that budget agreement, under the rules of this House, other than our own will to live within it.

That is my concern. It seems to me that the way that we can show our will to live within it today is by eliminating the \$125 million additional spending over the next 5 years that we would be con under this bill. committing ourselves to

I thank the gentleman very much for yielding the time.

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Mr. STANGELAND. I thank the I yield 7 minutes to the gentleman from Pennsylvania [Mr. Ripgel.

(Mr. RIDGE asked and was given permission to revise and extend his remarks.)

Mr. RIDGE. Mr. Chairman, I rise in strong support of the Major Disaster Relief Assistance Amendments of 1988 (H.R. 2707). This bill is the culmination of nearly 3 years of effort on my part as well the result of literally years of appeals from disaster victims and State and local emergency management professionals. I would also like to commend my colleagues on the Public Works and Transportation Committee who in the past 2 years have helped moved this issue from the back burners to where we are today.

back burners to where we are today.

While time would not allow me to mention all of those who have been involved, our colleagues Arlan Stangeland, BILL CLINGER, TRENT LOTT, HENRY NOWAK, and JIM OBERSTAR have all helped to craft this final bill. A special word of appreciation is also due to the chairman and vice chairman of the Public Works Committee, JIM HOWARD and JOHN PAUL HAMMER-SCHMIDT, for supporting this measure and bringing the bill to the House floor in such a timely fashion.

Our colleagues should also be aware that this legislation was not created in a vacuum on Capitol Hill. In particular, assistance provided by the National Emergency Management Association, the National Coordinating Council on Emergency Management, the Association of State Floodplain Managers, and the National Rural Electric Association, was essential in the drafting of the bill and in helping to build a bipartisan coalition of 112 cosponsors.

Most of all, I would like to dedicate our effort today to the families of the 65 residents of Pennsylvania who tragleally lost their lives in the national tornado disaster of May 31, 1985. While the suffering and loss which they have endured, along with thousands of other victims of natural disasters in America, can never be erased, their strength and courage above all else has driven me to proceed with this reform effort.

Mr. Chairman, I was not at all pleased with the recovery effort which the Federal Emergency Management Agency directed in my district during the summer of 1985. Disaster victims were waiting for housing assistance for up to 6 weeks after their homes were destroyed. I was touring demolished homesites arguing with Federal officials regarding which trees to remove from a lot, debating whether the tree was either damaged or destroyed, whether it was uprooted enough to be "eligible" for removal.

I discovered that the Federal agency responsible for meeting the needs of our constituents following a national disaster declaration was more concerned with asserting authority than in working partnership with State and local governments. They were more concerned with scoring well on agency performance reviews than in meeting the needs of suffering individuals who

had unique personal needs and problems. Federal housing assistance, clearly mandated by Federal law, was being offered for the convenience of the Government and not to meet the critical needs of the Individuals affected.

From that time forward, I was convinced, that somewhere along the way, the Federal Emergency Management Agency had lost its sense of mission. What I discovered in talking with many of my colleagues was that such negative performance reviews were commonplace and frustration with the Federal disaster relief efforts ran far and wide. State and local emergency management officials had been calling for reform for years and yet FFMA was allowed to continue to whittle away by rulemaking and regulation at the very core and substance of the Disaster Relief Act of 1974.

Mr. Chairman, it is time for Congress to reassert our proper authority to ensure that the trustees of our national disaster programs are performing up to the standards which the American people deserve. The bill we bring forth today can help put Federal disaster assistance programs back on track, back in the proper perspective.

Our bill will clearly State what types of assistance are eligible for Federal support, at what level, and for what purpose. Specific cost-sharing formulas will ensure that bureaucratic infighting does not impede the expeditious delivery of disaster relief. It will also ensure that individuals, and State and local governments will know what is available to assist them at all times. These cost-sharing formulas will not be subject to abuse by arbitrary and capticious rulemaking as has been a common practice in the past several years.

This legislation will also mandate that Pederal disasters be declared based on all of the available information. The decision to declare a national disaster will remain where it should, with the President. The bill will prevent FEMA from using any arithmetic formula to exclusively determine whether a disaster declaration is in order. FEMA's backdoor attempt to reduce disaster assistance by nearly 50 percent in 1986 which was so soundly rejected, will not be a problem in the future.

We will mandate that families who have lost their homes and do not have insurance to cover temporary living expenses, will be placed in a temporary housing situation as expeditiously as possible, usually within a week's time. They will be offered assistance which will take into account the unique and individual needs of their family.

The inevitable debris that is left in the wake of a natural disaster will be removed. FEMA regulations which have been established to prevent the job from being completed properly will have to be rewritten. Incentives will be provided to individuals and State and local governments to encourage them to perform hazard mitigation measures. Such measures can save lives and personal property and will help to protect the Federal disaster fund from being used twice to repair the same damage in future disaster situations.

The celling for the individual and family grant program will be increased to reflect today's costs. The current cap was set in 1974. This program provides funds for disaster victims to purchase only essential household goods and personal property items. By definition, to be eligible for any assistance in this small grant program, you must first be denied an SBA disaster loan which offers 4 percent interest on loans which can be extended for as much as 30 years. Clearly, such individuals who cannot qualify for such low interest loans are clearly in desperate need of assistance.

A major provision in the bill encourages the use of an emergency declaration when such assistance is warranted. The assistance will be immediate and short term. Federal expenditures in the emergency declaration title will be capped. Such assistance can be used to respond to both natural and nonnatural disasters, such as the crisis that can be posed by a major chemical spill. It is expected that the authority provided to the President to provide assistance in the event on an emergency will serve as a practical and useful tool in protecting the lives and properties our citizens, short of declaring a national disaster.

And finally, the bill will require FEMA to report to Congress with respect to a number of provisions which mandate prompt and effective delivery of disaster assistance and regarding the issue of timely reimbursement to State and local government. Congressional oversight and program improvements must become the norm rather than a once a decade exercise.

Mr. Chairman, for Members of the House who have been fortunate enough not to have had a Federal disaster declared in their district, I would share with them some basic facts. While we automatically appropriate nearly \$100 million each year for the international disaster fund, for our own citizens, there is no cash assistance, and there are no guarantees.

Most natural disasters receive no Federal help. Only about half of all of our Governor's requests for a disaster declaration receive a favorable reply from the President. Nothing that is insured, be it public or private, is eligible for any Federal assistance. There is no direct cash program or support for our citizens even though they send millions overseas each year in private contributions. Our Federal disaster response programs are modest—to say the very least. But from time to time, American citizens need and deserve our help.

I uree my colleagues to support this overdue. I can state with some certainty that nature will not wait until the 101st Congress before it stikes again, in your congressional district, or in mine.

Mr. HOWARD. Mr. Chairman, yield such time as she may consume to the gentlewoman from New York [Ms. SLAUGHTER], a member of the commit-tee, who performed very important services in bringing this legislation to the floor.

(Ms. SLAUGHTER of New York asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER of New York, Mr. Chairman, I thank the gentleman for yielding this time to me, and as a Representative of a Great Lakes Stat rise in strong support of the bill. H.R. 2707

Mr. Chairman, I riso in strong support of the bill H.R. 2707, amendments to the disaster relief program. This is a good piece of legisla-tion drafted in Public Works and Transporta-tion Committee under the able leadership of our chairman, Mr. Howard, and my colleague from New York, the chairman of the Subcom-mittee on Water Resources, Mr. Nowak, Mr. Chairman, I wish to focus my remarks

on that section of the bill which provides as-sistence to those who reside along the shores of the Great Lakes. As a member of the Com-mittee on Public Works and Transportation and the Subcommittee on Water Resources, I have a continuing interest in the problems that have been created by the fluctuating levels of the Great Lakes.

Logistating in this area involves the delicate balancing of interests. Certainly we recognize the people who are dependent on the continued generation of hydroelectric power, as well as those who depend on shipping along the St. Lawrence Seeway. But Mr. Chairman, it is crucial that we also recognize the rights of the homeowners, those people who have put their lives and their fortunes into shoreline property. I have worked to see that their interests a I have worked to see that their interests are represented, to see if a solution could be found to their problem of socing their lives! work crode away. Although the level of Lake Ontario has been relatively low this year, the one thing we can be sure of is that it will go hards are. back up.

I am pleased to say that the interest of the riparians—the homeowners—are well ad-dressed under H.R. 2707. Title II of the bill authorizes the Fodoral Emergency Management Agency to make grants to the States to provide homeowners along the shores of the Great Lakes with interest "buy-downs" of up to 5 percent on loans to elevate, relocate, floodproof, or protect their homes. This will provide a much needed and welcome source of assistance to many people in my district whose homes have been damage ned by the level of Lake Ontario.

threatened by the level of Lake Ontario.

In addition, the bill makes local governments eligible for interest rate subsidies for loans and provides grants to protect, repair, and relocate public facilities.

Mr. Chalmen, I am pleased to support this important legislation to fine tune the Disaster Relief let, and to provide assistance to homeowners and municipalities whose property is threatened by eroelon or flooding on the Great

Lakes. I urge my colleagues to join me in a strong "yes" vote in favor of passage of this

Mr. STANGELAND, Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. SAIKI].

(Mrs. SAIKI asked and was given permission to revise and extend her remarks.)

Mrs. SAIKI. Mr. Chairman original cosponsor of H.R. 2707, I want to express my strong support for the passage of this vital measure.

H.R. 2707 includes several provisions which will enhance the ability of State and local governments to respond to major disasters. In Hawaii, we have recently experienced the devastation caused by severe flooding. On New Year's Eve, certain areas of Hawaii were hit with 20 inches of rain over a 24 hour perod. Fortunately, there were no lives lost as a result of the flooding. However, many Hawaii residents suffered severe damage to their homes, and some homes were completely destroyed. It has been estimated that over 30 million dollars' worth of damage to property occurred as a result of the rainfall and subsequent flooding.
While Federal, State, and local gov-

ernment agencies responded immediately to the crisis, I feel that the legisatoly to the crisis, I feet that the regis-lation before us today will make sever-al improvements in the coordination of disaster relief efforts. Of particular note are provisions which establish minimum levels of Federal funding for major disaster and emergency assistance, as well as provisions for tempohousing, unemployment assistance, and hazard mitigation. I am also pleased that this bill authorizes assistance for the distribution of food and medical supplies, as well as for crisis counseling for victims.

I want to commend my colleague, Congressman Ridge, for the excellent work he has done on this legislation,

my colleagues in passing this measure.

Mr. HOWARD. Mr. Chairman, I yield 2 minutes to the gentleman from

California [Mr. PANETTA].
(Mr. PANETTA asked and was given permission to revise and extend his re-

marks.)
Mr. PANETTA. Mr. Chairman, I rise in strong support of H.R. 2707, and I commend Chairman Nowak, Chairman Howare, and Representative Rudge for their dedication and hard work in moving this bill. This legislation will make critical changes in our Nation's diesetor relief wovern. I support the property of the comments of the co Nation's disaster relief program. I am Nation's disaster relief program. I am particularly pleased to support this bill because it reflects many of the contributions made by the chairman of the Santa Cruz County Board of Supervisors, Mr. Joe Cucchiara, who is also chairman of the Emergency Management Subcommittee of the National Association of Counties, Joe has decided not to run for reelection to the board of supervisors this year, but I believe that passage of H.R. 2707 will

stand as a great tribute to his commitment and service to his constituents.

I have long advocated changes in our Nation's disaster programs, and I was pleased to share my thoughts on this issue in testimony before the Subcommittee on Water Resources this summer, I would like to review some of the concerns which I shared with the subcommittee and some of the problems which have prompted me to support changes in the disaster relief program.

My congressional district in California has had the unfortunate opportunity of experiencing some of the worst natural disasters on the west coast. One of the most difficult tasks I have had to deal with in my years of representing the 16th Congressional District is to visit citizens who have been impacted by a disaster whether it was a mud slide, lives lost, property lost, business lost, or people who are still suffering from the shock of what just took place. You want to tell these persons, "We are going to try to help you in some meaningful." Today when I face somebody who has been in a disaster, I literally have to honestly say, "I am sorry to say you are not going to get very much help.

I recognize the budget constraints faced by all agencies as we all work to reduce the Federal deficit. However, vital Federal programs such as disaster aid relief cannot be slashed in an inequitable manner. State and local governments are already under in-creased financial stress as a result of reductions in a variety of Federal programs. Under current policy, FEMA fi-nances 75 percent of eligible disaster expenses for uninsured public losses. During the last 5 years, the Federal cost share rate has gone down from 100 to 75 percent. But, in practice, once eligibility and audit criteria are applied, the Federal cost sharing in California counties struck by disasters in 1982 and 1983 averaged 42 percent of actual costs. In fact, FEMA reimbursed Santa Cruz County only 38 percent in 1985. Moreover, under regula-tions which FEMA proposed in 1986, Santa Cruz County would only have been reimbursed 8 percent for disaster relief assistance. Our communities cannot afford further reductions in disaster relief programs.

The bill which we are considering today addresses many of the concerns which I noted in my testimony before the subcommittee, and will make improvements in our disaster relief efforts. Among the important improvements are the following: The bill clari-fics the definition of disasters and broadens the definition of emergencies, giving more flexibility for Federal aid to be provided; the bill sets a statutory minimum level of Federal disaster assistance of 75 percent and estabassistance of 75 percent and estab-lishes a statutory level of Federal emergency assistance at 100 percent, up to \$5 million per emergency; the bill allows the Federal Government to

advance the non-Federal share of disaster assistance and, in certain cases, to forgive repayment; it permits the Federal Government to contribute up to 50 percent of the cost of hazard miligation measures, to reduce the risk of future disasters, up to a specified level; the bill also increases the maximum grant level for assistance to individuals and families; it allows for expedited handling of certain small grant applications; and it increases State grants for disaster preparedness.

These measures will help to ensure that localities and individuals receive the kind and level of aid which they need in times of disaster and emergency and will give the Federal Government some needed flexibility in the administration of the program. I commend the Committee on Public Works and its members for their hard work and their contributions to improving our Nation's disaster programs, and I urge my colleagues to support passage of H.R. 2707.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in strong support of H.R. 2707, the Major Disaster Rollef and Emergency Assistance Amendments of 1988.

At the outset, let me thank the chairman of the Committee on Public Works and Transportation [Mr. Howaro] for his loadorship on this matter and for the expeditious and fair consideration that this bill has received by the full committee. The bill enjoys wide support in the House and in this committee, as well as among all interest groups which would be affected by the bill. I compliment the gentleman from New York [Mr. Nowak] and the gentleman from Minnesota [Mr. STANGELAND], who are the chairman and ranking Republican members of our Subcommittee on Water Resources for their excellent work in refining and improving the bill. I aslo must express my deep appreciation to the gentleman from Pennsylvania [Mr. Rioge] who is the principal author of H.R. 2707. Congressman Rioge has worked diligently with all affocted interest groups and with the committee for several years to develop this excellent bill. The bill is a tribute to his commitment to make the program work compassionately and offectively. It deserves our strong support

deserves our strong support.

Unlike the introduced bill, the bill which we bring before the House today has three tilles. Tille I contains a number of amondments to the Disaster Relief Act. It is virtually the same as the introduced bill—a bill which has over 100 cosponsors. The bill also contains two new tilles which were added by the Committee on Public Works and Transportation. Title II authorizes FEMA to provide up to \$20 million per year for 5 years to local governments and homoowners on the Great Lakes who have suffered or are likely to suffer crosion or flood damages as a result of the high water levels experienced there recently. Finally, title III would increase the authorization level for a project to remove drift and debris from New York Harbor.

The heart of this bill, title I, represents a reaction to drastic, and I might add, draconian proposals made by FEMA 2 years ago to revise the eigibility criteria of the Disaster Relief Program. The changes which had been proposed by FEMA would have greatly reduced the number of situations in which Fedduced the number of situations in which Federal assistance would have been made available and would have also reduced the amount of assistance offered when Federal aid was called for. A storm of protest greeted FEMA's proposals almost as soon as they were announced. Thanks targely to prompt action by this committee, these controversial program changes were never implemented.

H.R. 2707 ensures that FEMA will not be able to arbitrarily reduce benefits or cut off aid based entirely on mathematical formulas. The bill establishes minimum levels of Federal assistance whenever a major disaster or emorgency is declared. In most cases, these minimum levels are nothing more than the level of assistance ordinarily provided under current practice. Also, the bill incorporates some new, innovative improvements to the bill, some of which could save Federal dollars in the long run.

While the bill makes a number of changes and modifications to the Disaster Relief Act. I would like to specifically highlight only a few Perhaps the most significant new initiative is the authorization for FEMA to provide up to 50 percent funding of hazard mitigation projects. Under existing law, Federal assistance is limited to the amounts needed to restore or rehabilitate damaged facilities to their predisaster condition plus whatever changes are needed to bring the project in conformance with local codes. FEMA has found, however, that additional expenditures during re-construction can significantly reduce the risk of any future damages, hardship, loss or suffering. Flood proofing or additional strengthening or damaged buildings or facilities are examples. Therefore, the bill provides FEMA with discretionary authority to holp fund up to FEMA determines are justified based on an evaluation of natural hazards.

This authority is limited to 10 percent of nonprivate assistance or \$1 million for each major disaster, whichever is higher. Although the Congressional Budget Office has indicated that this new authority could increase costs in the near term, I believe that these additional expenditures will pay for themselves in the long run in both lives and property saved. Anothor measure worthy of special mention

Anothor measure worthy of special mention is the new provision prohibiting recovery for any costs that could have been compensated through the purchase of flood insurance. FEMA administers a comprehensive program of flood insurance which requires that communities take steps to reduce flood threats through local zoning. This bill sends the clear message that communities will have to participate in the Flood Insurance Program or lose their eligibility for disaster assistance payments. Of course, individuals and private non-profit organizations who are unable to obtain insurance because their local government fails to participate would not be penalized. If the insurance is available, however, and they refuse to sign up, they should not then turn to the Federal Government for further aid.

One measure that could save all parties time and money is the new simplified grant authority contained in new section 422. This section authorizes FEMA to provide prompt assistance payments based on the Federal estimate of the work to be done. This provision was included by the committee as a way to cut through the redtape and lengthy delay that often accompany disaster assistance payments. The provision adequately protects the

rights of both the Federal Government and applicants bocause payment is based on the Federal estimate, and the new procedure is only available at the applicant's request. This procedure would be available for work costing under \$35,000, adjusted for inflation. This practice will benefit the applicant by allowing claims to be processed much taster and with greater certainty. It also will assist FEMA by allowing it to focus its resources on those relatively few claims that involve the lion's share of disaster assistance payments.

While I fully support these improvements in the bill, I would be less than candid if I did not indicate that FEMA and the administration still have a few reservations with a few of its provisions. For example, I believe that the new authority to advance the non-Federal share of assistance with authority for FEMA to forgive repayment of advances is well intentioned and fully justified in the most dire of circumstances. However, because of the potential for overuse, the committee worked to include language in our substitute limiting forgiveness of an advance to only those situations where damage or destruction is so severe that it is beyond the ability of the recipient to repay the grant. Cortainly, the advance and forgiveness provisions will have to be very carefully ad-ministered to ensure that State and local participation continues to be the rule in the overelming majority of cases.

Smilarly, the committee was concorned that the introduced bill unnecessarily bed FEMA's hands with respect to the use of subjective criteria to assist in the eligibility determination process. Therefore, we included a change to this provision to clarily that FEMA may not use a mathematical formula or skiding scale as the sole criteria in determining eligibility. This would allow greater objectivity while proscruing the need to factor in intangible and subjective criteria, for example, in determining whether a disaster or emergency declaration is warranted.

On balance, however, this is a noncontroversial, bipartisan bill. The fist of cosponsors includes conservative Republicans and liberal Democrats. Every member or interest group that testified before our committee urgod enactment of the bill, it enjoys broad support because all of us realize that, when disaster strikes, the Federal Government must do what it can to help those in dire need. Certainty, it is a bill I support and one that I would urge this body to approve.

Mr. SMITH of New Hampshire, Mr. Chairman, as a cosponsor and supporter of H.R. 2707, the first comprehensive reform of Federal Disaster Relief programs in many years, I am pleased that this legislation is before us for approval today. By more clearly defining the President's ability to respond to a major disaster, H.R. 2707 will enable the Federal Government to extend a more useful and competent helping hand to local communities.

One year ago, in April 1987, New Hampshire was hit hard by severe spring storms and extensive flooding throughout the Stato. Damage to private homos, bridges, businesses, and public roads was over \$4 million. Over 2,500 people were forced to evacuate their homos and two poople lost their livos. The impact was davastating, in both human and conomic terms, and a Presidential Disaster Declaration was issued.

In New Hampshire we were lucky because there were virtually no complaints about the Federal Government's response last April. In other areas of the country, however, the Government's response to victims of catastrophic events has been less than sympathetic and

To make it easier to get needed aid to our local people, H.R. 2707 details the type of Federal assistance available, clarifies which costs are eligible for assistance, and establishes deadlines that the Federal Government must meet in the assistance appeal process. It gives authority to provide States and local communities with an advance for their share of the relief efforts if they are unable to immeadvance for their share diately assume financial responsibility.

The Disaster Relief Act of 1974 (Public Law

93-288) has been of enormous value assisting States and local communities come to grips with the aftermath of natural disasters such as the one we experienced last year in New Hampshire. However, H.R. 2707 nizes that there are a complex array of disasters which communities may face. The classification of events as a major disaster or an ency have been made more flexible to allow the President to use emergency authority in a broader range of situations. These may include, for the first time, aid for nonnaturally occurring events such as toxic releases into the environment, epidemics and explosions.

Importantly, H.R. 2707 takes a common sense approach to disaster relief by initiating effort to prevent the same kind of destruction of homes and businesses from reoccurring in the future. Specifically, the legisla-tion allows the Federal Government discretion to fund hazard mitigation and floodplain management efforts as part of its recovery assist-

Mr. RAHALL. Mr. Chairman, as a cosponsor of H.R. 2707, I rise in strong support for the Major Disaster Relief and Emergency Assistance Amendments, as passed out of t Public Works and Transportation Committee

The changes mandated by this logislation will enable the Federal Emergency Management Agency to more effectively assist State and local governments in responding to major emergencies and disasters. The bill requires that the Federal Government pay 75 percent of the cost of disaster relief and 100 percent of the cost of obsastor tentral and not operating for emergency assistance and will simplify procedures for obtaining grants and pursuing appeals. Additionally, H.R. 2707 authorizes the President to provide up to \$1 million for hazard mitigation to reduce the risk of future damage in an area affected by a major disaster. The Federal Government would be allowed to advance the non-Federal share of assistance and in extreme circumstance would be allowed to forgive payment. The bill so would make improvements in the delivery of assistance and in temporary housing.

This legislation will be of great benefit to the copie of my home State of West Virginia people of my nome State of Wost Virginia who have repeatedly suffered the ravages of flooding, especially in the flood-prone areas of the Tug Valley in Mingo County. During that area's most recent severe flooding in 1977, many West Virginians lost the homes and businesses they had spent lifetimes working for. Severe flooding brought death and destruction to West Virginia as recognity as a specific services. struction to West Virginia as recently as 1985. The legislation we have before us today will ensure that the needs of all those effected by disasters are met in a timely and efficient

manner to assist in economic and emotional

Mr. Chairman, I urge my colleagues to rt this important and meaningful legislation. Mr. CLEMENT. Mr. Chairman, I am proud to join my colleagues on the Public Works Comin recommending passage of H.R. 2707, the Disaster Relief Act amendments.

When a natural disaster strikes a community, its neighbors respond. I believe it is only proper that the National Government also respond and help restore and revitalize the lives and community activities disrupted by nature's wrath

We in Tennessee are no stranger to such disaster. Most recently, parts of western Tennessee were devastated by a series of floods and tornadoes. Neighboring communities and State officials responded immediately. The Federal Government, too, assisted in every way it could under the provisions of the 1974 Disaster Relief Act.

Today's amendments, however, offer a nificant improvement in the hand which the Federal Government can extend. And, I am pleased to learn that Tennessee State emerency management officials assisted the bill's sponsor, Representative RIDGE, in evaluating some of the shortfalls of the 1974 act and in drafting some of the improvements incorporated into H.R. 2707. Lacey Suiter, executive di rector of the Tennessee Emergency Management Agency, and his staff, are to be congatulated. Not only are they among the first to respond to natural disasters in the State of Tennessee, but they are among the most active emergency management officials in assisting Congress and the Federal agencies in making improvements in the way the Federal Government responds.

Mr. Chairman, I appreciate the opportunity to speak in support of H.R. 2707 and urge my colleagues to support this important bill.

Mr. FRENZEL. Mr. Chairman, I support H.R. 2707 as introduced. The title I provisions are improvements in the law.

The additional titles may themselves he mentorious, but at a time of fiscal difficulties, the various projects should be deferred

CBO indicates that this bill will cost from \$50 to \$150 million for the period from fiscal year 1989 to fiscal year 1993. Title II alone is capped a \$20 million a year. That's \$100 milfor a few Members projects.

Without passing judgment on any of the pecific projects. I believe the extra \$100 million ought to be deferred. Therefore I shall vote against H.R. 2707.

Ms. SNOWE. Mr. Chairman, I rise in support of H.R. 2707, which I consider to be a very important step forward to reorganize and strengthen this Nation's disaster and emergency response capabilities.

I first want to congratulate the gentleman from Pennsylvania [Mr. Ridge] for introducing this excellent legislation. The gentleman's district and my district in the State of Maine have both endured major catastrophes

In the spring of 1987, the State of Maine was crippled by a nightmarish flood, which caused nearly all of Maine's major rivers to expand well beyond their embankments. In expand well beyond their embankments. In Maine the total estimated damage last year exceeded \$100 million; Over 2,000 homes were flooded, with hundreds permanently destroyed; 400 Maine small businesses were flooded, wrecking foundations, equipment and

inventory; 100 small dams, and scores of roads and bridges and public facilities were all damaged by floodwaters as well.

To this end we required a major response, and assistance for thousands of residents, businesses, and entire communities. State officials also worked fast to confront major damage to dozens of roads and bridges throughout several counties in my State. I be-lieve Maine did the best it could, but the Federal support was insufficient.

During my subsequent inspection of numerous towns throughout the State, I listened to the frustrations of many homeowners, small businesses and community and State officials. My conclusion is that the Federal Governnt's relief assistance is blocked by redtape, and that more Federal assistance should be made available as fast as possible

This legislation is an important step toward rectifying the existing situation at FEMA.

The mentality of FEMA in recent years has

seemingly been to limit its role wherever possible rather than to extend a fully sufficient level of assistance. By seeking to reverse this direction, H.B. 2707 will make overdue corrections to improve the partnership among Federal, State, and local officials when a severe disaster strikes.

particularly support provisions in this bill which raise and broaden Individual and Family Grant Program funding, improve hazard mitigation procedures and incentives, accelerate the availability of temporary housing, and expand Federal cost-sharing requirements for public and private assistance

In addition, I welcome the direction this legislation takes to cut the bureaucuracy involved with decisions over eligibility and the arbitrary use of formulas in favor of a more commonsense approach to assistance.

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Mr. Chairman, experience has shown that e need to put relief foremost in our disaster relief programs, and I urge my colleagues to support this legislation.

Mr. CLINGER. Mr. Chairman, let me begin by offering my sincere gratitude to the efforts of my good friend and colleague, Tom RIDGE, for his unwavering efforts to bring about long overdue reform to our Nation's disaster relief programs. Had it not been for his efforts, and those of Chairman Jim Howard, ranking Ropublican John Paul Hammerschmidt, Henry NOWAK, JIM OBERSTAR, and ARLAN STANGE-LAND, we would not have been able to overcome the many obstacles that presented themselves in the course of drafting legislation reforming assistance programs administered Federal Emergency the Management Agency

My interest in FEMA was instigated by a serious natural disaster that occurred in my congressional district on May 31, 1985. On that date, a series of devastating tornados struck northwestern Pennsylvania, eastern Ohio, and western New York. In a matter of a couple of hours, they cut a wide swath of destruction and in Pennsylvania alone, communities in Congressman Ribge's districtand my ownsuffered a loss of 65 lives and \$250 million in damage. It should be recognized, however, that these numbers hardly reflect the human trauma and personal disruption felt by everyone living in and around these areas.

Within a matter of hours, a large segment of

the region was declared a disaster area by the

President, mobilizing the Federal Emergency Management Agency.

The Agency established three disaster assistance centers in northwestern Pennsylvaria. FEMA personnel visited individual homes and business centers throughout the region, assessing the damage and playing an instrumental role providing quick assistance to our citizens. FEMA ultimately spent about \$4.7 million in financial aid in our communities.

Some months following this disaster, Congressman Ridde and I hosted a form meeting to discuss the adequacy of FEMA's response and to seek recommendations for improvement. The results of our meeting were—to be kind—mixed.

We came away from the meeting with a desire to make improvements to FEMA's authorizing legislation; improvements we felt were necessary to overcome many of the complaints heard. But frankly, what initiated our efforts was an ill-timed, determined effort by FEMA to drastically kmit their role in future disasters. On April 18, 1968, FEMA published a number of proposed changes in the Fodoral Register that, if implemented, would have made 61 of the them previous ill disaster declarations ineligible for assistance. None of the five disasters that occurred in Pennsylvania—including the 1985 tomadoes—would have qualified. And worso, had an area been eligible under the new formula, FEMA's disaster assistance would have

To me, FEMA's action totally lacked any logic, and though I have rarely taken public exception with administration budget-cutting efforts, this rulemaking clearly went beyond the pale of reasonableness.

Subsequently Jim Oberstar, chairman of the Public Works Subcommittee on Investigations and Oversight, convened a hearing to explore the current FEMA Program and the impact of the proposed changes. The hearing went into the early evening hours due to strong interest by a number of Members who sought to appear before the subcommittee. Their testimony offered ample evidence of program shortcomings and all Members, on a strictly nonparitisan basis, vehemently opposed reductions in FEMA's assistance.

This morning's markup of H.R. 2707 is testament to the hard work and dedication of many Members and staff, and a great number of State and local officials, to ensure that the Federal Emergency Management Agency continues to be an effective, compassionate source of assistance to communities in need. This bill is the synthesis of unfold hours of work and review to insure that future disaster assistance programs will be better responsive to those unfortunate communities visited by calamity. More importantly, this legislation will put into statute many of the features we believe are so essential to an offective program.

I heartily endorso this legislation and encourage all Members to support it. In the relative scope of Federal programs, the Federal Emergency Management Agency is a very small operation, but during times of need, FEMA has a major presence. We need to preserve and enhance their role for the future.

Mr. BOSCO. Mr. Chairman, I rise in support of H.R. 2707, the Major Disaster Relief and Emergency Assistance Amendments Act of 1988, and I urgo my colleagues to join me in making the Federal Government more effective in alleviating the suffering and damage caused by disasters such as floods and

storms. Federal authorities must continue to play a leading role in easing the financial strain on municipal and State governments in

the event of unforeseen tragedies.
Since the passage of the Disaster Relief Act of 1974, Congress has clarified and expanded the Federal Government's role in responding to major disasters and emergencies which cannot be deaft with properly at the State and local levels. In the past few years we have unfortunately run into increasing unwillingness from the administration to aid municipalities in their times of need.

With the passage of this legislation today we will bring the Government's responsibilities more in line with the requirements of the areas of this Nation that are plagued with nat-

ural and other disasters.

In the 99th Congress we assured that the Reagan administration would not be able to change the disaster declaration process by requiring states to meet certain economic capability indicators to determine their eligibility for Fedoral assistance, or by simply shifting a greater share of the disaster cost burden to the Statos. Today we continue our defense of the interests of already-overburdened State and local governments.

The logislation we are considering today will make many significant improvements in existing Federal procedures. First of all, this logislation changes the Government's definition of a "major disaster" to include any natural catastrophe, and, regardless of origin, any fire, flood, or explosion. Second, this act expands the operative definition of an "meregency." These changes will make Federal aid available in a broader rance of situations.

able in a broader range of situations.

The Disastor Relief Act Amendments of 1988 requires that the Fedeal share of costs in the event of an emergency total 100 percent, and in the event of disasters the Federal share shall be not less than 75 percent.

Futhermore, this legislation will prohibit the uso of a shding scale or other arithmetic formulas to deny relief to certain areas of the country, and it will allow the President to advance the non-Federal share of funds in those circumstances where local governments are unable to come up with their share immediately. The Government will also be given greater latitude when it comes to paying for measures that reduce the risk of further damage.

Mr. Chairman, my district has been hit many times with major storms and floods. Two years ago northern California was struck by one of the worst storms in its history, and even the 75 percent Federal contribution proved insufficient in combatting the resulting flooding and mudslides. I have therefore always supported maintaining a high Federal share of disaster relief assistance, since I know from experience how strapped for funds municipal governments can become when disaster strikes.

I urge my colleagues to join me in approving this critical piece of legislation.

Mr. DREIER of California, Mr. Chairman, I

Mr. DREIER of California. Mr. Chairman, I rise today in strong support of H.R. 2707, tho Disaster Relief Act amendments. This legislation is needed to help streamling the Federal Government's role in Presidential declared disasters.

As a recent firsthand observer of a declared disaster sito, I feel that I am qualified to speak out in support of H.R. 2707. As most of my colleagues are aware, the city of Whittier, CA, which is located in my district, was the epicen-

ter of an earthquake last October registering 6.1 on the Richter scale.

That city was significantly damaged in this earthquake. Needless to say, prompt Foderal attention was needed. However, it was not until 6 days after the initial quake and subsequent aftershocks struck, that Federal assistance was initiated. During the time span between the quake and the disaster declaration, and evon after that declaration, the victims were forced to manage their own affairs in what was truly a crisis situation.

Some very sorious issues needed to be addressed. Not in 2 weeks, not in 1 week, but in the quickest manner possible. It was apparent, however, that the existing mechanisms were not in place to facilitate prompt action on the part of the Federal Emergency Management-Agency [FEMA] or the Federal Government.

Following the quake, I met with officials from FEMA demanding to know what caused the delays in providing assistance to the cartifiquake victims. To this day, I am convinced that these delays were caused by an abundance of unnecessary, bureaucratic red-tape. I must say that I was pleased to see how quickly my colloagues worked to bring to the floor this important measure to improve Federal disaster response mechanisms. In particular, I want to commend Mr. RIIOSE for his hard work and efforts in developing this legislation and obtaining committee approval so that we may consider it today.

Specifically, what needs special attention is the point at which an individual, or businessman, is eligible for Federal disaster assistance. Under this bill, eligibility for Federal assistance would begin either on the date of occurrence of the disaster or when eligibility qualifying costs are incurred, whichever is oarlier. Earthquake victims were forced to wait 11 days before being notified that they were even eligible for Federal assistance. In fact, the disaster application centers [DAC's] did not open until 10 days after the 6.1 quake hit. These bureaucratic and mechanical failures are totally unacceptable.

Another important provision of H.R. 2707 deals with the problem of delays in forthcoming Federal funds. Under this legislation, the Federal Government may advance funds that the victim is anticipating in insurance benefits when those benefits, through no fault of the victim are delayed. Upon receiving those insurance benefits, the victim shall reimburso the Federal Government. In our case, some businesses experienced a severe capital crunch as they were forced to wart 2 and sometimes 3 months before they saw their first Federal relief checks.

Also, FEMA will be required to develop fair and consistent standards for reviewing disasters. Those standards will be available to any interested parties. In the first several days after the Whittier quake hit, local officials needed information on the various Foderal programs available to the disaster victims and the standard operating procedures of FEMA. Unfortunately, my office, as well as local government offices, encountered tremendous difficulty in obtaining even the most rudimentary information about loan interest rates, or the operation of the DAC's.

Again, I urge my colleagues to support H.R. 2707. Obviously, this bill is not going to ensure that Federal disaster assistance will be

executed flawlessly. But hopefully, this legislation will facilitate a more effective and timely Federal assistance program.

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

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

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute, now printed in the reported bill, shall be considered by titles as an original bill for the pur-pose of amendment, and each title shall be considered as having been read.

The Clerk will designate title I. The text of title I is as follows: H.R. 2707

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

TITLE I—DISASTER RELIEF AND EMERGENCY ASSISTANCE AMENDMENTS

SEC. 101. SHORT TITLE: AMERIOMENTS TO DISASTER RELIEF ACT OF 1974. (a) SHORT. TITLE.—This little may be cited as the "Disaster Relief and Emergency As-sistance Amendments of 1988".

Statance Amendments of 1988".

(b) Amendments to Disaster Relief Act of 1974.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Disaster Relief Act of 1974 (42 U.S.C. 1971-1971).

SEC. 182. AMENDMENT TO SHORT TITLE

(a) ARENDMENT TO SHORT TITLE.—The first section is amended by striking out "Disaster Relief Act of 1974" and inserting in iteu thereof "Disaster Relief and Emeryency Assistances".

Thereof "Disaster Relief and Emergency As-sistance Act".

(b) REFERENCES.—Whenever any reference is made in any law (other than this Act), regulation, document, rule, record, or other paper of the United States to a section or provision of the Disaster Relief Act of 1974, such reference shall be deemed to be a refer-ence to such section or provision of the Dis-aster Relief and Emergency Assistance Act.

SEC. IRL AMENDRENTS TO TITLE (
(a) DEFINITION OF EMERGENCY.—Section 102(1) is amended to read as follows:

"(1) EMERGENCY.—'Emergency' means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives, protect property and public health and stylety, and lessen or avert the threat of a catalytophe in any part of the United States." (b) DEPINITION OF MAJOR DESSTER.—Section 102(2) is amended to read as follows:

"(2) MAJOR DESSTER.—'MAJOR disaster'
"(2) MAJOR DESSTER.—'MAJOR disaster'

102/2) is amended to read as follows:

"(2) MAJOR DISASTER—Section
"(2) MAJOR DISASTER—Major disaster'
means any natural catastrophe (including
any hurricane, tornado, storm, high water,
winddrioen water, ital wave, tsunami,
carthquake, volcanic eruption, landslide,
mudsilde, snowstorm or drought, or, repardless of cause, any fire, flood, or explosion, in any part of the United States, which
in the determination of the President causes
damage of sufficient severity and magnitude
to, warrant major disuster assistance under
this Act to supplement the efforts and available resources of States, local powerments,
and disaster retief organizations in alleviating the damage, loss, hardship, or suffering
caused thereby."

(c) TECHNICAL AMENDMENTS.—Paragraphs (3) and (4) of section 102 are each amended by striking out "the Canal Zone,". (d) DEFINITION OF LOCAL GOVERNMENT.—

Section 102/6) is amended-

Section 102/6/ is amended— (1) by striking out ", and (B) includes" and inserting in lieu thereof "and includes (A) such special purpose local governments as levee districts, irrigation districts, and reclamation districts, and (B)".

(c) Definitions of Public and Private Non-PROFIT FACILITIES.—Section 102 is amended by adding at the end thereof the following

oy utainy at the charactery at your new paragraphs:

"(8) Pumic exertify.—'Public facility' means the following facilities owned by a

State or local government:
"(A) Any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility

"(B) Any non-Federal-aid street, road, or

"(I) Any non-Federal-aid street, road, or highway.
"(C) Any other public building, structure, or system, including those used for educational, recreational, or cultural purposes.
"(D) Any park.
"(J) PHYMTE MONTROFIT FACILITY.—'Private nonprofit facility' means private nonprofit educational, utility, emergency, medical, and custodial care facilities tincluding those for the aged and disabled, other private nonprofit facilities which provide to the general public services of a povernmental nature, and facilities on Indian reservations as defined by the President."

SEC 184. DISASTER PREFAREDNESS ASSISTANCE.

SEC. 104. DISASTER PREPAREDNESS ASSISTANCE. (a) MAXIMUM ANOUNT OF STATE DISASTER
SSISTANCE PLANNING GRANTS.—Section 201(d) is amended by striking out "\$25,000" and inserting in lieu thereof "\$50,000". (b) TECHNICAL AMENDMENTS.—Section 201 is

amended—
(1) in subsection (a) by striking out "(in-cluding the Defense Civil Preparedness Agency)"; and
(2) in subsection (d) by inserting "including evaluations of natural hazards and velopment of the programs and actions quired to miligate such hazards;" af "plans,".

SEC. IOS. DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION.

(a) WAIVER OF CONDITIONS.-Title III is

amended—
(I) by striking out the heading for such title and inserting in tieu thereof "TITLE III—MAJOR DISASTER AND EMERGEN-CY ASSISTANCE ADMINISTRATION", and

(2) by striking out sections 301 and 302 and inserting in lieu thereof the following

"NEC. 301. WAIVER OF ADMINISTRATIVE CONDITIONS. SSG. Sel. WAIVER OF ADMINISTRATIVE CONDITIONS.

"Any Federal agency charged with the administration of a Federal assistance program may, if so requested by the applicant State or local authorities, modify or waive, for a major disaster, such administrative conditions for assistance as would otherwise prevent the giving of assistance under such programs if the inability to meet such conditions is a result of the major disaster."

(b) Condinating Officers.—

(1) Redsignation—Section 303, and any

(1) REDESIGNATION.—Section 303, and any eference thereto, is redesignated as section

reference thereto, is redesignated as section 302.

102. INCLUSION OF EMERGENCIES.—Such section is amended in subsection (a) by inserting "or emergency" after "major disaster".

(a) REDESIONATION OF SECTION 304.—Section 304, and any reference thereto, is redesignated as section 303.

(d) REMOVAL OF EMERGENCY ASSISTANCE AND COOPERATION PROVISIONS FROM TITLE III; REDESIONATION OF SECTIONS 307, 308, AND 309.—

Title III is further amended by striking out sections 305 and 306 and by redesignating sections 307, 308, and 309, and any references thereto, as sections 304, 305, and 306,

respectively.

(c) Use of Local Firms and Individuals. (1) REDESIGNATION.—Section 310, and any reference thereto, is redesignated as section

(2) INCLUSION OF EMERGENCIES .- Such section is amended

tion is amended—

(A) by inserting "or emergency" after
"major disaster" each place it appears; and
(B) by striking out "may be" and inserting
in licu thereof "are".

(f) REDESIGNATION OF SECTIONS 311 AND 312: Conforming Amendment.—Sections 311 and 312, and any references thereto, are redesignated as sections 308 and 309, respectively. Such section 308, relating to nondiscrimina-tion in disaster assistance, is amended by striking out "section 402 or 404 of" in subsection (b).

(g) PRIORITY TO CERTAIN APPLICATION ty PRINKITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HOUSING ASSIST-ANCE.—Title III is amended by striking out section 313 and inserting in lieu thereof the following new section:

"SEC. 310. PRIORITY TO CERTAIN APPLICATIONS FOR PUBLIC FACILITY AND PUBLIC HUES-ING ASSISTANCE.

ING ASSISTANCE.

"(a) PRIDITY.—In the processing of applications for assistance, priority and immediate consideration shall be given by the head of the appropriate Federal agency, during such period as the President shall prescribe, to applications from public bodies situated in areas affected by major disasters under the following Acts:

in areas agrees of the following Act of 1937 for the provision of low-income hous-

ing.
"(2) Section 702 of the Housing Act of 1954
"(2) Section 702 of the Housing Act of 1954

"(2) Section 702 of the Housing Act of 1954 for assistance in public works planning.
"(3) The Community Development Block Grant Program under title 1 of the Housing and Community Development Act of 1974.
"(4) Section 306 of the Consolidated Farm and Rural Development Act.
"(5) The Public Works and Economic Development Act of 1965.
"(6) The Appolection Regional Program.

"(6) The Appalachian Regional Develop-ment Act of 1965. (7) The Federal Water Pollution Control

Act.
"(b) Obligation of Certain Discretionary
FUNDS.—In the obligation of discretionary
funds or funds which are not allocated
among the States or political subdivisions of
a State, the Secretary of Housing and Urban
Development and the Secretary of Commerce
shall give priority to applications for
projects for major disaster areas in which a
Recovery Planning Council has been designated pursuant to title VIII of the Public
Works and Economic Development Act of
1985."

(h) Insurance.—Title III is further amended by striking out section 314 and inserting in lieu thereof the following new section: SEC. 311. INSURANCE.

"(a) APPLICANTS FOR REPLACEMENT OF DAM-AGED FACILITIES.

AGED FACILITIES.—
"(1) COMPLINCE WITH CERTAIN REGULA"(1) COMPLINCE WITH CERTAIN REGULA"(1) Compliant for assistance under section 406 of this Act Irelating to repair, restoration, and replacement of damaged facilities), section 422 of this Act Irelating to simplified procedure) or section 803 of the
Public Works and Economic Development
Act of 1965 shall comply with regulations
prescribed by the President to assure that,
with respect to any property to be replaced,
with respect to any property to be replaced
assistance, such types and extent of insurance will be obtained and maintained as
may be reasonably graitable, adequate, and

necessary, to protect against future loss to

necessary, to protect against juture toss to such property,

"(2) DETERMINATION.—In making a determination with respect to availability, adequacy, and necessify under paragraph (1), the President shall not require greater types and extent of insurance than are certified to him as reasonable by the appropriate State insurance commissioner responsible for regulation of such insurance. ulation of such insurance.

insurance commissioner responsible for regulation of such insurance.

"lob Maintemance or insurance."

"lob Maintemance or insurance. The maintenance of this Act (relating to repair, restoration, and replacement of damaged facilities), section Act (relating to repair, restoration, and replacement of damaged facilities), section 422 of this Act trelating to simplified procedure, or section 803 of the Public Works and Economic Development Act of 1965 may receive thack assistance for any property or part thereof for which the applicant has previously received assistance under this Act unless ull insurance required pursuant to this section has been obtained and maintained with respect to such property.

"(c) Stats Acting As Self-Insurer with respect to any or all of the facilities owned by the State. Such an election, if declared in writing at the time of acceptance of assistance under section 460 or 422 of this Act or section 803 of the Public Works and Economic Development Act of 1965 or subsequently and accompanied by a plan for self-insurance which is satisfactory to the President, shall be deemed compliance with subsection (a). No such self-insurer may receive assistance under section 460 or 422 of this Act for any property or part thereof for which it has previously received assistance under this Act, to the extent that insurance for such property or part thereof would have been reasonably available."

under this Act. to the extent that insurance for such property or part thereof would have been reasonably available.".

11) DUPLICATION OF BENEFITS.—Title III is further amended by striking out section 315 and inserting in lieu thereof the following new section

"NEC. 312, DUPLICATION OF REVERITS

"(a) GENERAL PROHIBITION.—The President, consultation with the head of each Federin consultation with the head of each Feder-al agency administering any program pro-viding financial assistance to persons, busi-ness concerns, or other entities suffering losses as a result of a major disaster or emer-gency, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received finan-cial assistance under any other programs

such loss as to which he has received finan-cial assistance under any other program or from insurance or any other source.

"(1) ISMERSIAN EVES.—

"(1) LIMITATION.—This section shall not prohibit the provision of Federal assistance to a person who is or may be entitled to re-ceive benefits for the same purposes from another source if such person has not re-ceived such other benefits by the time of ap-plication for Federal assistance and if such person agrees to repay all duplicative assist-ance to the agency providing the Federal as. ance to the agency providing the Federal as-

12) PROCEDURES .--The President shall establish such procedures as the President considers necessary to ensure uniformity in preventing duplication of benefits.

preventing auplication of benefits.
"(3) EFFECT or PARTAL BENEFITS.—Receipt
of partial benefits for a major disaster or
emergency shall not preclude provision of
additional Federal assistance for any part
of a loss or need for which benefits have not
have provided. been provided.

occi provided.

"Co Prevokey or Duplicative Benefits.—A person receiving Federal assistance for a major disaster or emergency shall be liable to the United States to the extent that such assistance duplicates benefits available to the person for the same purpose from another or the same purpose from the same purpose from another or the same purpose from another other source. The agency which provided the duplicative assistance shall collect such duplicative assistance from the recipient in accordance with the Debt Collection Act of 1982 IS U.S.C. 552a et sea, when the head of such agency considers it to be in the best interest of the Federal Government.

"Id! Assistance No Income. Federal major disaster and emergency assistance provided to individuals and families under this Act, and comparable disaster assistance ships of the Act of the Comparable disaster assistance.

provided to individuals and families under this Act, and comparable disaster assistance provided by States, local governments, and disaster assistance organizations, shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-lested benefit programs."

(If Reviews and Reports.—Title III is further amended by striking out section 316 and inserting in licu thereof the following new section:

new section:

"NEX: II. STANDARDS AND REVIEWS.

"The President shall establish comprehensive standards which shall be used to assess the efficiency and effectiveness of Federal major disaster and emergency assistance programs administered under this Act. The President shall conduct annual reviews of the activities of Federal agencies and State and local governments in major disaster and emergency preparedness and in provident and local governments in major disaster and emergency preparedness and in providing major disaster and emergency assistance in order to assure maximum coordination and effectiveness of such programs and consistency in policies for reimbursement of States under this Act.

(k) PERMATIES.—Title III is further amended by striking out section 317 and inserting in the uther of the following new section:

"SEC. SIL PERMATIES."

(l) REDESIGNATION OF SECTION 318—Section

(II) REDESIGNATION OF SECTION 318.—Section JIB, and any reference thereto, is redesignated as section 315.

(m) PROTECTION OF ENVIRONMENT, RECOVERY OF ASSISTANCE; AUDITS AND INVESTIGA-

(1) Αυριτιοκς το τίτιε III.-Title III is fur ther amended by adding at the end thereof the following new sections:

"NEC. 316 PROTECTION OF ENVIRONMENT. "SEC. 111. RECOVERY OF ASSISTANCE.

"APE. 19. RECOVERY OF ASSISTINES.

"(a) PART LIABLE.—Any person who negligently or intentionally causes or contributes to a condition for which Federal assistance is provided under this Act or under any other Federal law as a result of a declaration of a major disaster or emergency under this Act shall be Hable to the United States for the reasonable costs incurred by the United States in recognition to the disaster of the reasonable costs. for the reasonable costs incurring by the United States in responding to such disaster or emergency to the extent that such costs are attributable to the negligent or intended to the person which

are altributable to the negligent or inten-tional act or amission of such person which caused or contributed to such condition. "10) RENDERING OF CARE.—A person shall not be liable under this section for casts in-curred by the United States as a result of ac-tions taken or omitted by such person in the course of rendering care or assistance in re-sponse to a major disaster or emergency. "NEC 316 AUTH AND INSTRUCTIONS

SEC. 318, AUDITS AND INVESTIGATIONS

"(a) In General.—Subject to the provi-sions of chapter 75 of title 31, United States Code. relating to requirements for single audits, the President shall conduct audits and investigations as necessary to assure compliance with this Act, and in connection therewith may question such persons as man

be necessary to carry out such audits and investigations. "IbI Access to RECORDS. - For purposes of audits and investigations under this section, the President and Comptroller General may inspect any books, documents, papers, and records of any person relating to any activity undertaken or funded under this

(2) CONFORMING AMPADMENT TO TITLE IV.—
Title IV is amended by striking out section

405, relating to protection of the environment

SEC. IM. MAJOR DISASTER ASSISTANCE PROGRAMS. (a) PROCEDURE FOR DECLARATION; GENERAL FEDERAL ASSISTANCE; ESSENTIAL ASSISTANCE; AND HAZARD MITIGATION.—Tille IV is amend-

(1) by striking out the heading for such lille and inserting in licu thereof

"TITLE IV-MAJOR DISASTER ASSISTANCE PROGRAMS"

121 by redesignating section 401 (relating to Federal facilities), and any reference thereto, as section 405; and

(3) by inserting before such section 405 the following new sections:

SEC. 401. PROCEDURE FOR DECLARATION.

SKC. M. PROCEDURG FUR DECLARATION.

"All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local powernments and that Federal assistance is necessary. As part of such request, and as a prerequisite to major disaster assistance under this Act, the Governor shall take appropriate response action under State law. The Governor shall take appropriate for the disaster assistance under this Act, the Governor shall take appropriate with the disaster of the state of the st will be committed to allevialing the results of the disaster. Based on the request of a Governor under this section, the President may declare under this Act that a major dis-

uster or emergency exists.
"SEC. 102. GENERAL PEDERAL ASSISTANCE.

"In any major disaster, the President

"In any major assaster, the eventual may—
"It! direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law tincluding personnel, equipment supplier, facilities, and managerial, technical, and advisory services) in supplier, destinate and local assistance efforts;
"231 coordinate all disaster relief assist-

support of State and local assistance efforts;

"121 coordinate all disaster retief assistance including voluntary assistance) provided by Federal agencies, private organizations, and State and local governments;

"131 provide technical and advisory assistance to affected State and local governments

"(A) the performance of essential communily services;
"(B) issuance of warnings of risks and

public health and safety information, including dissemination of such informa-

"(D) provision of health and safety meas-

ures; and
"(E) management, control, and reduction of immediate threats to public health and safetu and

assist State and local governments in the distribution of medicine, food, and other consumable supplies, and emergency assist-

"NEC. 103. ESSENTIAL ASSISTANCE.

"a) In GENERAL ASSISTANCE.
"a) In GENERAL Pederal agencies may on
the direction of the President, provide assistance essential to meeting immediate
threats to life and property resulting from a
major disaster, as follows:

'(1) FEDERAL RESOURCES, GENERALLY.-Ulti-"(1) FEDERAL RESOURCES, GENERALLY,—ULL-lizing, lending, or donating to State and local governments Federal equipment, sup-plies, facilities, personnel, and other re-sources, other than the extension of credit, for use or distribution by such governments in accordance with the purposes of this Act.

"(2) MEDICINE, FOOD, AND OTHER CONSUM.
BLES.—Distributing or rendering throug

State and local governments, the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief and disaster assistance organizations medi-cine, food, and other consumable supplies, and other services and assistance to disaster

"13) WORK AND SERVICES TO SAVE LIVES AND "13 WORR AND SERVICES TO SAVE LIVES AND FROTECT PROFERTY.—PETforming on public or privale lands or waters any work or services essential to saving lives and profecting and preserving properly or public health and safety, including—
"(A) debris remoral;
"(B) search and rescue, emergency medical care, emergency mass care, emergency shelter, and provision of food, rater, medicine, and other essential needs, including movement of supplies or persons;

ment of supplies or persons:

"(C) clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential

community services;

"(D) provision of temporary facilities for schools and other essential community serv-

TE) demolition of unsafe structures which

The aemolition of unsafe structures which endanger the public, "IFF warning of further risks and hazards; "G dissemination of public information and assistance regarding health and safety

and assistance regarding health and sajety measures;

"(III) provision of technical advice to State and local governments on disaster management and control; and

"(I) reduction of immediate threats to tife, property, and public health and safety.

"(I) Communitations.—Making contributions to State or local poterments or operators of private nonprofit facilities for the purpose of carriage out the

owners or operators of private nonprofit fa-cilities for the purpose of carrying out the provisions of this rubsection.

"It PEDERAL SHARE.—The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such avistance. such assistance

"SEC. IN. HAZARD MITIGATION.

"SEC. M. BAZARD MITIGATION.
"The President may contribute up to 50 percent of the cost of hazard mitigation measures which substantially reduce the risk of fature damage, hardship, loss, or suffering in any area affected by a major disaster. Such measures that be identified following the evaluation of natural hazards under section 469 and shall be subject to approval by the President. The total of contributions under this section for a major disaster shall not exceed—

"(1) 10 percent of the estimated agorepate amounts of grants to be made under section 405 with respect to such major disaster, or "(2) \$1,000,000,

"(2) \$1,000,000, whichever is greater.".
(b) REPAIR AND RESTORATION OF DAMAGED FACULTIES.—Title IV is further amended by striking out section 402, relating to repair and restoration of damaged facilities, and insuring in lieu thereof the following new inserting in lieu thereof the following new section:

SEC. M. REPAIR RESTORATION, AND REPLACEMENT OF DAMAGED PACILITIES.

"(a) Contributions.—The President may

"(a) Contributions—The President may make contributions—
"(1) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility which is damaged or destroyed by a major disaster and for associated expenses incurred by such government; and
"(2) to a person who owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of such facility and for associated expenses incurred by such person.
"(b) Minnum Federal Suare. The Federal share of assistance under this section shall

share of assistance under this section shall be not less than—

"(1) 75 percent of the net eligible cost of repair, restoration, reconstruction, or re-placement carried out under this section; "12) 100 percent of associated expenses de-

scribed in subsections (fift) and (fif2); and "(3) 75 percent of associated expenses de-ribed in subsections (f)(3), (f)(4), and

"(c) LARGE IN LIEU CONTRIBUTIONS.—
"(1) FOR PUBLIC FACILITIES.—In any case
there a State or local government deternines that the public welfare would not be minis that the public teefare would not be best screed by repairing, restoring, recon-structing, or replacing any public facility owned or controlled by such State or local government, it may elect to receive, in tieu of a contribution under subsection (alt), a of a contribution under subsection (a)(1) a contribution of not to exceed 30 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of associated expenses. Funds contributed under this subsection may be used to repair, restore, or expand other selected public facilities, to construct new facilities, or to fund hazard militation measures which the State or local government determines to be necessary to meet a need for overnmental services. to meet a need for governmental services and functions in the area affected by the ajor disaster.
"(2) FOR PRIVATE NONPROFIT FACILITIES, ...In

any case where a person who owns or operates a private nonprofit facility determines that the public welfare would not be best served by repairing, restoring, reconstructing, or replacing such facility, such person may elect to receive, in lieu of a contribution under subsection (al/2), a contribution of not to exceed 80 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing such facility and of associated expenses. Funds contributed under this subsection may be used to repair, restors, or any case where a person who

placing such facility and of associated expenses. Funds contributed under this subsection may be used to repair, restore, or
expand other selected private nonprofit facilities ouned or operated by such person, to
construct new private nonprofit facilities to
be owned or operated by such person, or to
fund hazard mitigation measures which
such person determines to be necessary to
meet a need for its services and functions in
the area affected by the major disaster.

"(1) REDUCTION OF FEDERAL ASSISTANCE.—If
a public facility or private nonprofit facility located in a special flood hazard area
identified for more than 1 year by the Direcfor pursuant to the National Flood Insurance Act of 1988 162 U.S.C. 4001 et seq.) is
damaged or destroyed, after the 180th day
following the date of the enactment of the
Disaster Relief and Emeropency Assistance
Amendments of 1988, by flooding in a major
disaster and such facility is not covered on
the date of such flooding by flood insurance,
the Federal assistance which would otherwise be available under this section with respect to repair, restoration, reconstruction,
and replacement of such facility and assortwise be available under this section with respect to repair, restoration, reconstruction, and replacement of such facility and associated expenses shall be reduced in accordance with paragraph [2].

"[2] AMOUNT OF REDUCTION.—The amount of a reduction in Federal assistance under this section with respect to a facility shall be the lesser of—

this section with respect to a facility shall be the lesser of—
"A) the value of such facility on the date of the flood damage or destruction, or "IB) the maximum amount of insurance proceeds which would have been payable with respect to such facility if such facility had been covered by flood insurance under the National Flood Insurance Act of 1968 on such date.

such date.
"(3) Exception.—Paragraphs (1) and (2) "(3) Excernon.—Paragraphs (1) and (2) shall not apply to a private nonprofit facility which is not covered by flood insurance solely because of the local government's failure to participate in the flood insurance rogram established by the National Flood

Insurance Act.

"(4) Dissemination of information.—The President shall disseminate information re-oarding the reduction in Federal assistance provided for by this subsection to State and local governments and the owners and oper alors of private nonprofil facilities who may be affected by such a reduction.

"(e) Net Eligible Cost."
"(1) General Rule.—For purposes of this section, the cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility on the basis of the design of such facility as it existed im-mediately prior to the major disaster and in conformity with extrent applicable codes, spectications, and standards tincluding floodplain management and hazard mittga-Joodpian management and hazard mitiga-tion criteria required by the President of by the Coastal Barrier Resources Act 116 U.S.C. 3501 et seq.11 shall, at a minimum, be treat-ed as the net eligible cost of such repair, res-loration, reconstruction, or replacement.

"12) Special Rule.—In any case in which the facility being repaired, restored, recon-structed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, re-constructing, or replacing such facility shall include, for purposes of this section, only those costs which, under the contract for such construction, are the owner's responsibil-ity and not the contractor's responsibil-

billy and not the constitution.

ity.

"(I) Associated Expenses.—For purposes of this section, associated expenses include the following.

"II) Necessary costs of requesting, obtaining, and administering Federal assistance based on a percentage of assistance provided as follow:

"(A) For an applicant whose net cligible

"(A) For an applicant whose net cligible costs equal less than \$100,000, 3 percent of such net eligible costs.
"(B) For an applicant whose net eligible costs equal \$100,000 or more but less than \$1,000,000, \$3,000 plus 2 percent of such net eligible costs in excess of \$100,000.

cligible costs in execus of \$100,000.

"(C) For an applicant whose met cligible costs equal \$1,000,000 or more but less than \$5,000,000, \$21,000 plus 1 percent of such net cligible costs in excess of \$1,000,000.

"(D) For an applicant whose net cligible costs equal \$5,000,000 or more, \$61,000 plus ½ percent of such met cligible costs in excess of \$5,000,000.

of \$5,000,000.

of \$5,000,000.

"21 Extraordinary costs incurred by a State for preparation of damage survey reports, final inspection reports, project applications, final audits, and related field inspections by State employees, including overtime pay and per diem and travel expenses of such employees, but not including pay for regular time of such employees, based on the total amount of assistance provided under sections 403, 404, 405, 407, 503. based on the total amount of assistance pro-rided under sections 403, 404, 406, 407, 502, and 503 in such State in connection with the major disaster as follows: "(A) If such total amount is less than \$100,000, I percent of such total amount. "(B) If such total amount is \$100,000 or more but less than \$1,000,000, \$3,000 plus 2 \$100,000.

percent 6 \$100,000.

"ICI If such total amount is \$1,000,000 or more but less than \$5,000,000, \$21,000 plus I percent of such total amount in excess of \$1,000,000.

\$1,000,000.

"(D) If such total amount is \$5,000,000 or more, \$61,000 plus ½ percent of such total amount in excess of \$5,000,000.

"(3) The costs of mobilizing and employing the National Guard for performance of elimble such

ing use work.

eligible work.

"(4) The costs of using prison labor to perform eligible work, including wages actually

paid, transportation to a worksite, and exfordinary costs of guards, food, and lodg

ing.
"15) Base and overlime wages for an applicant's employees and extra hires performing cligible work plus fringe benefits on such wages to the extent that such benefits were

Rages to the extent that such benefits were being paid before the disaster."

(e) Debris Remona.—

(i) Redesignation.—Section 403 Irelating to debris removal and any reference thereto, is redesignated as section 407.

(2) Inclusion of Monrrott facilities.—Subsection (a)(2) of such section 407 is amended by inserting after "local government" the following: "or owner or operator of a private nonprofit facility".

(3) Rules relating to large Lots, federal, single—Such section 407 is further amended by adding at the end thereof the following new subsections:

"(c) Rules Relating to Large Lots.—The

new subsections:
"Ict Rules Relating to Large Lots.—The
President shall issue rules which provide for
recognition of differences existing among
urban, suburban, and rural lands in implementation of this section so as to facilitate
adequate removal of debris and wreckage
from large lots.
"Idl FEDERAL SHARE.—The Federal share of
existence under this section shall be not

assistance under this section shall be not less than 75 percent of the eligible cost of debris and wreckage removal carried out

under this section

under this section.".

(d) Temporany Housing Assistance.—Title
IV is further amended by striking out sec-tion 40t, relating to temporary housing as-sistance, and inserting in lieu thereof the following new section."

**SEC 40t TEMPORARY HOUSING ASSISTANCE.

*SEC. 484 TENPORARY HOUSING ASSISTANCE.

"(a) PROVISION OF TEMPURARY HOUSING.—

"(1) IN GENERAL.—The President may—

"(A) provide, by purchase or lease, temporary housing (including unoccupied habitable dwellings), suitable rental housing, mobile homes, or other readily fabricated dwellings to persons who, as a result of a major disaster, require temporary housing; and

"(B) reimburse State and local ments in accordance with paragraph (4) for the cost of siles provided under paragraph

"(2) MOBILE HOME SITE.

"(A) In GENERAL.—Any mobile home or other readily Jabricated dwelling provided under this section shall whenever possible be located on a site which

"(i) is provided by the State or local gov-ernment; and "(ii) has utilities provided by the State or

local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

"(B) OTHER SITES.—Mobile homes and other readily fabricated dwellings may be to-

other readily fabricated dwellings may be lo-cated on sites provided by the President if the President determines that such sites would be more economical or accessible than sites described in subparagraph (A). "(3) Penion—Federal financial and oper-ational assistance under this section shall continue for not longer than 18 months after the date of the major disaster declaration by the President, unless the President deter-mines that due to extraordinary circum-stances it would be in the public interest to extend such 18-month period.

calend such 18-month period.
"(4) FEDERAL SHARE.—The Federal share of
assistance under this section shall be 100
percent; except that the Federal share of assistance under this section for construction sistance under this section for construction and site development costs (including installation of utilities) at a mobile home site shall be 30 percent of the cligible cost of such assistance. The State or local government receiving assistance under this section shall pay any cost which is not paid for from the Federal share.

"(b) TEMPORARY MORTGAGE AND RENTAL PAYMENTS.—The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received wrillen notice of dispossession or eviction from a residence by reason of a foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered thio prior to such disaster. Such assistance shall be provided for the duration of the period of financial hardship but not to exceed 18 months. PAYMENTS. - The President is authorized

to exceed 18 months.
"(c) In Lieu Expenditures.—In lieu of prolo exerced 18 months.

"Co! In LEWE EXPENTIVEES.—In lieu of providing other types of temporary housing after a major disaster, the President is authorized to make expenditures for the purpose of repairing or restoring to a habitable condition owner-occupied private residential structures made uninhabitable by a major disaster which are capable of being restored quickly to a habitable condition.
"(d) Transfers or Tennorary Housing.—"(1) Direct sals to occurants.—Notwithslanding any other provision of law, any temporary housing acquired by purchase may be sold directly to individuals and families who are occupant of temporary housing at prices that are fair and equitable, as determined by the President.

"(2) Transfers to States, local governments, and voluntary organizations.—The President may sell or otherwise make available temporary housing units directly to States, other powernmental entities, and vol

able temporary housing units directly to States, other opermental entities, and voluntary organizations. The President shall impose as a condition of transfer under this paragraph a covenant to comply with the provisions of section 308 requiring nondiscrimination in occupancy of such temporary housing units. Such disposition shall be limited to units purchased under the provisions of subsection (a) and to the purposes of providing temporary housing units for disaster victims in major disasters or emergencies.
"(e) Northeaton.—" (c) NOTIFICATION.

"(1) NOTIFICATION.—
"(1) IN GENERAL.—Each person who applies
for assistance under this section shall be notified regarding the type and amount of any
assistance for which such person qualifies. Whenever practicable, such notice shall be provided within 7 days after the date of submission of such application.

"[2] IMPURNATION.—Notification under this

subsection shall provide information regard-

"(A) all forms of such assistance available;
"(B) any specific criteria which must be
met to quality for each type of assistance
that is available;

that is a valiable;

"(C) any limilations which apply to each type of assistance; and
"(D) the address and telephone number of offices responsible for responding to—
"(i) appeals of determinations of eligibility for assistance; and
"(ii) requests for changes in the type or amount of assistance provided.
"(I) Location—In providing assistance under this section, consideration shall be given to the location of and travel time to—
"(1) the applicant's place of business;
"(2) schools which the applicant or members of the applicant's family who reside with the applicant applicant applicant with the applicant or members of applicant ap

vers of the applicant's family who reside with the applicant attend; "131 any home or place of business whose destruction or damage is the result of the major disaster which created the applicant's

major disaster which created the applicant's need for assistance under this section; and "(4) crops or livestock which the applicant tends in the course of any involvement in farming which provides 25 percent or more of the applicant's annual income." (c) REDISIONATION OF SECTIONS 406 AND 407.—Sections 406 trelating to minimum standards for public and privale structures)

and 407 (relating to unemployment assistancel, and any references thereto, are redes-ignated as sections 409 and 410, respective-

If Individual and Family Grant Pro-Grams.—Title IV is amended by striking out family grant programs) and inserting in lieu thereof the following new section:

"SEC. III. INDIVIDUAL AND FAMILY GRANT PRO-GRAMS.

"(a) In GENERAL - The President is authorized to make a grant to a State for the pur-pose of making grants to individuals or families adversely affected by a major disas-

"(1) for land use and construction projects designed to miligate future major disasterrelated losses, and

"(2) for meeting disaster-related necessary penses or serious needs of such individuals or families in those cases where such individuals or families are unable to meel such expenses or needs through assistance under other provisions of this Act or through other means.

"(b) Cost Sharing -

"(1) FEDERAL SHAKE.—The Federal share of grant to an individual or a family under this section shall be equal to 75 percent of the actual cost incurred.

the actual cost incurred.

"121 STATE CONTRIBUTION.—The Federal
share of a grant under this section shall be
paid only on condition that the remaining
25 percent of the cost is paid to an individual or family from funds made available by a State.

"(c) REGULATIONS.—The President shall promulgate regulations to carry out this section and such regulations shall include national criteria, standards, and procedures for the determination of clipibility for grants and the administration of grants under this section.

"(d) ADMINISTRATIVE EXPENSES.—A State may expend not to exceed 5 percent of any grant made by the President to it under subsection (a) for expenses of administering grants to individuals and families unde

(c) Administration Through Governor. The Governor of a State shall administer the grant program authorized by this section in

"(f) LINIT ON GRANTS TO INDIVIDUAL - NO "I) LINIT ON GRANTS TO INDIVIDUAL—NO individual or family shall receive grants under this section aggregating more than \$10,000 with respect to any single moor disaster. Such \$10,000 limit shall annually be adjusted to reflect changes in the Consumer Price Index for All Urban Consumers pub-lished by the Department of Labor."

(9) REDESIGNATION OF SECTIONS 409 THEOUGH 412—Sections 409 (relating to food coupons and distribution), 410 (rela-ing to food commodities), 411 (relating to relocation assistance), and 412 trelating to legal services), and any references thereto, are redesignated as sections 412, 413, 414, and 415, respectively.

the Ars, respectively.

He Tensis Counseling.—Section 413 (relating to crisis counseling assistance and training), and any reference thereto, is redesignated as section 416. Such section is amended by striking out "(through the National Institute of Mental Health)".

tional Institute of Mental Health?".

til REPSIGNATION OF SECTIONS 414
THROWGH 418.—Sections 414 (relating to
community disaster loans), 415 (relating to
emergency communications), 416 (relating
to emergency public transportation), 417
trelating to fire suppression grants), and
section 415 (relating to timber sale contracts), and any references thereto, are redesignated as sections 417, 418, 419, 420, and
421, respectively.

(j) Simplified Procedure.-Title IV is further amended by striking out section 419 (re-lating to in-lieu contribution) and inserting in lieu thereof the following new section: SEC. 112 SIMPLIFIED PROCEDURE

"If the Federal estimate of the cost of "II) repairing, restoring, reconstructing, or replacing under section 406 any damaged or destroyed public facility or private non-profit facility,"

(2) emergency assistance under section 403 or 502, or "VII destructions"

13) debris removed under section 407 "13) debris removed under section 407, is less than \$35,000, the President (on application of the State or local government or the owner or operator of the private non-profit facility) may make the contribution to such State or local government or owner to such state or local government or owner or operator under section 103, 106, 407, or 502, as the case may be, on the basis of such Federal estimate. Such 335,000 amount shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban the Consumer Price Index for All Urban Consumers published by the Department of

IDUT. . (k) Appeals; Date of Eligibility; Expenses (R) APPEALS; DATE OF ELIGIBILITY; EXPENSES
INCURRED BEFORE DATE OF DIRASTER; ADVANCE
OF NON-FEDERAL SHARE; LIMITATION ON USE OF
SLIDING SCALES.—Title IV is further amended
by adding at the end thereof the following
new sections:

SEC. 411. APPEALS OF ASSISTANCE DECISIONS

"SSC. III. APPEALS OF ANNIAME VOLUNIAN.
"(a) RIGHT OF APPEAL.—Any decision re-parding eligibility for, form, or amount of assistance under this tille may be appealed within 60 days after the date on which the applicant for such assistance is notified of the award or denial of award of such assist-

ance.
"(b) Period for Decision.—A decision in garding an appeal under subsection to shall be rendered within 60 days after the date on which the Federal afficial designat-

date on which the Federal afficial aesignated to administer such appeals receives notice of such appeal. "The President shall issue rules which provide for the fair and impartial consideration of appeals under this sec-

tion.

**SEC 11. BATE OF ELIGIBILITY: EXPENSES INCURRED SEFORE DATE OF BESISTER

"Eligibility for Federal assistance under
this tille shall begin on the date of the occurrence of the event which results in a declaration by the President that a major disaster
crists; except that expenses which are incurred in anticipation of such event may be
eligible for Federal assistance under this
Acl.

"SEC. 425. ADVANCE OF NON-FEDERAL SILARE

Act.

"SEC 415. ADVANCE OF NON-FEDERAL SILARE

"(a) IN GENERAL—If an eligible applicant
is unable to immediately assume its financial responsibility under cost sharing provisions of this title, the President may advance an amount not to exceed such applicant's share. An advance under this section
shall bear interest at a rate determined by
the Secretary of the Treasury, taking into
consideration the current market yields on
outstanding marketable obligations of the
united States with periods remaining to
maturity comparable to the reimbursement
period of the adoance.

"(b) Rusz.—The President shall issue
rules describing the terms and conditions
under which advances under this section
may be made and repayment of such advances (or portions thereof) may be forgiveex. Such rules shall provide that—
"(1) the request for forgiveness must be
made within 3 years after the date of the
major disaster declaration; and
"(2) repayment of an advance (or portion
thereof) under this section may be forgiven
only when the damages and destruction
caused by the major disaster are so severe
that it is not possible for the recipical of

such advance to repay the amount advanced for portion thereof without unreasonably straining its available fiscal ability.

SEC. 428. LIMITATION ON USE OF SLIDING SCAL "No geographic area shall be precluded from receiving assistance under this Act solely by virtue of an arithmetic formula or stiding scale based on income or population.".

SEC. 107. FEDERAL EMERGENCY ASSISTANCE PRO

(a) FEDERAL EMERGENCY ASSISTANCE PRO-GRAMS.—Title V is amended to read as follows

"TITLE V—EMERGENCY ASSISTANCE PROGRAMS

"SEC. SOI. PROCEDURE FOR DECLARATION.

SEC. SH. PROCEDIER FUR DECLARATION.

"(a) REQUEST AND DECLARATION.—All requests for a declaration by the President that an emergency exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As a part of such request, and as a prerequisite to emergency assistance a prerequisite to emergency assistance under this Act, the Governor shall take appropriate action under State law and direct execution of the State's emergency plan. The Governor shall furnish information describ

SEC 501 FEDERAL EMERGENCY ASSISTANCE.

"(a) SPECIFIED.—In any emergency, the President may—
"(1) direct any Federal agency, with or "(1) direct any federal agency, without the agency of the second secon Fresiacus may—
"(1) direct any Federal agency, with or volthout reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, cquipment, supplies, facilities, and managerial, technical and advisory services? in support of State and local emergency assistance efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe;
"(2) coordinate all disaster relief assistance (including voluntary assistance) provided by Federal agencies, private organizations, and State and local governments;
"(3) provide technical and advisory assistance to affected State and local povernments for—

for—
"(A) the performance of essential community services;
"(B) issuance of warnings of risks or haz-

ards;
"(C) public health and safety information,
including dissemination of such informa-

tion;
"(D) provision of health and safety meas-

ures; and
"(E) management, control, and reduction
of immediate threats to public health and

"(4) provide emergency assistance through Federal agencies without cost to affected State or local governments; "(5) remove debris in accordance with the terms and conditions tother than cost shar-

ing provisions) of section 407;

"(6) provide lemporary housing assistance under section 408; and

"(7) assist State and local governments in the distribution of medicine, food, and other consumable supplies, and emergency assist-

ance.

"(b) General—Whenever the Federal assistance provided under subsection (a) with respect to an emergency is inadequate, the President may also provide assistance with respect to efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a calastrophe.

SEC. 341. AMOUNT OF ASSISTANCE.

"(a) FEDERAL SHARE.—The Federal share for assistance provided under this title shall be equal to 100 percent of the eligible costs.

"ID LIMIT ON AMOUNT OF ASSISTANCE.—
"II) IN GENERAL.—Except as provided in
paragraph 12), total assistance provided
under this section for a single emergency shall not exceed \$5,000,000.

"(2) ADDITIONAL ASSISTANCE.—The limita-tion described in paragraph (1) may be ex-ceeded when the President determines that— "(A) continued emergency assistance is nmediately required;

"(B) there is a continuing and immediate to lives, property, public health or

safety, and "ICI necessary assistance will not otherwise be provided on a timely basis.
"13) Report.—Whenever the limitation described in paragraph (1) is exceeded, the President shall report to the Congress on the nature and extent of emergency assistance requirements and shall propose additional legislation if necessary."

(b) Saware Chuter The amendment

(b) Savinces Chause.—The amendment made by subsection (a) shall not be construed as having any effect on tille VIII of the Public Works and Economic Development Act of 1965 which was added to such Act by section 501 of the Disaster Relief Act of 1974 on May 22, 1974.

SEC. IOR AMENDMENTS TO TITLE VI

(a) RULES.—Section 601(a) is amended—
(11) by inserting "(1)" after "SEC. 601. (a)";

and (2) by adding at the end the following new

"(2) DESIDENCE FOR PAYMENT OF ASSISTENCE.— Rules and regulations authorized by para-graph (1) shall provide that payment of any vident 13 saute provide that payment of any assistance under this Act to a State shall be completed within 60 days after the date of approval of such assistance."

(b) EFFECTIVE DATE—Section 605 is re-

(c) AUTHORIZATION OF APPROPRIATIONS.— Section 606 is repealed.

SEC. IM. CONFORMING AMENDMENTS TO OTHER LAWS.

(a) AGRICULTURAL ACT OF 1949.—(1) Section (a) AGNICULTURAL ACT OF 1948.—(1) Section 401(c) of the Agricultural Act of 1949 (7 U.S.C. 1421(c)) is amended by striking out "Public Law 875, Eighty-first Congress" and inserting in lieu thereof "the Disaster Retief

and Emergency Assistance Act."

[2] Section 407 of such Act (7 U.S.C. 1427) is amended by sirking out "Public Law 878. Eighty-first Congress, as amended 42 U.S.C. 1455)" and inserting in theu thereof "the Disaster Relief and Emergency Assistance Act."

[6] AGRICULTURAL ACT OF 1427.

dier keise and smerpency assistance Act.

(b) Agriculturul Act or 1970.—Section
813(d) of the Agriculturul Act of 1970 (7)
U.S.C. 1427a(d) is amended by striking out
"Act of 1974" and inserting in then thereof
"and Emergency Assistance Act".

(c) CONSOLIDATED FARM AND RURAL DEVEL-OPMENT ACT.—(1) Section 321(a) of the Con-solidated Farm and Rural Development Act 17 U.S.C. 1961(a)! is amended by striking out "Act of 1974" each place it appears and inserting in lieu thereof "and Emergency As-

inserting in the uncreof "and Emergency Asislance Act".

[2] Section 324(d) of such Act [7] U.S.C.
19864(d) is amended by striking out "Act of
1974" and inserting in the thereof "and
Emergency Assistance Act".

[d] FOOD STANP ACT OF 1977.—Section
5(h)[1] of the Food Stamp Act of 1977 (7
U.S.C. 2014(h)[1]) is amended by striking
out "section 302(a) of the Disaster Retief Act
of 1974" and inserting in lieu thereof "sections 402 and 502 of the Disaster Retief and
Emergency Assistance Act".

[e] NATIONAL HOUSING ACT.—[1] Section
8(b)[2] of the National Housing Act [12
U.S.C. 1706(c)b)[2] is amended by striking
out "102(2) and 301 of the Disaster Retief
Act of 1974" and inserting in lieu thereof
"102(2) and 401 of the Disaster Retief and
Emergency Assistance Act".

Emergency Assistance Act".
(2) Section 203(h) of such Act (12 U.S.C. 1709(h)) is amended—

(A) by striking out "riot or civil disorder,";

and of striking out "10212) and 301 of the Disaster Relief Act of 1974" and inserting in lieu thereof "102121 and 401 of the Disaster Relief and Emergency Assistance Act".

(3) Section 221(1) of such Act (12 U.S.C. 1715(1)) is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(1) SMALL BUSINESS ACT.—(1) Section 7(0)121(A) of the Small Business Act (15 U.S.C. 636(b)121(A)) is amended by striking out "the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes, approved September 30, 1950, as amended (42 U.S.C. 1855-18559)" and inserting in lieu thereof "the Disaster Relief and Emergency Assistance Act".

amenical 182 O.S.C. 1855-18559]" and inserting in lieu thereof "The Disaster Relief and
Emergency Assistance Act".
[21 Section 7th/IE1 of such Act 115 U.S.C.
636(b)(E)) is amended by striking out "subsection (b) of section 315 of Public Law 93288 (42 U.S.C. 5155)" and inserting in lieu
thereof "section 312(a) of the Disaster Relief
and Emergency Assistance Act".
[33 Section 7(f) of such Act 115 U.S.C.
636(f)) is amended by striking out "section
2(a) of the Act of September 30, 1950 (42
U.S.C. 1858/al)" and inserting in lieu
thereof "section 102(2) of the Disaster Relief
and Emergency Assistance Act".
(i) INFACT AID ACT.—Section 7(a)(11)(A) of
the Act of September 30, 1950, commonly
known as the Impact Aid Act (Public Law
874, B1st Congress; 20 U.S.C. 241-1(a)(1)(A)),
is amended by striking out "192(2) and 301
of the Disaster Relief Act of 1974" and inserting in lieu thereof "102(2) and 401 of the
Disaster Relief and Emergency Assistance Disaster Relief and Emergency Assistance

(j) PUBLIC LAW 815 OF THE 81ST CON 1) PUBLIC LAW 815 OF THE 81ST CON-GRISS.—Section 16(a)1111/A) of the Act of Sep-lember 23, 1950 [Public Law 815, 81st Con-gress; 20 U.S.C. 66(a)111/A), is amended by striking out "102(2) and 301 of the Disaster Relicf Act of 1974" and inserting in lieu thereof "102(2) and 401 of the Disaster Relicf and Emergency Assistance Let?"

thereof '102(2) and 401 of the Disaster Relief and Emergency Assistance Act'.

(kt Truz 21.—Section 125(b) of title 23. United States Code, is amended by striking out 'Act of 1974' and inserting in lieu thereof 'and Emergency Assistance Act.'

(i) INTERNAL REVENUE CODE OF 1986—Sections 165(t)(11), 65(k), 506(t)(3), and 5708(a) of the Internal Revenue Code of 1986 126 U.S.C. 165(t)(11), 165(k), 506(t)(1), and 5708(a) are each amended by striking out 'Act of 1974'' and inserting in lieu thereof 'and Emergency Assistance Act'.

(m) ACT of August 18, 1941.—Section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n), is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(n) Trill 18.—Section 1820/f) of title 38, United States Code, is amended by striking out "Act of 1974" and inserting in lieu thereof and Emergency Assistance Act".

(a) Natrons Flood Insulance Act".

of "and Emergency Assistance Act".

(o) National Flood Insurance Act of 1988.—Section 1308(c)15) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)15) is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(p) Social Security Act.—Subsections (ali21A) and (b)(11) of section 1612 of the Social Security Act (42 U.S.C. 1382ata1(2)(A) and (b)(11)) are each amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(a) OLDER AMERICANS ACT of 1985.—Section

of "and Emergency Assistance Act".

(a) OLDER AMERICANS ACT OF 1855.—Section
310(a)(1) of the Older Americans Act of 1955
142 U.S.C. 1030(a)(1)) is amended by striking out "Act of 1974" and inserting in licu
thereof, "and Emergency Assistance Act".

(r) Poulic Works And Economic DevelopMENT ACT OF 1855.—[1] Section 801(b) of the
Public Works and Economic Development
Act of 1955 (42 U.S.C. 2231(b)) is amended
by striking out "Act of 1974" and inserting
in licu thereof "and Emergency Assistance
Act".

(2) Section \$02(b) of such Act (42 U.S.C. 3232(b)) is amended by striking out "402(f) of the Disaster Relief Act of 1974" and inserting in lieu thereof "408(c) of the Disaster

of the Disaster Relief Act of 1974" and inserting in lieu thereof "406(c) of the Disaster Relief and Emergency Assistance Act".

(1) DELARTMENT OF HOLSIMO AND URAIN DE-VELOPMENT, SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES APPROPRIATION ACT, 1973.—Section 406 of the Department of Housing and Urban Development, Space, Science, Veterans, and Certain Olher Independent Agencies Appropriation Act, 1973 is amended by striking out "Act of 1970 (88 Stat. 1744)" and inserting in licu thereof "and Emergency Assistance Act."

(1) FLOOD DISASTER PROFECTION ACT OF 1971.—Section 31al/4) of the Flood Disaster Prolection Act of 1973 (22 U.S.C. 4093tal/41) is amended by striking out "Act of 1974" and inserting in licu thereof "and Emergency Assistance Act".

(1) ELERTHOUME HEZERES REDUCTION ACT OF 1977.—Subsections (g) and (l) of section 5

(W) EARTHQUAKE HAZARIS REDUCTION ACT OF 1977.—Subsections (g) and (U of section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) are each amended by striking out "Act of 1974" and inserting in theu thereof "and Emergency Assistance Act".

Act".

(v) CERCLA.—Section 101(23) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C., 9601(23)) is amended by striking out "Act of 1974" and inserting in lieu thereof "and Emergency Assistance Act".

(w) Act of JUNE 30, 1954 (68 Stat. 330; 48 U.S.C. 1681 note) is amended by striking out "102(2) and 301 of the Disaster Relief Act of 1974" and inserting in lieu thereof "102(2) and 401 of the Disaster Relief and Emergency Assistance Act". cy Assistance Act".

SEC. HR. RECOMMENDATIONS CONCERNING IN-PROVEMENT OF RELATIONSHIPS AMONG DISASTER MANAGEMENT OFFI-CIALS.

Not later than I year after the date of the enactment of this Act, the President shall recommend to the Congress proposals to improve the operational and fiscal relationships that exist among Federal, State, and local major disaster and emergency manager

ment officials. Such proposals should in-clude provisions which-

(1) decrease the amount of time for processing requests for major disaster and emer-gency declarations and providing Federal assistance for major disasters and emergen-

(2) provide for more effective utilization of State and local resources in major disas-

(3) improve the timeliness of reimburse-ment of State and local governments after the submission of necessary documentation. SEC. III. EFFECTIVE DATE: DEADLINE FOR ISSU-ANCE OF REGULATIONS.

(a) EFFECTIVE DATE.—This tille and the amendments made by this tille shall take effect on the date of the enactment of this

(b) Deadline for Issuance of Regula-tions.—Regulations necessary to carry out this title and the amendments made by this title shall be issued no later than the 90th day following the date of the enactment of

AMENDMENTS : BLOC OFFERED BY MR. HOWARD Mr. HOWARD. Mr. Chairman, I offer the amendments en bloc made in order under the rule. The Clerk read as follows:

Amendments offered by Mr. Howard: Page 8, after line 6, insert the following new paragraph:

(3) Use of Department of Depense Re-sources.—Such section is further amended by adding at the end thereof the following new sentence: "This section shall not be consideration to restrict the use of Depart-ment of Defense resources in the provision of major disaster assistance under this

Page 14, strike out line 20 and insert in lieu thereof the following: SEC. 214, PENALTIES.

SEC. 716. PEMALTIES.

(a) MISUSE OF PURDS.—Any person who knowingly misapplies the proceeds of a loan or other eash benefit obtained under this Act shall be fined an amount equal to one and one-half times the misapplied amount of the proceeds or cash benefit.

(b) Civil. EMPORCEMENT.—Whenever it appears that any person has violated or is about to violate any provision of this Act, including any civil penalty imposed under this Act, the Attorney General may bring a civil action for such relief as may be appropriate. Such action may be brought in the United States district court having jurisdiction over the place where the violation occurred or, on the agreement of the parties, in the United States District Court for the District of Columbia.

(c) RETERRAL TO ATTORNEY GENERAL—The President shall appeals and the first the states and the parties and the states are the seasons.

District of Columbia.

(c) REFERRAL TO ATTORNEY GENERAL.—The President shall expeditiously refor to the Attorney General for appropriate action any evidence developed in the performance of functions under this Act that may warrant consideration for criminal prosecution.

(d) Civil. PENALTY.—Any individual who knowingly violates any order or regulation-issued under this Act shall be subject to a civil penalty of not more than \$5,000 for each violation.

each violation.

Page, 15, strike out line 4 and insert in lieu thereof the following:

SEC. 216. PROTECTION OF ENVIRONMENT

An action which is taken or assistance which is provided under title IV or V to save which is provided under title IV or V to save lives, to protect property or public health and safety, or to remove debris and which has the effect of restoring a facility substan-tially to its condition prior to the disaster or emergency, shall not be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 852). Nothing in this section shall alter or affect the applicability of the National Environmental Policy Act of 1969 to other Pederal actions take under this Act or under any other provi sions of lav

Page 15, after line 20, insert the following: (c) INSTITUTION OF ACTION.—The Attorney General may institute an action in any United States district court for a district in which assistance is provided under this Act, or in such district as otherwise provided by law, against any party who may be liable under this section.

Page 20, after line 20, insert the following: (c) UTILIZATION OF DOD RESOURCES.—

(c) UTILITATION OF DOD RESOURCES.—
(1) GENERAL RULE.—During the immediate aftermath of an incident which may ultimately qualify for assistance under this title or title V of this Act, the Governor of the State in which such incident occurred may request the President to direct the Secretary of Defense to utilize the resources the Department of Defense for the purpo of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property. If the President determines that such work is essential for the presevation of life property, the President shall grant such property, the President shall grant such request to the extent the President determines practicable. Such emergency work may only be carried out for a period not to exceed 10 days.

(2) RULES APPLICABLE TO DEBRIS REMOVAL— Any removal of debris and wreckage carried out under this subsection shall be subject to section 407(b), relating to unconditional au-thorization and indemnification for debris

- (3) EXPENDITURES OUT OF DISASTER RELIEF FUNDS.—The cost of any assistance provided pursuant to this subsection shall be reimbursed out of funds made available to
- out this Act.

 (4) PEDERAL SHARK.—The Federal share of assistance under this subsection shall be 100
- (5) DEFINITIONS .-- For purposes of this sec
- (A) DEPARTMENT OF DEFENSE.—The term
- (A) DIFFARMENT OF DEFENSE.—The term
 "Department of Defense" has the meaning
 the term "department" has under section
 101 of title 10, United States Code.

 (B) EMERGENCY WORK.—The term "emergency work" includes clearance and removal
 of debris and wreckage and temporary restoration of essential public facilities and serv-

Page 47, after line 10, insert the following ew subsections: (g) Endangered Species Act or 1973,-

(g) Endanusta SPECISS ACT OF 1973.—Sec-tion 7(p) of the Endangered Species Act of 1973 (16 U.S.C. 1536(p)) is amended— (1) by striking out "Dissater Relief Act of 1974" each place it appears and inserting in licu thereof "Dissater Relief and Emergency Assistance Act": and

lieu thereof "Disaster Rellef and Emergency Assistance Act"; and (2) by striking out "401 or 402" and inserting in lieu thereof "405 or 409".

(h) COASTAL BARRIER RESOURCES ACT.—Section 6(A806/ED) of the COASTAL BARRIER RESOURCES ACT.—Section 6(A806/ED) is amended by striking out "305 and 306 of the Disaster Rellef Act of 1974 (42 U.S.C. 5145 and 5146)" and inserting in lieu thereof "402, 403, and 502 of the Disaster Rellef and Emergency Assistance Act.

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

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

There was no objection.

MODIFICATIONS TO AMENDMENTS EN BLOC OFFERED BY MR. HOWARD

Mr. HOWARD, Mr. Chairman, I ask unanimous consent for modifications of the amendments en bloc which are at the desk

CHAIRMAN. The Clerk will report the modifications.

The Clerk proceeded to read the modifications

Mr. HOWARD (during the reading). Mr. Chairman, I ask unanimous con-sent that the modifications to the amendments en bloc be considered as read and printed in the RECORD.

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

There was no objection.

The text of the amendment, as modified, offered by Mr. Howard, is as

Amendments as modified, offered by Mr.

Page 8, after line 6, insert the following new paragraph:

(3) Use of Department of Depense Re (3) USE OF DEPARTMENT OF DEPENSE RE-SOURCES.—Such section is further amended by adding at the end thereof the following new senience: "This section shall not be considered to restrict the use of Department of Defense resources in the provision of major disaster assistance under this Act.". Page 13, strike out line 17 and insert in lieu thereof the following: chapter 37 of title 11 lights States Code majoral to the

title 31, United States Code, relating to debt collection

Page 14, strike out line 20 and insert in lieu thereof the following: SEC. 314. PENALTIES.

"(a) Misuse of Funds.-Any person who anowingly misapplies the proceeds of a loan or other each benefit obtained under this Act shall be fined an amount equal to one and one-half times the misapplied amount of the proceeds or cash benefit.

"(b) Cruz Envorcement.—Whenever it appears that any person has violated or is about to violate any provision of this Act, including any civil penalty imposed under this Act, the Attorney General may bring a

this Act, the Attorney General may bring a civil action for such relief as may be appropriate. Such action may be brought in an appropriate United States district court.

"(C) REPERRAL TO ATTORNEY GENERAL—The President shall expeditiously refer to the Attorney General for appropriate action any evidence developed in the performance of functions under this Act that may war-rant consideration for criminal transmitters.

or intentities under this Act that may war-rant consideration for criminal prosecution. "(d) CIVIL PERMITY.—Any individual who knowingly violates any order or regulation issued under this Act shall be subject to a civil penalty of not more than \$5,000 for each violation."

Page 15, strike out line 4 and insert in lieu thereof the following:

SEC. 116. PROTECTION OF ENVIRONMENT "An action which is taken or assistance which is provided under title IV or V to save

which is provided under title IV or V to save which is provided under title IV or V to save lives, to protect property or public health and safety, or to remove debris and which has the effect of restoring a facility substantially to its condition prior to the disaster or emergency, shall not be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Folicy Act of 1969 (63 Stat, 852). Nothing in this section shall alter or affect the applica-

bility of the National Environmental Policy Act of 1969 to other Federal actions take under this Act or under any other provi-

Page 15, line 6, strike out "negligently or".
Page 15, line 7, strike out "or contributes

Page 15, line 14 and 15, strike out "or contributed to

tributed to".

Page 15. line 15, after the period insert
the following: Such action for reasonable
costs shall be brought in an appropriate
United States district court.

United States district court.
Page 20, after line 20, insert the following:
"(c) UTILIZATION OF DOD RESOURCES.—
"(1) GENERAL RULE.—During the immediate aftermath of an incident which may ultimately qualify for assistance under this title of title V of this Act, the Governor of the State in which such incident occurred may request the President to direct the Secretary of Defense to utilize the resources of the Department of Defense for the purpose of performing on public and private lands any emergency work which is made neces-sary by such incident and which is essential for the preservation of life and property. If the President determines that such work is the President determines that such work is essential for the preservation of life and property, the President shall grant such request to the extent the President determines practicable. Such emergency work may only be carried out for a period not to exceed 10 days.

"(2) RULES APPLICABLE TO DEBRIS REMOV-AL—Any removal of debris and wreckage carried out under this subsection shall be subject to section 407(b), relating to unconditional authorization and indemnification for debris removal.

"(3) Expenditures out of disaster relief

FUNDS.—The cost of any assistance provided pursuant to this subsection shall be reim-bursed out of funds made available to carry out this Act.

"(4) FEDERAL SHARK.—The Pederal share of assistance under this subsection shall be 100 percent,
"(5) Definitions.—For purposes of this

section-

"(A) DEFERENCE OF DEFENSE.—The term 'Department of Defense' has the meaning the term 'department' has under section 101

of title 10, United States Code,
"(B) EMERGENCY WORK.—The term 'emergency work' includes clearance and removal
of debris and wreckage and temporary restoration of essential public facilities and ser

Page 47, after line 10, insert the following new subsections:

(g) Endangered Species Act of 1973.

(g) ENDANGERED SPECIES ACT OF 1973.—Sec-tion 7(p) of the Endangered Species Act of 1973 (16 U.S.C. 1536(p)) is amended— (1) by striking out "Disaster Relief Act of 1974" each place it appears and inserting in lieu thereof "Disaster Relief and Emergency Assistance Act"; and

Assistance Act"; and
(2) by striking out "401 or 402" and inserting in lieu thereof "405 or 406".
(h) COASTAL BARRIER RESOURCES ACT.—
Section 6(an%)ED of the Coastal Barrier Resources Act (16 U.S.C. 3605(a)(6)(E)) is
amended by striking out "305 and 308 of the
Disaster Relief Act of 1974 (42 U.S.C. 5145
and 5146)" and inserting in lieu thereof
"402, 403, and 502 of the Disaster Relief and
Emergency Assistance Act".

The CHAIRMAN Is there objection

The CHAIRMAN. Is there objection to the modifications to the amendments en bloc offered by the gentleman from New Jersey [Mr. Howard]?
There was no objection.

The CHAIRMAN. Under the rule, the amendments offered en bloc with modifications by the gentleman from

New Jersey (Mr. Howard) are not subject to a demand for a division of the question.

The gentleman from New Jersey [Mr. Howard] is recognized for 5 min-utes in support of his amendments. Mr. HOWARD, Mr. Chairman, these

agreements offered today have some bearing on other committees in the House. These arrangements have been House. These arrangements have been made with those other committees, and there is no objection to them by anyone on either committee. Therefore, I urge the adoption of the amendments

Mr. NOWAK, Mr. Chairman, the first amen ment provides that the emphasis in the law on using local organizations, firms, and individ-uals in providing disaster or emergency assistance is not to be construed to restrict the use of available Department of Defenso resources in providing major disaster in the affected

The second amendment provides for penal ties against any person who knowingly misapplies the proceeds of a loan or other cash benefit received under the act. It also requires the President to expeditiously refer to the Attomey General any evidence developed in the performance of functions that may warrant nsideration for criminal prosecution and provides a civil penalty of not more than \$5,000 against any individual who knowingly violates any order or regulation issued undor the act

The third amendment rewrites a provision in current law relating to the National Environ-mental Policy Act of 1969 to rolloct changes made to the organization of the Disaster Relief Act. There is no substantive change to existing law.

The fourth amendment provides for the use of Department of Defense resources during the immediate aftermath of an incident which may ultimately quality for assistance and upon the request of the Governor of an affected Stato. Assistance is limited to 10 days

The fifth amendment consists of technical amendments to other laws to reflect changes in section numbers and the name of the Dis-aster Relief Act.

Since H.R. 2707 was reported from the Committee on Public Works, we have worked with the House Judiciary Committee on as-pects of the legislation falling within that com-mittee's jurisdiction and long-standing expertise. As a result of these discussions, we have made the following changes in two sections of the bill's language now before the House.

The first change concerns the appropriate forum for actions to be brought for any viola-tion of the act. Unless there is an express reason for specifying a particular venue or forum for the bringing of remodial actions cre-ated by acts of Congress, the preferred approach is to allow suits to be brought in ac-cordance with the existing Federal Rules of Civil Procedure and interpretive case law. To facilitate this rule of uniform application, both sections 314 and 317 of the bill, as amended, are now further amended to provide that actions under these respective sections shall be

brought in an appropriate U.S. district court.

A second change has been made to the standard of liability set out in section 317. As now amended, that section permits a suit to be brought by the United States for reasona-ble costs incurred in responding to a major disaster or emergency under the act against

any person who intentionally causes a condifor which Federal assistance is prov under this act or under any other Federal law.
This standard of liability is consistent with the record testimony supporting the need for cor-rective legislation, and will also preserve existing jurisprudence in evaluating the requisite causation necessary to show intentional acts of harm. It is intended that all procedural rules governing the proceedings of such an action, including the availability of a jury trial, will be consistent with the general rules applicable in suits seeking compensation for acts of harm

Finally, section 312(c) of the bill needs a technical correction as to the citation for the Debt Collection Act.

Mr. STANGELAND. Mr. Chairman, I rise in strong support of the amend-ments offered by the gentleman from

New Jersey [Mr. Howard].

I think the chairman of the committee has adequately explained what we are intending to do. It has been clearly explained with regard to the concern with other matters. I urge support of the amendments

The CHAIRMAN, The question is on the amendments en bloc, as modified, offered by the gentleman from New Jersey [Mr. Howard].

The amendments en bloc, as modified, were agreed to.

D 1300

The CHAIRMAN. Are there any other amendments to title 1?

If not, the Clerk will designate title

The text of title II is as follows: TITLE II—GREAT LAKES EROSION DAMAGE ASSISTANCE AND PREVENTION

SEC. 201. SHORT TITLE.

This little may be ciled as the "Great Lakes Erosion Damage Assistance and Prevention Act of 1988".

SEC. 202 GRANTS TO STATES.

(a) General Authornty.—Subject to the provisions of this little, the Director shall make a grant to each Great Lakes State for each fiscal year for which funds are appropriated pursuant to section 207 for the purpose of enabling such State to provide

(1) to owners of homes, and (2) to local nonement (2) to local governments having within their jurisdictions public facilities,

which have been damaged, or are threatened to be damaged, by crossion or flooding attrib-utable to high water levels in the Great

(b) Amount or Grant.-The amount of a (0) ANOUNT OF GRANT.—The amount of a grant to a State under this title for any fiscal year shall equal the amount of funds allotted to such State under this title for such fiscal year plus such additional amounts as the Director grants to such State under section 208(a).

SEC, 201. GENERAL GRANT REQUIREMENTS.

(a) APPLICATION.—To receive a grant under this title in a fiscal year, a Great Lakes State shall submit to the Director an appli-

State shall submit to the Director an appli-cation for such grant. Such application shall contain at least the following: (1) A description of the State's plan for providing assistance to homeowners and local governments under this title. (2) A description of State and local gov-ernment assistance (whether under this title

or any other provision of Federal, State, or local law! which has been or will be provid-

ed to reduce or prevent damage to homes and public facilities from erosion or flood-ing allributable to high water levels in the

(3) Such information as the Director may require to determine the need of the State for discretionary funds under section 208(a).

(b) MAINTENANCE OF EFFORT.—To receive a grant under this title in a fiscal year, a Great Lakes State shall enter into an agree-Great Lakes State shall enter into an agreement with the Director for such fiscal year and the succeeding Iscal year which ensures that the State will maintain its aggreate expenditures from all other sources for providing assistance to owners of homes, and to local governments having within their jurisdictions public facilities, damaged by eroston or flooding attributable to high vester levels in the Great Lakes at or above the average level of such expenditures in the 2 fiscal years of the State preceding the date of the enactment of this title. the enactment of this title

the enactment of this title.

(c) STATE MATCHING FUNDS.—To receive a grant under this title in a fuscal year, a Great Lakes State shall enter into an agreement with the Director which ensures that such State will expend for providing assistance described in section 205 at least \$1 of non-Federal funds for every \$7 of Federal funds made available to such State under such anal.

SEC. 24. ACTION ON APPLICATIONS.

An application submitted under section 203(a) shall be approved or denied by the Director within 90 days after the date of its submission. If such application is not approved or denied during such 90-day period, such application all be deemed to be approved. If an application is denied, the Director shall notify the applicant in writing of the reasons for such denied within 10 days after the date of such denied.

SEC. 20% LIMITATIONS ON USE OF FEDERAL AND STATE MATCHING FUNDS.

(a) PURPOSES FOR WHICH FUNDS MAY HE USED.—A Great Lakes State may only use Federal funds yranted under this title to such State and State funds which such State has agreed to expend under section 203(c) for the following purposes:

(11) INTEREST SUBSIDIES TO HOMEOWNERS.—
Making a payment to reduce interest by not more than 5 percentage points on a loan of not more than \$25,000 (or on the first \$25,000 of a loan in excess of \$25,000) to an owner of a home described in section 202(a) for one or more of the following purposes:

All Raising the elevation of the lowest habitable floor of the hame to a height at which such floor would not be subject to damage or destruction from flooding attributable to high water levels in the Great Lakes and having a 1 percent or greater chance of occurrence in any year.

(B) Moving the home, including associated septic systems and utility connections, to a site (i) which is beyond the line for the area concerned at which erosion attributable to high water levels in the Great Lakes is expected during the 30-year period begin-ning on the date of such loan, and (ii) at which such home would not be subject to damage or destruction from flooding altrib-ulable to high water levels in the Great Lakes and having a 1 percent or greater chance of occurrence in any year.

(C) Floodproofing of the home which meets such minimum standards as the Director may establish.

(D) Bluff and bank stabilization (includ-ing planting of regelation cover) in the vi-cinity of the home which meets such mini-mum standards as the Director may estab-lish and which will not have an adverse impact on adjoining properties.

(2) INTEREST SUBSIDIES TO LOCAL GOVERN-MENTS.—Making a payment to reduce inter-est by not more than 5 percentage points on a loan of not more than \$300,000 for on the first \$300,000 of a loan in excess of \$300,000 to a local comment having solities it by to a local government having within its ju-risdiction a public facility described in sec-tion 202/a) for one or more of the following

(A) Repair of such facility. (B) Restoration of such facility

(C) Replacement of such facility.
(D) Relocation of such facility.

(E) Protection from erosion or flooding of such facility.

GRANTS 13) GRANTS TO LOCAL GOVERNMENTS.— Making a grant of not to exceed \$200,000 to a local povernment having within its juris-diction a public facility described in section one or more of the following pur

(A) Repair of such facility.

(B) Restoration of such facility.
(C) Replacement of such facility.
(D) Relocation of such facility.

(E) Protection from erosion or flooding of such facility.

(b) Limitation on Interest Sursidies and Frants to Local Governments.—A payment GRAITS TO LOCAL GOVERNMENTS.—A payment to reduce interest on a loan to a local government, and a grant to a local government, may be made under this title only if, after the date of completion of the repair, restoration, replacement, relocation, or protection from erosion of the public facility, the facility it will not be subject to serious damage or destruction from erosion altributable to high water levels in the Great Lakes for a period of 30 years, and 121 will not be subject to damage or destruction from flooding attributable to high water levels in the Great Lakes and having a 1 percent or greater chance of occurrence in any year.

(c) State on Local Setment Law.—Federal funds granted under this title to a State and State funds which such State has agreed to expend under section 2031cl shall not be utilized in any arra unless, during the period contribution of the period of the

funds granted under this tille to a State and State funds which such State has agreed to expend under section 203ic! shall not be utilized in any area unless, during the period for which such junds will be provided, there will be in effect and enforced in such area a State or local law or regulation which prohibits construction of structures which (1) will be subject to serious damage or destruction, during the 30-year period occurring after the date of completion of such construction, from crossion attributable to high water levels in the Great Lakes, or 12) will be subject to damage or destruction from flooding attributable to high water levels in the Great Lakes and having a 1 percent or greater chance of occurrence in any year. The Director shall promulgate reputations and guidelines to implement this subsection in accordance with procedures and requirements comparable to those set forth in section 1306(c)(6) of the National Flood Insurance Act of 1988.

(d) Nonstriktural Stanilization Measures.

(d) Nonstriktural Stanilization Measures.

(d) Nonstriktural Stanilization Measures.

(e) ADMINISTRIPTE PROVISIONS.

SEC. 20C. ADMINISTRATIVE PROVISIONS.

SEC MA ADMINISTRATIVE PROVISIONS.

(a) STATE REPORTS.—Each Great Lakes
State shall annually submit a full and complete report to the Director concerning the
use of Federal funds granted to such State
under this title and of State matching funds
provided pursuant to section 2010e in such
manner as the Director shall prescribe.
(b) ANNUA AUDITS.—The Director shall, at
least on an annual basis, conduct or require
each Great Lakes State to have independently conducted reviews and audits as may be
necessary or appropriate by the Director to
carry out the objectives of this title. Audits
shall be conducted in accordance with the

auditing procedures of the General Accounting Office

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title (other than section 210) not to exceed \$20,000,000 per fiscal year for each of fiscal years 1988, 1989, 1990, 1991, and 1992

SEC. 200. ALLOCATION OF FUNDS.

(a) Discretionary Funds.—25 percent of the funds appropriated to carry out this title (other than section 210) for each fiscal year shall be available to the Director for making grants to the Great Lakes States under this title on the basis of the relative needs of such States for assistance under this title.

(b) ALLOTMENT FUNDS, -75 percent of the funds appropriated to carry out this title tother than section 210) shall be allotted by the Director not later than the 10th day fol-lowing the date of such appropriation among the Great Lakes States in accordance with the following table:

Great Lakes States Percentage .2081 .0853 Indiana Michigan..... Minnesota..... .0723 .1315 New York..... Wisconsin1138

among the other Great Lakes States for the next fiscal year. Any funds so reallotted re-maining after the last day of such third fiscal year shall be available for use by the Director in accordance with subsection (a). SEC. 203. ANNUAL REPORT.

The Director shall submit to Congress annual report on the activities carried under this title (other than section 210). SEC. 21A CORPS OF ENGINEERS.

(a) Technical and Other Assistance.—The ecretary of the Army may—

Secretary of the Army may—
11) provide emergency assistance to prevent or reduce damage caused by erosion or flooding altributable to high water levels in the Great Lakes, including provision of sandbags, sheeting, and stones and other armoring devices (taking account of flooding and erosion of other property which may be caused by such activity) but not including construction of permaent structures: construction of permanent structures; construction of permanent structures;

construction of permanent structures;
(2) provide technical assistance to indi-viduals and local governments, including engineering and design, with respect to measures to prevent or reduce such damage; (3) compile and disseminate information on—

n—
(A) water levels of the Great Lakes,
(B) weather forecasts for the Great Lakes

(C) techniques for prevention or reduction of such day

such damage,

D) projected shoreline erosion rates for

Great Lakes, and

the Great Lakes, and (El emergency relief available to persons who suffer economic injury as a result of crosion or flooding attributable to high water levels in the Great Lakes; and (4) undertake a demonstration program to desirate language methods of presenting such

develop low-cost methods of preventing such

damage.
(b) Issuance of Permits.—
(b) Issuance of Permits.—
(1) Consideration of Flooding and Erosion.—Issuing a permit under.—
(A) section 10 of the Act of March 3, 1899
(33 U.S.C. 403); or

(B) section 404 of the Federal Water Pollu-tion Control Act (33 U.S.C. 1344);

for any activity carried out with assistance under this title, the Secretary of the Army shall take account of flooding and errosion of other properly which may be caused by such activity.

(2) BANK STABILIZATION.

(2) BANK STABLIZATION.—
(A) GENERAL RILE—In issuing permits under sections 10 of the Act of March 3, 1899 133 U.S.C. 4031 and 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) for a project involving dredging of any portion of the Great Lakes, the Secretary of the Army shall, if feasible, encourage for bank stabilization purposes the disposal of nonhazardous compatible sand from such project on shortlying stabilization purposes.

(B) Constitution—and from such project of shorelines affected by eroision.

(B) Constitution—In carrying out subparagraph (A), the Secretary of the Army shall consult affected State and local gov

SEC. 111. DEFINITIONS.

For purposes of this title – (1) Director.—The term "Director" means the Director of the Federal Emergency Man-

the Director of the Federal Emergency Management Agency.

(2) High Wattr Levels.—The term "high water levels above the long-term average of water levels from 1900.

(3) Local Government.—The term "local government" means a county, city, village, town, district, or other political subdivision of a Great Lakes State and an Indian tribe or authorized tribal organization.

(4) Great Lakes Taxt —The term "Great

(4) GREAT LARES STATE.—The term "Great Lakes State" means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York

The CHAIRMAN. Are there any amendments to title 11?

> AMENDMENT OFFERED BY MR. DAVIS OF MICHIGAN

Mr. DAVIS of Michigan, Mr. Chairman, I offer an amendment.

The Clerk read as follows: DAVIS of

Amendment offered by Mr. Davis of Michigan: Page 62, after line 20, insert the following new section: SEC. 211. GREAT LAKES COASTAL BARRIERS STUDY.

(a) RECOMMENDATIONS OF THE SECRETARY OF THE INTERIOR.

op the Interior.—

(1) For inclusion in resources system.—

(2) For inclusion in resources system.—

(3) Deadline.—Except as provided in subparagraph (B), within 6 months after the
date of the enactment of this Act, the Secrelary of the Interior (hereinafter in this
section referred to as the "Secretary") shall
recommend to Congress, and prepare maps
identifying, the boundaries of those undeveloped coastal barriers along the shore
areas of the Great Lakes that the Secretary
considers appropriate for inclusion in the
Coastal Barrier Resources System authorized under the Coastal Barrier Resources

Act 16 U.S.C. 3501 et seq.).

ized under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.).

(B) LIMITATION.—The Secretary may not recommend for inclusion as an undeveloped coastal barrier any area that is publicly owned and protected by Federal, State, or local law, or is held by a qualified organization defined in section 170chx3) of the Internal Revenue Code of 1986 (26 U.S.C. 170chx3)), primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes.

conservation purposes.

(2) Consultation; consideration of up-parted mars.—Before recommending undeveloped coastal barriers under paragraph (1), the Secretary shall—

(A) consult with and provide an opportu-nity for comment by appropriate United States agencies, State seneices (including the coastal zone management agencies) of the Great Lakes States, and the public; and

(B) update on the basis of aerial photographs and consider the draft coastal bargraphs and consider the draft coastal bar-rier inventory maps prepared by the Secre-tary in January 1985 for the States of Michigan, Wisconsin, Ohio, New York (Great Lakes), and Minnesota. (3) Provision of Mars.—As soon as practi-

(3) Provision of Mars.—As soon as practicable after the revision of the maps referred to in paragraph (2)(B) is completed, the Secretary shall provide copies of the maps to—(A) each appropriate State and county or equivalent jurisdetion in which shore areas recommended and identified by the Secretary under this section are located:
(B) the coastal zone management agency in each appropriate Great Lakes State that has a coasal zone management program approved under section 306 of the Coastal Zone Management Act of 1972-(16 U.S.C. 1455);

appropriate United States (C) each agency; and (D) Congress

(4) Public inspection of maps.—The Director of the United States Fish and Wildlife Service shall make available for public inspection all maps prepared under this se

(b) Excertions.-The limitations on the of Federal expenditures or financial as sistance within the Coastal Barrier Re-sources System under section 6(a)(3) of the Coastal Barrier Resources Act (16 U.S.C. 3505/a)(3)) shall not apply to public highways located within the State of Michigan Congress adds by law new units to the Coastal Barrier Resources System and the units include portions of public highways in the State of Michigan. Page 62, line 21, strike out "Src. 211." and insert in lieu thereof "Src. 212.".

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

The CHAIRMAN, Is there objection to the request of the gentleman from Michigan?

There was no objection.

(Mr. DAVIS of Michigan asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Michigan, Mr. Chairman, this amendment would direct the Secretary of the Interior to recom-mend appropriate areas along the Great Lakes shore for future inclusion by act of Congress in the coastal barrier resources system [CBRS]. The purpose of CRRS is to place the risk of building in high hazard flood and erosion areas on those who choose to build there, not the general taxpayer. The Federal Government spends lions of dollars each year settling flood insurance claims, building flood and erosion control structures, and replacing poorly located public facilities.
Thus, if parts of the Great Lakes shores are later included by act of Congress in the CBRS, they will no longer be eligible for certain types of Federal financial assistance promoting ill-conceived development

I want to reemphasize that inclusion in the CBRS is a two step process. This amendment is only the first step, the gathering of information. Con-gress will have to review the recom-mendations of the Secretary and later legislate any additions of new areas into the existing system.

Only those areas which meet the definition of "coastal barrier" in the Coastal Barrier Resources Act, that is, privately-owned, undeveloped, unprotected, and subject to wave and wind action, are eligible for inclusion in the system. These land areas are generally unsuited for development because they are vulnerable to storm damage and because natural shoreline recession and movement of unstable sediment undermine manmade structures. excluded from this study are publicly owned areas which are already suffi-ciently shielded from development and a public work which is in progress. While only a few areas of the Great Lakes-approximately 140 shoreline miles in Michigan, Minnesota, New York, Ohio, and Wisconsin—will be suitable for inclusion, these are areas which we will not have to rebuild come the next winter-terms. the next winter storm.

Last October the Occanography Subcommittee of the Merchant Marine and Fisheries held a hearing on H.R. 2810, a bill I introduced from which this amendment is taken. The response that we received from the Interior Department, Great Lakes States and environmental groups was very positive. It is with their support I offer this amendment now.

My amendment will ensure that the Secretary consults with affected State. local, and public interests, and that his recommendations for the Great Lakes are accurate and complete. This amendment is a useful complement to the Great Lakes relief measurements already contained in this H.R. 2707, as well as recent amendments to the National Flood Insurance Act which encourage responsible redevelopment in flood and erosion-prone areas. My amendment also augments two bills I introduced last summer to aid the Great Lakes, H.R. 2808—reauthorizing the National Sca Grant Program—and H.R. 2809—Great Lakes Mapping—

which are now public law.

Although the devastating high waters of the lakes have ebbed, they are still considerably higher than the 20th century average. The National Weather Service predicts a greater than average snowmelt this spring, resulting in more flood and erosion damage to our shores. I hope my fellow Members will support this provision, which could eventually prevent costly damage to an important national resource and save us all a few tax

dollars Finally, I would like to thank the gentlemen from New York and New Jersey and the gentlemen from Minnesota and Arkansas and their staffs for

their cooperation in working with me on this amendment. I am also looking forward to working with other Members of the House in the fall on the actual expansion of the coastal barrier resources system after we receive recommendations from the Secretary au-

thorized by this amendment.

Mr. NOWAK. Mr. Chairman, I rise in support of the amendment.

(Mr. NOWAK asked and was given permission to revise and extend his remarks.)

Mr. NOWAK. Mr. Chairman, I am pleased to speak in support of the amendment offered by Mr. Davis. This amendment directs the Secretary of the Interior to identify areas along the shores of the Great Lakes which are eligible to be included in the coastal barrier resources system. These areas would be undeveloped, unprotected privately owned areas which are subject to a very high risk of erosion and flooding from wind and waves.

It is important to note that this amendment does not place any new areas into the coastal barrier resources system. But rather, it requires that the Interior Department identify areas for congressional consideration at a later date.

The amendment is agreeable to the leadership of the Public Works Committee and I urge my colleagues to support it.

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

(Mr. STANGELAND asked and was given permission to revise and extend his remarks.)

Mr. STANGELAND, Mr. Chairman. I rise in strong support of the amendment offered by the gentleman from Michigan. It is consistent with the intent of the Great Lakes title; it makes good environmental policy; and it may actually save some Federal dollars in the future.

The gentleman's amendment adds a new section to title II. It directs the Secretary of Interior to identify Great Lakes shorelines which may be eligible for inclusion into the coastal barrier resources system. Only privately owned, unprotected, and undeveloped areas could be recommended for inclusion; Congress would then have to approve the recommendation.

This legislation is consistent with our bill, because it will discourage unwise development in areas with high risk of erosion or flooding. It makes sense not to use Federal money to build in flood zones at the same time we are imposing set back and flood plain requirements and paying subsidized insurance.

This study also makes good environmental sense. It may lead to the inclusion of certain Great Lakes areas into the coastal barriers resource system. We need to protect these barrier islands

We also need to protect the Federal Treasury. The coastal barriers resource system does that by banning the use of Federal dollars for development along shorelines. Existing Public Works projects would not be affected. Mr. Chairman, I thank the gentle-

man for his contribution and urge my colleagues to support his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan IMr. Davisl.

The amendment was agreed to. AMENDMENTS OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer two amendments

The Clerk read as follows:

Amendments offered by Mr. Walker: Be-ginning on page 52, strike all of Title II. On page 63, strike all of Title III.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc

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

There was no objection

Mr. WALKER. MR. Chairman, I am going to try to save a little money here. I do not know whether I will be successful or not, but I think it might worth the effort.

The bill we have before us is estimated by the CBO to cost between \$50 million a year and \$150 million a year for the next 5 years.

Now, of that amount of money, based upon what we heard in the debate a little earlier, about \$25 million a year is going to go for title II and title III, so if you assume that the low figure of CBO is right, that the bill is going to cost \$50 million a year, half of all the money that is in this bill has absolutely nothing to do with disaster relief assistance.

Now, as I pointed out earlier in the debate, I am a cosponsor of the Disaster Relief bill. I think it is a modification to our Disaster Relief Program to make it more efficient and more effec-tive and is in fact justified; so therefore I will swallow hard and support a bill to make those kinds of changes.

What I have got real problems with is that we are using that as a pretext to add \$125 million worth of additional spending. That is where I have a problem with what we are doing in this budget.

Now, it is \$125 million that will be spent in segments of about \$25 million

spent in segments of about \$25 million a year, or half of all the cost of this bill if it is fully funded.

Now, I think that goes a little far. I think it goes a little far to bring a Disaster Relief bill to the floor and then up the cost by one-half with extrane-ous provisions that are added to it. I would suggest that there is no way that we can provide the kind of confidence in the financial communities of dence in the financial communities of this country that we are going to live up to our budget agreement if this is the way we start the year, if this is what we are going to do with regard to our budget agreements. We say that they will have support on Capitol Hill and then we bring out

new spending.

The problem with title II is that it is a brand new program. There is no way that it could have been included under the budget agreement of last year. It is a brand new program, a brand new \$100 million program the we are put-

I do not think, given the budget agreement, that we ought to be doing that

Title III is a doubling of the present program. Presently we have a \$30 mil-lion program. We are going to make it into a \$55 million program, nearly the doubling of a program; once again not contemplated under the budget agreement of last year.

So my hope would be that this Congress will decide that our budget commitments do mean something and that what we should do is stop adding expensive items to bills that have real merit.

My amendment would do absolutely nothing, I would say to those who want to support the Disaster Relief Program, it does absolutely nothing to change the disaster relief portions of this bill. What it does is strike out title II, saves \$100 million there; strikes out title III, saves \$25 million there and does so in a way that brings us at least somewhat closer to the commitments somewhat closer to the commitments that were made last year when we all decided to get together with the administration and have a bipartisan conformance to our budget, to reduce the deficit of this country.

Mr. Chairman, I would ask support

for the attempt to save a little money.
Mr. HOWARD, Mr. Chairman, I rise in opposition to the amendment.

The Committee on Public Works and Transportation passed this legislation out with title II and title III in the legislation by voice vote, bipartisan, unanimous.

amendment the would be, first of all, to eliminate the amendment of the gentleman from Michigan IMr. Davis] which the committee here has just accepted.

Second, it would prevent what we have in the legislation, for the first time permitting those areas around all the Great Lakes, the largest single inland body of water in the world, from being eligible should there be a disaster in that area, leaving those people with little or no resources.

It would also eliminate the continuation of a program of trying to clean up the waters around the New York Harbor, of eliminating and picking up the debris that has caused so much

This is an on-going program. It is not a new program. It is a continuation of one and it is one that has a very rare benefit cost ratio of about 6 to 1, and even with that 6-to-1 ratio, has the Federal share less than 50 percent; 42 percent in this legislation and the other 52 percent being paid by the non-Federal entities involved.

It eliminates a very dangerous situa-tion that we do have along the coast of all of New York, New Jersey, and all

all of New York, New Jersey, and all the areas that receive any waters from the New York Harbor area. So, Mr. Chairman, I would hope we would be able to defeat this amend-ment and then pass the legislation.

Mr. WALKER. Mr. Chairman, will

the gentleman yield?
Mr. HOWARD. I am happy to yield

to the gentleman from Pennsylvania.

Mr. WALKER, Mr. Chairman, I appreciate the gentleman yielding, because I think maybe he misspoke himself or I misunderstood.

The gentleman said a few minutes ago that if we eliminated title II that we would eliminate all the States along the Great Lakes from their ability to participate in the rest of the

Disaster Assistance Program.
Mr. HOWARD. Oh, no.
Mr. WALKER. I do not think that is

Mr. HOWARD, The gentleman is correct and I stand corrected on that, but it would eliminate this program that takes care of it now for this new program, which is a 5-year program for that total amount, not per year.

Mr. WALKER. That is right. I agree with that

Mr. HOWARD. I still do not think

that it makes the amendment valid. Mr. WALKER. I understand. I just want to make certain we know exactly what we are doing.

Mr. DAVIS of Michigan, Mr. Chairman, I move to strike the last word, and I rise in opposition to the amend-

Mr. Chairman, I certainly do oppose this amendment

First of all, if it passed, it would nulamendment that we just lify the amendment the adopted that I introduced.

Also, one has to recognize that in the 1985-86 timeframe, the Great Lakes suffered a loss from the high waters on the Great Lakes of approxi-mately \$1% billion. We think those people deserve some special relief program which this bill now offers under title II of the bill.

I think it would be a drastic mistake to undo all of the good done in a bi-partisan manner that the committees that have worked on in this bill and have put together.

I just think we ought to vote this amendment down, because it is certainly not the right way to go.

We have to understand that in the

appropriations process, and I am sure the gentleman from Pennsylvania understands this, that in the appropriations process he and the rest of us will have an opportunity to decide how much money we are going to spend.

Now, the CBO has given us an esti-

mate, but that does not mean that we are tied to that amount. The appropriations process, and we will all have a chance to vote on it, will make that determination; so I strongly urge defeat of the amendment.

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

Mr. DAVID of Michigan. I yield to the gentleman from Pennsylvania.

the gentleman from Fennsylvania, I Mr. WALKER, Mr. Chairman, I thank the gentleman for his view-point, but I think the gentleman will agree with me that the bipartisan

budget agreement was also arrived at bipartisanly, all with good faith on all sides, and part of the premise of that was that we were not going to add new programs.

The centleman does, I think, agree that this is a new program. The reason I thought the gentleman's amendment deserved to be considered ahead of mine was if in fact we are going to move ahead with this, it seems to me that his amendment ought to be permitted. I certainly did not prejudice my own amendment by allowing him to go ahead to have his.

I think we have some bipartisanship in terms of trying to comply with the budget.

One other point is that the problem is we play that old shell game that this is an authorization and we will wait for the appropriation later on, all the time around here. Once you get the authorization, then the appropriators come to the floor and they say, "Well, you authorized it. Why shouldn't we appropriate the money for it?"

So we also have the shell game moving around that suggests that there is no place where we really ought to act on reducing spending.

I would simply say to the gentleman that the one place where we can act, understanding that his State is affected. the State of Pennsylvania is affected, we are a Great Lakes State; but I would suggest that maybe it is time we do the fiscally responsible thing, rather than the popular thing, on some of these programs.

I thank the gentleman for yielding.

□ 1315

Mr. STANGELAND. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to the amendments, I would just like to point out a few facts for the Members of this body.

First of all, let me say that this disaster portion of H.R. 2707 to which the Great Lakes initiative and the New York Harbor additional authorization are added is only an upgrade of the current FEMA Disaster Program extends up to \$330 million this year. It has expended in the case of Mount St. Helens, \$1 billion. So when my colleagues look at disaster relief we are just adding a disaster program that better clarifics and covers disasters and provides a better response action.

To say that the Great Lakes and the New York Harbor initiatives are one-half of the bill is not exactly correct. In the first year they are the bulk of the bill. They make up \$25 million in fiscal year 1988 and there is nothing in disaster relief during fiscal year 1988. As we go to 1989 they are one-third of the expenditures in 1990, 1991, and 1992.

This is strictly a 5-year authorization, a maximum of \$20 million per year, and no more can be authorized. The New York Harbor, I think, has been adequately explained by the gentleman from New Jersey [Mr. Howard] as having a cost/benefit ratio of 6 to 1.

In the case of the Great Lakes initiative this is not a direct grant to anyone te expend moneys. This money has to be raised and it is a 70/30 match but it has to be raised and this kees to pay subsidy on the interest for local entities to borrow the money to do the work themselves.

I think it is a modest beginning on a problem that has been around for a long time.

long time.

Mr. Chairman, I urge my colleagues

Mr. WALKER. Mr. Chairman, will the gentleman yield? Mr. STANGELAND. Mr. Chairman,

Mr. STANGELAND. Mr. Chairman, I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I appreciate the gentleman yielding me this time. I would say first of all that title II gives away the fact that it is a little more than an extension of the Disaster Program when we read the title. It says it is the Great Lakes Erosion. Prevention Act of 1988. In fact it is more than what the present title says.

Mr. STANGELAND. Mr. Chairman, reclaiming my time, let me answer my friend, the gentleman from Pennsylvania [Mr. Walker] in this manner. We are not intending to hide the Great Lakes portion under a disaster guise. As I said in the format of the debate here, this Great Lakes initiative comes about through extensive hearings held in the Subcommittee on Water Resources, and in hearing from the Governors of the various Great Lakes States, from citizens, from homeowners, and from organizations bordering the Great Lakes. We deemed that a program should be started and this was the appropriate vehicle. So we are not attempting to hide the Great Lakes in calling this a disaster program.

Mr. WALKER. Mr Chairman, if the gentleman will yield further, I thank him for his explanation. Also I would say to the gentleman from Minnesota (Mr. Stangeland) that the budget bill, the budget agreement only goes to this next year. Therefore, characterizing this as being half of the problem in the next year, it seems to me, is a fair kind of analysis because as the gentleman from Minnesota himself said, it could be half of the program in this next year. That is the only year that the budget agreement. Speaks to. We only have a 2-year agreement.

So what we are doing is we are really in this particular bill adding in a brand-new program that adds half the cost of this bill, a bill which the administration says is indeed a problem in terms of the bipartisan budget agreement.

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

and I rise in opposition to the amendments.

Mr. Chairman, there is no one in this body that I have a higher regard for than my friend the gentleman from Pennsylvania [Mr. Walker], and I think most of us feel that way. While I agree with the gentleman from Pennsyltania at least 99 percent of the time, this is one time when I am compelled to be opposed to these particular amendments.

lar amendments.

The reason I say that is this: we have been fighting for this legislation for cons. I want to thank the gentleman from New Jersey (Mr. Howard), the chairman of the Committee on Public Works and Transportation, and the gentleman from Minnesota (Mr. Stangeland), the ranking member, and other members of the Committee on Public Works and Transportation for the fine work they have done on this legislation.

I have had a chance to go through the Great Lakes area, through the Great Lakes Basin, and I represent some of the finest land along the Great Lakes located in northeast Wisconsin. I have had a chance to visit some of the people who have suffered because of the rising lake levels. Mr. Chairman, our Government, this Congress, we in this Congress have always been a day late and a dollar short, and this is a time when we are going to address the issue that has to be addressed. I am in strong support of this legislation.

Mr. Chairman, title II of H.R. 2707 would establish a 5-year assistance program under the guidance of the Federal Emergency Management Agency to help the eight Great Lakes States prevent further damage caused by crosion along the shoreline.
With over 355 miles of shoreline on

With over 355 miles of shoreline on the Great Lakes in my particular district alone, this grant assistance will provide vital relief to the local communities and the lakefront homeowners.

Under title II, the title that this particular amendment before us addresses, the Army Corps of Engineers would have the authority to administer temporary nonstructural emergency assistance to shoreline residents in order to prevent flooding damage. That is precisely what we want to do. We want to prevent future erosion damage from taking place. That is why I am in favor of this legislation.

The Army Corps of Engineers would also provide technical assistance and disseminate information to lakefront residences on water levels, weather forecasts and projected erosion rates. If we adopt this amendment, the Army Corps of Engineers will be unable to do any of these beneficial services. And these are just the changes that we have been fighting for.

This provision is similar to legislation that I introduced 1½ years ago to address the high water level problem. So I am delighted that we are finally

addressing this issue. Last year at this time, the water levels on Lake Michigan were 3 feet higher than the long-term average. Incidences of homes and property being consumed by the rising property being consumed by the rising lake levels were an everyday occur-rence. My constituents lived in con-stant fear of a major storm on the Great Lakes. This year we are fortu-nate because the lake levels are down but that is not to say that this will be the case next year, the year after, or 10 years from now.

Basically that is why I am in favor of this legislation, because it is going to address a problem that we have just to address a protein that we have just been giving lip service to for a long time and now we are finally going to do something concrete about it.

Therefore, I commend the members

of the Committee on Public Works and Transportation and the people who have addressed this particular issue because I think it is long overdue. I am asking my colleagues to join me in supporting this legislation so that we can do something positive about the erosion that has taken place

about the erosion that has taken place on the Great Lakes. Mr. WALKER. Mr. Chairman, will the gentleman yield? Mr. ROTH. Mr. Chairman, I am happy to yield to the gentleman from Pennsylvania Pennsylvania.

Mr. WALKER. Mr. Chairman, I want to thank the gentleman from Wisconsin [Mr. Rorn] for yielding me this time and for his nice words at the beginning of his remarks. Somehow they would ring a little bit clearer if they would support my amendments, but I appreciate his words where he makes a persuasive case on behalf of his land along the Great Lakes.

Maybe what I ought to do is with-draw my amendments on the guaran-tee from the folks on the other side that we could simply add language in here that would make it the Great here that would make it the Great Lakes Erosion Damage Assistance and Prevention Act of 1988 and also the Susquehanna River, because that flows down by my constituents, and we have those problems along the Sus-quehanna River as well. If we added every little place along every river every little place along every river that has flooding on it, we would have a very expensive hill

Mr. ROTH. Mr. Chairman, we are not talking about every river, and every lake on the entire continent. What we are talking about is just the Great Lakes Basin. That is what we

are addressing here Mr. Chairman, it is important to recognize that while we cannot always agree, if we agree 9 out of 10 times on the floor, I think that is a good rate.

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

Mr. Chairman, I say to my col-leagues that I will not take the entire 5 minutes but I have a couple of observations that I would like to share. This is particularly true with regard to the budget concerns expressed by my

friend and colleague, the gentleman from Pennsylvania [Mr. WALKER].

First of all we know that this directaffects two specific line items in the budget allocation, lines 300 and 450. We understand that if we go beyond the budget summit agreement, we run into the problem that the gentleman from Pennsylvania [Mr. WALKER] has been discussing with us.

What I am saying is to this point there is nothing in this agreement and nothing in this legislation that says we are going outside the aggregate, that we are going to exceed the total dollars available in those two budget

Second, I would say to my colleague from Pennsylvania that what we are dealing with in title I and title II and title III are circumstances byond the individual control of families and com-munities. We are talking about fami-lies and communities that are affected directly by the weather. These are ele-ments over which they have absolutely no control, be it a hurricane, a flood, or a tornado and the like. In title I we are dealing solely with losses that are not insured.

In title II we are dealing with losses that the homeowner or the Government is called upon to defray the pri-mary cost of. All we are dealing with this \$20 million per year is helping them to reduce the interest rate. They as individuals or they as local communities bear the major brunt of the cost of responding to damage and injury that have resulted because of Mother Nature's activities.

So I would again say that I understand the concern of the gentleman from Pennsylvania IMr. WALKERI about those two budget functions, line item 300 and line item 450, and we can push the balloon in at this point but it will not displace the total volume. The total function will not change, the allocation that goes to those two line

Mr. Chairman, I ask my colleagues not only to reject the amendments but

to support the bill.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania [Mr. Walker].

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

RECORDED VOTE

Mr. WALKER, Mr. Chairman, 1 demand a recorded vote, A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 41, noes 340, not voting 51, as follows:

[Roll No. 35]

	AYES-41	
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NOFS-340 Ackerman Akaka Alexander Anderson Andrews Annunzio Anthony Feighan Fish Fish Flake Flippo Florio Foglietta Ford (MI) Applegate Frank Frost riusi Gallegis Atkins Galle Gallo Garcia Gaydos Gejdenson Gingrich Glickman Barton Bateman Beilens Bennett Bentley Bereuter Bevill Gonzalez Goodlina Bilbray Gordon Gradison Bliley Bochlert Boggs Boland Grande Gray (PA) Green Bonic Green Guarini Gunderso Hall (OH) Borski Bosco Boucher Brennan Hall (TX) Brooks Brown (CA) Bruce Hamilton Harris Hastert Bryant Halche Hayes (IL) Hayes (LA) Hefley Bunning Bustamante Byron Callahan Cardin Hefner Henry Hertel Cardin
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CONGRESSIONAL RECORD — HOUSE

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NOT VOTING-51

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Bonker	Gilman	Murphy
Boulter	Gray (IL)	Nelson
Boxer	Hawkins	Price (IL)
Campbell	Ireland	Ravenel
Cheney	Jones (TN)	Savage
Clarke	Kemp	Sharp
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Conyers	Latta	Swift
Dannemeyer	Lewis (PL)	Waxman
DeFazio	Lightfoot	Wortley

□ 1345

Messrs. PERKINS, ROYBAL, BE-REUTER, HORTON, COBLE, Ms. KAPTUR, and Mr. WALGREN KAPTUR, and Mr. WALGE changed their votes from "aye"

Mr. GREGG changed his vote from to "ave.

So the amendments were rejected. The result of the vote was announced as above recorded.

Mr. BONIOR of Michigan. Mr. Chairman, I move to strike the last word, and I rise in support of the legislation

(Mr. BONIOR of Michigan asked and was given permission to revise and ex-

tend his remarks.) Mr. BONIOR of Michigan, Mr. Chairman, I rise in strong support of the legislation before us today. Before I go further, I would like to commend the gentleman from New York [Mr. Nowak] for his leadership as chairman of the Water Resources Subcommittee in bringing this legislation to the floor, H.R. 2707 is a reaffirmation of our Nation's commitment to helping communities in need during emergencies and disasters. The gentleman from New York has shown extraordinary concern and compassion in crafting legislation to meet that commitment.

Mr. Chairman, I have the great privilege of representing the 12th Congressional District of Michigan in this body. The entire eastern flank of my district is bordered by either Lake Huron, the St. Clair River or Lake St. Clair. While this proximity to the water offers my constituents unrivated enjoyment and access to the Great Lakes, it also subjects them to the dramatic hydrological and meteorological fluctuations of these inland seas.

Beginning in 1985, take levels on the Great Lakes began to reach historic levels. Unusually high levels of percipitation in preceding years coupled with cool summers brought lake levels up between 25 to 35 inches above normal levels. This caused much destruction to many communities in my district and around the Great Lakes. In looking for Federal relief, however, no Federal program adequately covered the needs of afflicted communities

The Disaster Relief Act of 1974, which we are improving in title I of this legislation, was not designed to respond to the unique problems associated with high water level could it provide an effective program to protect communities threatened with high water.

I am particularly pleased that a program concept for relief from high water levels for homeowners and communities which I have long supported provides the major thrust of title II of H.R. 2707. Title II creates a new program to make grants and loan subsidies available through the eight States of the Great Lakes Basin. Funds raised through a 70 percent Federal-30 percent State match would be used to pay for floodproofing and repair of homes and public facilities like roads and sewer systems damaged by erosion from high water levels. This legislation contains requirements to make certain that scarce Federal and State resources are used for projects which will be safe from damage or destruc-

The Great Lakes, Mr. Chairman, are a tremendous resource and a national treasure. But, for those of us who live along their shores, they are capable of being very destructive. I urge my colleagues to support this legislation. It not only accommodates the Great Lakes region but contains important reforms to the Disaster Relief Act which will assist Americans everywhere in times of emergency and disaster.
Mr. LOTT, Mr. Chairman, I move to

strike the last word.

(Mr. LOTT asked and was given permission to revise and extend his remarks.)

Mr. LOTT. Mr. Chairman, these proposed Disaster Relief Act amendments are the culmination of years of frustration our State and local emerg management professionals have faced when our home people needed help the most-in the devastating and unavoidable event of major natural catastrophe.

I want to thank my colleagues, Mr. RIDGE, Mr. HOWARD, Mr. HAMMER-SCHMIDT, and many others for their leadership in producing this truly bipartisan legislation. As I testified last year, national security is the primary function of the Federal Government, but after that, a top priority should be preparedness and immediate assistance in the aftermath of a natural disaster. Again, I ask my colleagues— when, in any time or situation, is the Federal Government more needed and more responsible than after a natural disaster?

Too long have our communities struggled with the undue burden of trying to cut through the obstacles redtape and bureaucracy that typically follow the wrenching force of earth-

quakes, major flooding, hurricanes, and tornados

In 1985, I listened to the outrage of victims of Hurricane Elena in Missis-sippi. They were outraged with the lack of response of the Federal Emergency Management Agency, who in the face of suddenly devasted neighborhoods, adopted the mindset of offer the least assistance for the least possible cost. That outrage grew with proposed regulations that would reduce Federal reimbursement to State and local governments for eligible costs to 50 percent.

In one of the situations when my constituents needed Federal help the most, airmen at an Air Force base and scabees at a Navy construction battalion center, both on site, were not free to utilize their resources to aid their neighbors. At my request, and echoed by many of my colleagues, H.R. 2707 could allow Governors to request that the President of the United States use his discretion to authorize the Department of Defense to make its resources available to devasted areas for a period of 10 days.

Only in time of war should the Department of Defense have a higher responsibility than this basic protection of American life and communities as a whole. I urge my colleagues to vote for H.R. 2707, so that our fellow citizens may properly be prepared for natural disaster if it strikes, and so that they might have the proper tools to fight back and to reclaim the communities they have built and strive to maintain. Mr. PETRI. Mr. Chairman, will the

gentleman vield?

Mr. LOTT. I yield to the gentleman from Wisconsin.

(Mr. PETRI asked and was given permission to revise and extend his remarks.)

Mr. PETRI. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, apart from the necessary amendments to the Federal Disaster Relief Program, the bill would provide a new pro-gram to assist Great Lakes homeowners whose property has been damaged by the record high water levels of the lakes.

Although the take levels have come down more than 2 feet from their records highs of October 1986, they remain well over a foot higher than normal and the potential for disastrous damage remains.

When we held hearings in the Water Resources Subcommittee last spring, the need for some kind of assistance to homeowners and communities was expressed in testimony from groups like Save Our Shores and others. Title II of this measure before us is a commonsense approach to the problem. It will reduce the potential cost of Federal disaster assistance by helping move existing structures out of the danger area and by prev construction in the erosion or flood-prone

The Federal Emergency Management Agency—or FEMA—will be able to assist homeowners and communities whose homes and public facilities have been damaged or

are threatened by erosion or flooding attributable to high water levels in the Great Lakes.

able to high water levels in the Great Lakes. FEMA could make payments to reduce in-terest by as much as 5 percent on loans of up to \$25,000 for individuals and \$300,000 for communities. Grants will also be available for repairing, restoring, and relocating public facili-

I am pleased to see such quick action on this measure. I urge my colleagues to support

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

Mr. LOTT. I yield to the gentleman from Ohio. (Mr. ECKART asked and was given

permission to revise and extend his re-

Mr. ECKART, Mr. Chairman, I am delighted to rise in support of the legsistation. I thank my colleague, the gentleman from New York [Mr. Nowak] and my colleague and neigh-bor, the gentleman from Pennsylvania [Mr. RIDGE] for their work on this bill, and I rise in support of the Great Lakes Erosion Control Act in ILR.

Mr. Chairman, unlike the switt and dramatic devastation brought about by tornadoes, severe storm flooding, or earthquakes, shoreline erosion disasters strike silently, under the cover of time measured in days, months, and years. The damage and need for assistance, however, are no less urgent.

The planning commission for one county in my district predicted the loss within its borders alone of more than 250 residential structures in the 3-year period. Many of these homes are built within 40 feet of the built line in an area where the erosion rate is 10-12 feet per year.

The economic devastation is equalled by the personal trauma brought about by this critical erosion problem, and the tell on communi-ties is no less great. As the shoreline erodes. so does the tax base which keeps our communities thriving. A study on the relationship between shoreline crosion and the market value of takefront homes indicates that when the bluff moves to within 100 feet of a structure, its value drops by an average of 30 per-cent. Another cost to cities and counties which should not be ovorlooked arises from

erosion damage to the utility infrastructure.

That is why I am pleased to see included the disaster relief amendments in my bill that will bring relief to Great Lakes residents and communities whose homes or public facilities have been damaged or threatened by erosion or flooding attributable to high water levels Over the past 3 years, the unpredictable and fluctuating lake levels have caused more than \$200 million in damages to shoreline resi-dences and communities in the eight-State Great Lakes region.

Twice in the past three decades lake levels approached the 1986 high and scientists predict that the lakes could go up as much as 5 feet in the years to come.

The modest package before us today pro-

vides assistance to homeowners and commu-nities to prevent and reduce recurring shoreline property damage. Federal grants would enable States to make payments to reduce in-terest on the first \$25,000 of loans for homeowners to elevate, relocate, floodproof, or pro-tect their homes. Communities would receive similar assistance on the first \$300,000 of

loans to repair, relocate, or protect public facitities. A grant program of up to \$200,000 is also available to communities.

The plan is a solid one arrived at after extensive consultation with and recommendations from our region's Governors, scientists, and environmentalists. I believe the guidelines in the bill which require compliance with 30year erosion and 100-year flood setback re-quirements are sound. This will allow relocation and new construction in these fragile areas to go forward in a sensible and environmentally sensitive manner

I urge my colleagues to support the Great Lakes assistance provisions and the disaster relief amendments and thank subcommittee chairman, the gentleman from New York [Mr. Nowakl and his staff for his support, quidance and hard work

Mrs. JOHNSON of Connecticut, Mr.

Chairman, will the gentleman yield?
Mr. LOTT, I yield to the gentlewom-

an from Connecticut. JOHNSON of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. thank the gentleman for yielding.

Mr. Chairman, I rise in support of this legislation and particularly com-mend my colleague [Mr. RIDGE] and my chairman [Mr. Nowak] for their diligence and perseverance in amending this legislation.

Mr. LOTT. Mr. Chairman, I yield ack the balance of my time.

The CHAIRMAN. Are there additional amendments to title II?

If not, the Clerk will designate title

The text of title III is as follows: TITLE III-MISCELLANEOUS PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS

The last sentence of section 91 of the The last sentence of section 91 of the Water Resources Development Act of 1914 188 Slat. 39), relating to authorization of appropriations for the New York Harbor collection and removal of drift project, is amended by striking out "\$30.50,000" and inserting in lieu thereof "\$55,00,000".

The CHAIRMAN. Are there amendments to title III?

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

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

The CHAIRMAN, Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore IMr. MURTIAl having assumed the chair, Mr. McCurary, Chairman of the Committee of the Whole House on the State of the Union properties. State of the Union, reported that that Committee having had under consideration the bill (H.R. 2707) to amend the ation the bill (H.K. 2707) to amend the Disaster Relief Act of 1974 to provide for more effective assistance in response to major disasters and emergencies, and for other purposes, pursuant to House Resolution 403, he reported the bill back to the House with an amendment adopted by the Committee of the Whole, ...

The SPEAKER pro tempore. Under the rule, the previous question is or-

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

The amendment was agreed to.
The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill. The bill was ordered to be engrossed

and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it. Mr. NOWAK. Mr. Speaker, on that,

I demand the yeas and nays.

The yeas and nays were ordered. The vote was taken by electronic device, and there were—yeas 368, nays 13, not voting 51, as follows:

(Roll No. 36)

YEAS-368

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Young (AK) Stump Swindall Walker

NOT VOTING-51

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□ 1408

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

GENERAL LEAVE

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

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

There was no objection.

NATIONAL KNOW YOUR CHOLESTEROL MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Commit-tee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 244) to designate the month of April 1988, as "National Know Your Cholesterol Month," and ask for its immediate consideration.

The Clerk read

The Clerk read the title of the Senate joint resolution.

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

Mrs. MOREILLA. Mr. Speaker, reserving the right to object the minority has no objective to the test that the second

ty has no objection to this legislation.

Mr. Speaker, I withdraw my reservation of objection. The SPEAKER pro tempore.

there objection to the request of the gentleman from New York?

There was no objection.
The Clerk read the Senate joint resolution, as follows:

S.J. RES. 244

Whereas heart attacks struck an estimated 1,500,000 Americans in 1987, a third of whom died immediately

Whereas scientific data indicates that effective measures to lower serum cholesterol are capable of decreasing occurrences of heart disease:

heart disease;
Whereas only 8 per centum of Americans know their cholesterol level; and
Whereas as many as 250,000 lives could be saved each year if Americans were tested for and took action to reduce high levels of cholesterol; Now, therefore, be it
Resolved by the Senale and House of Representatives of the United States of America in Congress assembled, That the month of April, 1988, is designated as "National Know Your Cholesterol Month", and the President of the United States is authorized and requested to Issue a proclamation calling requested to issue a proclamation calling upon the people of the United States to ob-serve such month with appropriate pro-grams and activities.

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

NATIONAL BLACK AMERICAN INVENTORS DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Commit-tee on Post Office and Civil Service be

discharged from further consideration of the joint resolution (H.J. Res. 377) designating March 27, 1988, as "Na-tional Black American Inventors Day." and ask for its immediate consideration.

The Clerk read the title of the joint

resolution.
The SPEAKER pro tempore. Is

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Speaker, I withdraw my reserva-

tion of objection.

The SPEAKER pro tempore.

there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Rrs. 377

Whereas inventions by black Americans range from items of household convenience to items of vital importance to business and industry:

industry;
Whereas these inventions include the third rail system used in subways (1892), the radiator and steam furance (1884), the traffic light (1923), the shoc lasting machine (1883), the gus mask (1914), the electric light bulb with a carbon filament (1881), the first practical refrigeration system for longhaul trucks (1839), the sychronous multiple religion to the sychronous multiple religion (1889). tiplex railway telegraph (1887), the lunar surface ultraviolet camera/spectograph (1972), and the first working clock made in America (1753);
Whereas these inventions also include la-

borsaving devices such as the corn planter (1834), the cotton planter (1836), the hand corn shelling device (1884), the lawn mower (1899), the automatic lubricator for heavy

(1899), the automatic lubricator for heavy machinery and trains (1872), and the railroad car coupler (1897);

Whereas many of these inventions revolutionized their respective industries;

Whereas, prior to the Civil War, many black Americans did not receive redit for their inventions because alaves could not receive patents and because masters often claimed credit for the inventions of their slaver. slaves:

Whereas the number of inventions that are indeed credited to black Americans is in the thousands;

the thousands;
Whereas the contributions of black American inventors have not received the national attention that they deserve: Now, there-

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 27, 1988, is designated as "National Black Amer-ican Inventors Day" and the President is au-thorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

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

NATIONAL AGRICULTURE DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Commit-tee on Post Office and Civil Service be discharged from further consideration

of the Senate joint resolution (S.J. Res. 265) to designate March 20, 1988, as "National Agriculture Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Mr. Speaker, re-serving the right to object, the minority has no objection to this legislation. Mr. DE LA GARZA. Mr. Speaker, I rise today

in support of Senate Joint Resolution 265, to designate March 20, 1988, as "National Agriculture Day.

The Honorable Edward R. Madigan, the distinguished ranking member of the House Committee on Agriculture, and I introduced House Joint Resolution 466, to make all Americans conscious of the importance of agriculture to their lives and well-being.

This observance, which has been in effect for more than a decade, is traditionally cele-brated on the first day of spring, a season of rebirth and growth after the chill days of

With the help of the Agriculture Council of America, it has been our goal to educate Americans about the importance, both histori cally and culturally, of those whose means of livelihood have provided the very fiber of America's existence, and have led to the growth of our great land.

The proclamation of this observance, which has bipartisan support in both Houses of this Congress and the full support of the executive branch, has always been a useful way of adding to the importance of National Agriculture Day, and helps to promote an under-standing of agriculture and those that have dedicated their lives to it.

This understanding goes beyond just those Americans that live in our rural areas, and pro-vides an education to Americans in urban areas that may not have had the benefit of knowledge regarding rural communities and areas that have helped to feed America and

I urge my colleagues in the House to pass this resolution as a show of support for Ameri-ca's farmors and ranchers and as a declara-tion of faith in agriculture's importance to

America's health and woll-being.

Ms. SLAUGHTER of New York, Mr. Speak MS. SLAUGHTER OF HUW TON, MI. SPUBA-er, Sunday, March 20, we will celebrate Na-tional Agriculture Day. I am proud to be a co-sponsor of this observance to help make all Americans conscious of the importance of agriculture to their lives and well-being.

From the very beginning of our Nation agriculture has been the basic force behind Amergrowth and economic power. Today, agnculture and its associated production, processing, and marketing segments continue to provide more jobs than any other single indus-

In my home State of New York, not usually thought of as a farm State, agriculture is the No. 1 industry. New York ranks in the top five NO. I IROUSILY, NEW YORK TRIKES IT UPE LOP TIME States for production of corn for silage, apples, caudiflower, green peas, milk, tart chemies, colory, snap beans, cheese, pears, lettuce, ico cream, grapes, strawbornies, and sweet com.

The 13th District of New York which I represent contains some of the most diverse, productive, and efficient farming operations in the

Nation. With over 58,000 cows, dairy farming is preeminent, with grain and hay production second in sales. The Genesee Valley is also famous for its vegetables: onions, cabbage, beets, sweet corn, peas, and beans. Closer to Lake Ontario are the apple and cherry orchards. Adding to the diversity are important nurseries, greenhouses, and producers of berries, grapes, and wine

National Agriculture Day is a day of celebration and recognition. I hope the farmers and those who help in marketing, production, and processing farm products take time from their never-ceasing efforts to celebrate their achievement in making American agriculture the most efficient and productive in the world The rest of us should stop to recognize and thank the agriculture community for providing us with food and fiber of increasing quality and value. The low cost of food for the Ameri can family is not only our greatest bargain, but plays a significant role in perserving our high standard of living. We also must recognize the key role agriculture has played and continues to play as an engine of the American aconoand as our strongest exporter to world

Mr. Speaker, I ask my colleagues and all Americans to join me in saluting the tremen-dous efforts of farmers and the entire agriculture industry on March 20, National Agriculture

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection. The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection. The Clerk read the Senate joint resolution, as follows:

S.J. RES 265

Whereas agriculture is the Nation's largest and most basic industry, and its associated production, processing, and marketing segments together provide more jobs than any other single industry;

Whereas agriculture serves all Americans to providing food, they and although the largest and the providing food.

Whereas agriculture serves all Americans by providing food, fiber, and other basic necessities of life;
Whereas the performance of the agricultural economy is vital to maintaining the strength of our national economy, the standard of living of our citizens, and our presence in world trade markets;
Whereas it is important that all Americans should understand the role that agriculture plays in their lives and well-being, whether they live in urban or rural areas; and

Whereas, since 1973, the first day of spring has been celebrated as National Agriculture Day by farmers and ranchers, commodity and farm organizations, cooperatives and agribusiness organizations, nonprofit and community organizations, and Federal, State, and local governments: Now, therefore he it.

State, and local governments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America
in Conornes assembled, That March 20,
1988, Is hereby proclaimed "National Agri-culture Day", and the President is author-ized and requested to issue a proclamation
calling upon the people of the United States
to observe this day with appropriate ceremonies and activities during the week of
March 20 through March 26, 1988.

The Sanate Joint, resolution was or-

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

ADJOURNMENT TO MONDAY. MARCH 21, 1988

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

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

There was no objection.

DISPENSING WITH CALE WEDNESDAY BUSINESS WEDNESDAY NEXT CALENDAR

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

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

There was no objection.

NATIONAL FORMER PRISONERS OF WAR RECOGNITION DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Commit-tee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J., Res. 253), designating April 9, 1988, as "National Former Prisoners of War. Recognition Day," and ask for its immediate consideration.

The Clerk read the title of the

Senate joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Speaker, it is an honor for me to ise in support of Senate Joint Resolurise in support of Senate Joint Resolu-tion 253 and its House counterpart House Joint Resolution 388, a bill to designate April 9, 1988, as "National Former Prisoner of War Recognition"

Throughout all eras, nations have engaged in wars and from these wars have emerged heroes-those who have performed heroic deeds and lived to tell about them; those who died for their country and their convictions; those who were disabled when they left the battle front; those who bore no physical wounds but came back scarred mentally; and, those who were held against their wishes in the enemy camp and were physically and mentally abused by their captors.

Most of these prisoners were kept alive only because of their hope for freedom, because of the dreams of being united with their loved ones and because they had faith that their country would not forget them. We remember these people because of the country would not lorget them. We re-member these people because of the great sacrifice they made for their country; we remember their families because of the suffering they endured and we remember their communities for the support they gave.

Mr. Speaker, I represent a district with over 72,000 veterans. I do not know how many of these valiant citizens were prisoners of war, but I do know that they are veterans of World War I, World War II, Korea, Vietnam, Grenada and other military undertak-

I want to mention a very special person who lives in my district, Ever person who lives in my district, Ever-ett Alvarez, Jr. Everett was a young 26-year-old Navy pilot when he was captured in Vietnam in August 1964. He was held in and near Hanol for 8½ years, until February 1973, the longest period of imprisonment of any person in the service of our country during the Vietnam war. When one talks to Everett, it is noticeable that he does not speak of "his" experience as a prisoner of war, but the collective experience of all prisoners of war. In his own words, he said, "During this experience we endured severe hardship in the hands of our captors, both physically and mentally. We had to exist under inhumane conditions for ex-However, throughout the whole ordeal, we never wavered in our dedication to our duty as American fighting men and constantly maintained our spiritual and ethical values, and our religious beliefs. We were the products of growing up in a free and democratic society. We had to be constantly aware of the enemy's efforts to undermine our basic beliefs and loyalty to our Government. I think, as individuals, we all recognized the value of maintaining our unity-our organizational unity-and structure, for it was in this way that the individual gathered strength."

Everett epitomizes discipline, bravery, will power, faith and hope which was endured by the American prison-ers throughout the various wars that were fought by our country. It is only fitting that we remember our prisoners of war and their families by the passage of the bill before us.

all our Mr Speaker, I urge leagues to support this legislation which designates "National Former Prisoner of War Recognition Day

Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Joint Resolution 253 desig-nating April 9, 1988 as "National Former Prisoner of War recognition Day." This resolution is identical to House Joint Resolution 388, of which I am proud to have supported. I would like to commend my distinguished colleague from Ohio [Mr. APPLEGATE], for his work on this fine resolution and for his tireless efforts to honor those who were held as prisoners of war and to resolve the fate of American servicemen who are currently held as captives of war in hostile nations.

A great deal of evidence exists that the governments of Victnam and Laos hold information which could resolve the status of many unaccounted for Americans. Despite the difficulties involved, we are deeply committed to resolving the POW/MIA issue. This issue is a humanitarian matter of such great importance that it is pursued without linkage to any other issue which separates the United States and Indochinese Governments

By support Senate Joint Resolution 253, we will be taking one of the most important steps in honoring Americans who have served in the Armed Forces, particularly those who were formally held as prisoners of war as well as those who are still held today in hostile nations as prisoners of war. Let us observe April as a day to commemorate their courage and determination in upholding the principles of freedom and democracy. We must do all that we can to support our Government's efforts to reunite all Americans with their families and loved ones, for former and present prisoners of war who gave so much and can do no less.

Accordingly, I urge my colleagues to sup-

Mr. APPLEGATE, Mr. Speaker, I want to thank the gentlewoman from Maryland for yielding. I also want to extend my appreciation to her, to Representative MERVYN DYMALLY, chairman of the Census and Population Subcommittee, and to the chairman of the Post Office and Civil Service Committee, Representative BILL FORD, for agreeing to bring this important resolution before the Chamber

Mr. Speaker, Senate Joint Resolution 253, passed by the Senate last month, is similar to my resolution, House Joint Resolution 388, which I introduced in the House last October. Over 160 House Members have agreed to cosponsor this resolution which would designate April 9, 1988, as "National Former Prisoner of War Recognition Day," similar to what was enacted last year

Let me just say that I am highly pleased that the Senate acted with such diligence in passing Senate Joint Resolution 253, introduced by the very able chairman of the Senate Veterans' Affairs Committee, Senator ALAN CRANSTON of California. Not only has the support for my resolution been very strong in the House, but Senate Joint Resolution 253 had 69 cosponsors when it was passed on February 26, clearly indicating the overwhelm-ing support for this measure. I hope the Members of the House will see fit to match the Senate's unanimous approval of this measure.

Let me just say that, with passage of this measure, we will once again recognize the approximately 80,000 former prisoners of war throughout our Nation today and pay tribute to them upon the 46th anniversary of that day when American soldiers holding out on the Bataan Peninsula in the Philippines were captured by enemy forces, eventually leading to the infamous Bataan "death march" and the deaths of thousands of Americans.

The experiences of former prisoners of war is something that, I'm sure, most Americans can hardly imagine. The brutality and hardship endured by Americans in captivity in World War II, the Korean war, and the war in Vict-nam, is widoly known. I feel that all Americans who owe their freedom and liberty to the sacrifices that were made by all servicemen, and especially by former prisoners of war, should reserve some time on April 9 to think of all of America's former prisoners of war.

Mr. Speaker, I would like to extend my thanks to the members of the American exprisoners of war who worked for the passage of this resolution: National Commander Al Bland of Maryland; senior national director Curtis Musten: executive director Charles Williams; and, Dr. Charles Prigmore, national legslative officer

Most of all, I want to thank my good friend and colleague from Ohio, the vice chairman of the Veterans Affairs' Subcommittee on Compensation, Pension and Insurance, MCEWEN, for his unyielding support and as-sistance in making "National Former Prisoner of War Recognition Day" a reality. I want to thank him and everyone who joined in cosponsoring House Joint Resolution 388

Mr. Speaker, I strongly support passage by he House of Senate Joint Resolution 253.

Mrs. MORELLA. Mr. Speaker, I with-

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 253

Whereas the United States has fought in any wars; Whereas thousands of members of the

Armed Forces of the United States who served in such wars were captured by the enemy and held as prisoners of war;

Whereas many such prisoners of war sub jected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war and died, or were disabled, as a

result of such treatment;
Whereas in 1985, the United States Congress (in Public Law 99-145) directed the Department of Defense to Issue a medal to former prisoners of war in recognition and commemoration of their great sacrifices in service to our Nation; and

service to our Nation; and
Whereas these great sacrifices of former
prisoners of war and their families deserve
national recognition. Now, therfore, be it
Resolved by the Senate and House of Representatives of the United States of American in Congress assembled, That April 9,
1988, is designated as "National Pormer
Prisoners of War Recognition Day" in
honor of the members of the Armed Porces
of the United States who have been held as
prisoners of war, and the President is authorized and requested to Issue a proclamation calling upon the people of the United
States to commemorate such days with appropriate ceremonics and activities.

The Senate joint resolution was or-

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

O 1415

EDUCATION DAY, U.S.A.

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Commit-tee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 470) to designate March 29, 1988, as "Education Day, U.S.A.", and ask for its immediate consideration.

The Clerk read the title of the joint

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

Mrs. MORELIA. Reserving the

right to object, Mr. Speaker, the mi-

nority has no objection to this legisla-

It is a great pleasure for me to speak today in support of the House joint resolution designating March 29, 1988, as "Education Day, U.S.A." By sponsoring this resolution, we call to the attention of the American people once again the importance of education for our Nation. Our quality of life, our national security, and our ability to meet the wants of the age are all dependent on the soundness of our educational system

In this resolution, we also remember a great educator and leader of the Lubavitch movement, Rabbi Menachem Mendel Schneerson, who is celebrating his 86th birthday. He exemplifies the statement of Henry Brooks Adams, "a teacher affects eternity; he can never ' In addition to its other programs, the Lubavitch movement has begun to expand its educational endeavors into the field of drug-abuse prevention, with the be-ginning of project pride—prevention resources: information and drug edu-

t gives me great pleasure to send best wishes to Rabbi Schneerson on the occasion of his birthday and to congratulate the Lubavitchers at Chabad House in Rockville, MD, for their innovative approach to the educational needs of our time.

I urge passage of this resolution which brings attention to our Nation's educational commitment and to the love of learning found in the Lubavitch movement and its leader, Rabbi

Mr. MICHEL Mr. Speaker, I welcome this opportunity to say a low words about House Joint Resolution 470, requesting the President to designate March 29, 1968, as "Education Day, U.S.A."

Along with the distinguished majority leader, Tom Foley, I am sonsoring this resolution.
We joined forces last year and I'm happy to o part of this worthy venture today.

As I said lest year, I think it is fitting that the

majority and the minority leaders, should co-sponsor such a resolution. It deals with a subject that transcends partisan consideration.

We are sooing a robirth of the old American

we are sowing a room to the out relineating idea of progress through education for all Americans, That's still a great idea.

March 29 also happens to be the 86th birthday of a remarkable religious leader, Rabbi

nachem Mendel Schneerson. He is the internationally renowned and re-pected leader of the Lubavitch movement which actively promotes education programs at more than 80 centers in 34 States.

The Lubsvitch movement founded in the 18th century, has as its philosophical foundation three basic elements-wisdom, under standing, and knowledge.

It is, therefore, appropriate that the move-ment, under the inspired leader of the man called the robbe, has been so active in promoting education.

Looking over my remarks from tast year, I came upon a fact I want to share with you

movement which the rebbe heads takes its name from the Russian city, Luba-

vitch, which translated into English means, city of love

In the final analysis it is love of one's religious heritage, love of learning-that is at the heart of the Lubavitch movement and at the heart of our resolution.

I'm pleased once again to honor a great nan and to support such a fine idea.
Mrs. MORELLA, Mr. Speaker,

withdraw my reservation of objection.
The SPEAKER pro tempore. (Mr. MFUME). Is there objection to the request of the gentleman from New

There was no objection.

The Clerk read the joint resolution. as follows:

H.J. RES. 470

Whereas Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great Nation was founded; Whereas these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahdé Laws; Whereas Without these ethical values and principles the edifice of civilization stands in serious peril of returning to choas; Whereas society is profoundly concerned

Whereas society is profoundly concerned with the recent weakening of these princi-ples that has resulted in crises that belea-guer and threaten the fabric of civilized so-

guer and threaten the latter of cylinder so-ciety;
Whereas the justified preoccupation with these crises must not let the citizens of this Nation lose sight of their responsibility to transmit these historical ethical values from distinguished past to the generations of

the future; Whereas the Lubavitch movement has fostered and promoted these ethical values and principles throughout the world; Whereas Rabbi Menachem Mendel Schneerson, lader of the Lubavitch movement, is universally respected and revered ment, is universally respected and revered and his eighty-sixth year will be seen as the year of continued "turn and return", the year in which we continue to turn to an education which will return the world to the moral and ethical values contained in the Seen Noshide Laws; and Whereas this is reflected in the "international serol of honor" which has been signed by the President of the United States and other heads of sites. Now therefore, its serious serol of the content of the United States.

and other heads of state: Now, therefore, be

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 29, 1988, the birthday of Rabbi Mennachem Mendel Schnoerson, leader and head of the worldwide Lubavitch movement, is designated as "Education Day, U.S.A.". The President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities. We also call on heads of state of the world to join our President in this tribute by signing the international seroll of honor which will be presented in their respective countries this year of completing "celebration 85". pleting "celebration 85"

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

RUN TO DAYLIGHT DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Commit-tee on Post Office and Civil Service be

discharged from further consideration of the Senate joint resolution (S.J. Res. 229) to designate the day of April 1, 1988, as "Run to Daylight Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the

gentleman from New York?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Chairman, it gives me great pleasure to yield to my colleague, the gentleman from Virginia [Mr. Wolf]. the chief sponsor of House Joint Resolution 415, to designate the day of April 1, 1988, as "Run to Daylight

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I would like to thank my colleagues on the Post Office and Civil Service Committee for promptly bringing House Joint Resolution 415 to the floor for consideration.

Today the House will consider House Joint Resolution 415, which will designate April 1, 1988, as "Run to Daylight Day." Run to Daylight is a 3,600-mile ss country run from San Francisco to Boston to bring national attention to the special needs of head injury survivors and their families, and to raise money for the National Head Injury

Foundation (NHIF).

Doug Walker, an outstanding young constituent of mine, decided to make a difference in the lives of head injured persons by running across the country to spread the message about head injury, Doug will run an average of 40 miles per day in over 350 cities nation-wide. His run will raise \$3.6 million to support the NHIF, the only organization in the country exclusively dedi-cated to overcoming the crisis of head injury

Most people in the United States are unaware of the enormity of the need of head injury victims and their families. Each year between 1 to 1.8 million people suffer head injuries, most of which are sustained in motor vehicle or sporting accidents. Between 50 000 and 70,000 of those who survive experience long-term physical and mental difficulties. They face years of struggle and extreme financial burdens as they strive to regain normal brain-centered capabilities, such as bathing, dressing, cooking and reading. As a result of their accidents, many head injured persons have persistent memory problems and changes in personality.

sonaity.

I am pleased that the Congress is recognizing the tremendous commitment of Doug Walker by designating April 1, 1988, as "Run to Daylight Day," and I wish Doug all the best in bits and access.

his endeavors.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 229

Whereas between one million and one mil-lion eight hundred thousand people in the United States suffer head injuries each

whereas twenty years ago 90 per centum of the people who suffered severe head injuries died as a result of such injuries, but currently the survival rate for such injuries is

80 per centum:
Whereas most people who suffer head injuries are under thirty years of age and will survive such injuries for at least forty years;

survive such injuries for at least forty years; Whereas more than fiffy thousand of the people who survive head injuries annually are unable to resume their normal lifestyles without intensive physical and psychological therapy:

Whereas the long term rehabilitation that whereas the long term renabilitation that is available for survivors of head injuries has not improved at the same rate as the

has not improved at the same rate as the medical treatment of such highries;

Whereas Run to Daylight, a nonprofit corporation concerned with improving the rehabilitation that is available for survivors of head injuries, is sponsoring a three-thousand-six-hundred-mille run across the United States called the "Run to Daylight". Whereas the purpose of the "Run to Daylight" is to raise the awareness of the people of the United States about the rehabilitation needs of survivors of head injuries and to raise funds to support the National Head Injury Foundation, an organization dedicated to improving the quality of life for survivors of such injuries and their families and ed to improving the quanty of the for survivors of such injuries and their families and to developing and supporting programs to prevent such injuries; and
Whereas the "Run to Daylight" will begin

Whereas the "Run to Daylight" will begin in San Francisco, California, on April 1, 1988, and will end in Boston, Massachusetts, on June 30, 1988: Now, therefore, be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 1, 1988, is designated as "Run to Daylight Day", and the President is authorized and requested to Issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonics and activities. with appropriate ceremonies and activities.

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

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the

several joint resolutions just passed.

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

There was no objection.

ACTIONS RELATED TO THE PANAMA PIPELINE

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute.) Mr. YOUNG of Alaska, Mr. Speaker,

in the confusion and chaos that sur-rounded this body's reaction to yester-

day's Nicaraguan invasion of Honduras a very important event went practically unnoticed: yesterday Mr. Speaker the electrical workers operating the Trans-Isthmus Oil Pipeline walked off the job shutting down the pump station at Caldera. This has had the effect of shutting down the entire pipeline. This action was carried out in phenne. Into action was carried out in an attempt to show their solidarity with the rest the decent working people of Panama. These people are risking life and limb to protest the illegal actions of General Noriega. While I, and the rest of this body, can cer-I, and the rest of this body, can certainly appreciate the electrical workers desire to rid their country of this drug smuggling thug, their actions have only served to harm the legitimate government of President Duvalle. I am hopeful that these Panamanian patriots can be persuaded to manian patriots can be persuaded to return to work in the very near future.

Mr. Speaker, I am sure that every-one in this House is aware that 10 percent of this Nation's oil supply transits the Trans-Isthmus Pipeline. Today's actions demonstrate, in the most graphic terms, the need for stable domestic transportation systems for Alaskan North Slope crude oil, Mr. Speaker I call on my colleagues to address the all possible alternatives—includinag support for a temporary barrel for barrel foreign oil ex-change—in the event of a long-term

Yesterday's events have driven home the pressing need for this Nation to develop its own oil supplies as well as the vulnerability of our current system. It's high time for this body to seriously address this Nation's total oil policy including a transportation system which does not leave this Nation as vulnerable as we are now.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. Owens] is recognized for 5 minutes.

IMr. OWENS of New York addressed the House. His remarks will appear in the Extensions of Remarks.]

THE POLITICS OF UNILATERAL DISARMAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania

RITTER Is recognized for 5 minutes.
Mr. RITTER. Mr. Speaker, yesterday House Democrats took to the floor to blame the Sandinista Communist invasion of Contra base camps on Republicans. Their theory went like this: Because we did not support their bill for some beans and boots—we were seeking builtets—we are at fault for this invasion of Contra base camps. What hypocrisy. As if beans and boots could, repel tanks and helicopter gunebine. ships.

Today, Democrats took to the floor to criticize the administration for sending troops to Honduras well behind the lines of conflict.

When will the Democrats in the House realize that it is their policy which is pushing the use of U.S. troops closer to this conflict, that in the Bonior language of the "beans and boots" bill, the Democrats said that if there was an invasion of a neighboring country or if there was a direct threat to U.S. security, we would use American troops.

It is the Democratic policy which has pulled the rug out from the under freedom fighters, the Contras. which has led to the invasion by the Communists and our need at least to "show the flag." Their policy of weakening the freedom fighters has resulted in a tremendous vacuum of power sucking the Sandinista Communistsbacked by the Soviets and the Cubans into the Contra base camps to deliver a knockout blow. It's as if they invited by circumstance on resulting from House Democratic policy.

It is the Democratic policy which has led to the breakdown of the Arias peace plan. When they took away the strength of the opposition to the Communists in Nicaragua, when they took away the force from those democratic freedom fighters who were opposing the Soviet-Cuban takeover of Central America, when they took that away, they gutted the peace process. They reduced the peace process to a very one-sided negotiation where one side, the Communist Sandinistas, had the guns and the other side, the Demo-cratic Resistance, did not. So like good Communists seeking to ever consoli-date power, they attacked.

I find it unbelievable that the Democrats have the audacity to come to the floor of the House and blame the Re-publicans for the attacks against Contra base camps, after it was their policy that weakened the Contras. How can they criticize the administration for showing the flag far from the lines of conflict after they have so weakened the Contras, the anti-Com-munist forces in Central America?

1430

When will House Democrats come to the House floor and denounce Soviet-Cuban assistance to the Communists in Nicaragua? They only denounce our assistance to the Contras

When will they call for disarming the Communists in Nicaragua as they have called for disarming the Contras?

We have not heard in 2 days of this debate one Democrat take to the floor

and denounce the Sandinistas for the invasion, or denounce the Sovicts and the Cubans for their continuing militarization of Nicaragua. The Soviets and their proxies have sent the Sandinistas vast amounts of equipment, over \$600 million last year, for a total of over \$2.5 billion over the last several years. And, with the full knowledge of this military build-up they still did not allow \$3.6 million to be sent to the Contras, which would have even been held in escrow, pending progress toward democratization. This is unilateral disarmament. We are dealing with the politics of unilateral disarmament,

No one accepts unilateral disarma-ment except House Democrats. This year is the 50th anniversary of Neville Chamberlain's famous "peace in our time" statement made in 1938. After returning from his infamous deal with sell out Czechoslovakia. This is the 50th anniversary of a historic effort at appeasement. But, this time it is right here, south of our border. We are dealing with the appeasement of the Soviets, the Cubans, and their Nicaraguan puppets. And, they are close to home, near the Panama Canal, in the midst of fledgling democracies, in our backyard.

Mr. Speaker, appeasement did not work in 1938. The world went through a rending and tearing period. Appeasement will not work 50 years later, in

FUNERAL TRAGEDY IN NORTHERN IRELAND

The SPEAKER pro tempore (Mr. MFUME). Under a previous order of the House, the gentleman from Massachusetts [Mr. Boland] is recognized for 5

Mr. BOLAND. Mr. Speaker, like many around the world with an interest in seeing peace brought to the people of Northern Ireland, I was saddened by the news of the tragedy at the Militown Cometery in Belfast yesterday.

Today the Prime Minister of the Republic of Ireland, An Taoiseach, Charles J. Haughey, T.D. addressed yesterday's tragic event in a statement released by the Irish Embassy. It is, I believe, a reasoned response to what I hope is an isolated occurrence.

I here include those remarks for the consideration of my colleagues:

STATEMENT BY AN TAGGERACH, CHARLES J. HAUGHEY, T.D.

I strongly condemn the horrific attack on mourners attending the interments at Mil-town Cemetery in Belfast today. I extend my sincere sympathy to the families of those who have died and to those who have hear intermet been injured.

I have no doubt that this descention of

I have no doubt that this descention of funeral ceremonies will appal all decent Irish men and women of every political Irish men and women of every political belief. The anger which this savage attack will cause should not lead to further violence and I appeal to the nationalist people of Belfast and to all the people of Northern Ireland to respond with calm to this outrage and to take no action which might heighten and to take no action which might heighten tension or lead to further loss of life.

THE CRISIS IN CENTRAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH)

tleman from Georgia 1Mr. Gingaich; is recognized for 5 minutes.
Mr. Gingaich. Mr. Speaker, as we debate the crists in Central America brought on by the Nicaraguan Communist invasion of Honduras and the effort to kill the pro-American free-

dom fighters and eliminate their base camp, I am taking the floor this after-noon to call on the Speaker of the House to release the transcript of his conversation or conversations yesterday with Nicaraguan Communists. I am deeply troubled that at a time when Nicaraguan Communists are invading an American ally, and are kill-ing the friends of America, that there are apparently conversations in which no member of the executive branch, no one from the National Security Council, no one from the State Department, is involved.

We have no idea what reassurances were made by the Nicaraguan Communists nor have we any idea what reassurances were made by the Speaker. We are now in a situation where the leftwing Democrats have succeeded in forcing the Central Intelligence Agency to pull its personnel out of the base camps. Then because we had to take our agents out, we do not know what is going on so we are now blamed by the same Democratic leaders for not having our facts together.

The arrogance of that is beyond belief. There is a principle being established in this city that there can be no covert operations, that the executive branch can do nothing covertly, that it has to brief the Committee on Intelli-

Let me suggest if there are going to be no covert operations in the execu-tive branch that there should be no covert conversations in the legislative branch and the question has to be.
"What is the public's right to know if
in the middle of an invasion of an
American ally, the invading Communists call and chat with the Speaker of the House?

To what extent does the Speaker of the House owe the House some message, some transcript, some informa-tion about his relationship with the Communist invaders?

People have asked me why did the President send troops to Honduras? The answer is very simple. The Hondurans are very frightened. They have watched the House Democrats. They watched the House Democrats. They recognize the power of the forces of appeasement. They see the power of the forces of unitateral disarmament. They know how deep is the desire to desert America's friends. They look at this House and they know that there this House and they know that there are secret conversations between the Nicaraguan Nicaraguan Communists and the Democratic leader, and they say to themselves. "Should we rely on America on "The Communists and they say to themselves." themserves, Should we rely on Amer-ica or will America desert us as they deserted Saigon, as they deserted Cambodia, and as they deserted Laos?

So President Reagan, knowing that the whole balance of power in Central America and in Panama and Honduras and Nicaragua sways in the balance, knowing that he is dealing with a Democratic leadership which seems to believe the Communists more than it believes the Government of the

United States, decided to act to reassure our friends.

Let me suggest that every American should look at the historical record. There was a secret meeting between the Speaker and Nicaraguan Communist, Dictator Ortega on Veterans Day. There have been secret conversations. The leftwing Democrats have done everything they needed to do to reassure the Nicaraguan Communists and what is the result? Is there a ceasefire? No. The result is that today, today, young men and women who love freedom and who are friends of America, young men and women who came to the side of the cause of freedom because they believed America would stand with them, those young men and women are being killed by Nicaraguan Communists who have in effect been prolected by the leftwing Democrats in the House.

I call on the Speaker today to release a transcript of his conversations with the Nicaraguan Communists, and I call on the Speaker today to promise this House and the American people that in the future when he talks with Communists in the process of invading America's allies, he will at least ensure that the Department of State and the National Security Council are informed of his conversations and are informed of precisely what went on and that the transcript will be made available. The public has a right to know that its officials are not dealing with Communists in a way which is inappropriate and which risks America's future.

Mr. HUNTER. Mr. Speaker, will the gentleman vield?

Mr. GINGRICH. Mr. Speaker, I yield to the gentleman from Califor-

Mr. HUNTER. Mr. Speaker, since Mr. Ortega has entered the attack phase of his peace plan, I recall the Speaker ending his exhortation to cut off aid to our side to deprive them of ammunition and weapons and blankets and food, his last words were Give peace a chance."

I was thinking that Neville Chamberlain arrived back in London having met with Adolf Hitler in Munich and announced that he had achieved "peace in our time."

When Hitler's tanks rolled across western Europe shortly thereafter. Mr. Chamberlain handed in his resignation to the British Government, and the new government Churchill was formed. under Mг.

Since the Speaker has now become in his own judgment, I think, Secretary of State, would it not be appropri-ate for him to take the same action

Mr. Chamberlain took?
Mr. GINGRICH, I say to the gentleman from California, I believe I am out of time.

Mr. HUNTER. We will leave that for another special order.

A TRIBUTE TO ERNEST L. CUNEO

The SPEAKER pro tempore (Mr. MFUME). Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, on Monday, March 14, 1988, a great American patriot, Ernest L. Cuneo, was interred at Artington National Cemetory. I had the privilege of knowing Ernest Cuneo for a number of years, and was one of his many admirers. Mr. Cuneo's remarkable life, which spanned over 82 years, encompassed a number of different professions and pursuits. His life was marked by his bekel in the greatness of this country, its legal system and its people.

Ernest Cuneo was a lawyer, writer and former owner of the North American Newspaper Alkance. Ho was also an advisor and friend of Presidents from Franklin Roosevett to Lyndon Johnson, and of Members of Congress on both sides of the aiste.

After graduation from law school and a brief stint as a professional football player, his introduction to pofitics began when Mr. Cuneo became the law secretary of Fiorello H. La-Guardía, then a Republican Congressman and later mayor of New York. Whon LaGuardía was defeated, Mr. Cuneo became a member of a small group of attorneys advising President Roosevelt, and helped pave the way for public acceptance of Roosevelt's election to a third term. From 1936 to 1940, Mr. Cuneo served as associate general counsel to the Democratic National Committee. During World War III, he was a member of the Office of Strategic Servicos, the predecessor of the CIA, serving as the personal faison officer of Gen. William O. Donovan to Sir William Stephenson, British Security, the White House, State Department, and FBI.

After World War II, his law practice included advising Watter Winchell and Drew Pearson. In the mid-1950's, he acquired the North American Newspaper Alliance [NANA], which he ran until 1963. Thereatter, nover forsaking his interest in the printed word and military affairs, he himself became a syndicated columnist for NANA and a military analyst, while continuing to practice law as counsel to the Washington firm of Corcoran, Youngman & Rowe. He was also a director of Freedom House and the Woodrow Wilson Institute for International Scholars.

Ernest Cuneo's prolific creative mind has lett us many manifestations of his spirit, ideals, and visions for our country and its people. Besides his columns, he authored three remarkable books, "The Dynamics of World History," "Life with Fiorello," and "Scienco and History," as well as many thoughtful and prophetic articles on subjects ranging from world affairs to military intelligence to professional football that have appeared in magazines and newspapers as diverse as "The American Legion," "The Saturday Evening Post," and "The American Scholar." His writing will enrich our holdings for history, just as his life and visions for America enriched so many of our lives.

DOLLAR NOTE PREFERABLE TO DOLLAR COIN

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Illinois (Mr. Annunzto) is recognized for 5 minutes. Mr. ANNUNZKO. Mr. Speaker, the American

Mr. ANNUNZIO. Mr. Speaker, the American public has made it very clear that it is not interested in a circulating dollar coin. The article from Coin World which I inserted into the CONGRESSIONAL RECORD yesterday revealed the view that I believe most Americans hold—that a dollar bill is more desirable than a dollar coin. The recent history of currency in this country proves this to be true.

Americans have participated in two experiments involving the circulation of dollar coins during the past 17 years. The Eisenhower dollar, minted from 1971 through 1978, was large and easily identifiable but cumbersome for daily use. The Susan B. Anthony dollar, minted in 1979 and 1980, was easily confused with a quarter and was very unpopular. In fact, 465 million of the 800 million Anthony dollars are collecting dust in Government vaults.

During the time that the Anthony dollar was in circulation, the mint conducted an opinion poll to find out what the public thought of the coin. When asked if the participants would like the coin botter if it were brasscolored, 42 percent said they would still be dissatisfied with it. When asked if making the edge smooth to help differentiate it from the quarter would improve their opinion of the coin, 70 percent said they would still be dissatisfied with it. These seemingly practical changes are being considered to help the proposed coin, even though Americans have said that such changes would not significantly change their attitude about the coins.

With this knowledge, why push on the public yet another coin which, as has already been demonstrated with the Eisenhower and Anthony dollars, will not be desirable for circulation? This is a misuse of taxpayer's money, a waste which we have already seen with the embarrassing Anthony coin experiment. Americans have shown that they do not want a dollar coin, and we should honor that rather than squander more money on the issue.

The potential cost savings proclaimed by the supporters of the dollar coin are, at best, a misconception, and possibly an outright mis-representation. In 1979, I directed the staff of the Subcommittee on Consumer Affairs and Coinage to investigate the cost savings which the mint projected for the Anthony dollar. The mint claimed that the estimated life of a dollar bill is 18 months, and proponents of a dollar coin still use that figure today. (Indeed, most of the cost savings figures cited for a dollar coin today have been lifted without revision from figures cited in support of the Anthony dollar.) However, the Treasury released a study at the same time the mint made these statements in the late 1970's, which estimated a 22-month life for dollar bills. This difference. 1979, reduced the cost figure for each dollar bill from 1.3 cents to one cent. This, in turn, altered the mint's projection of \$50 million for issuing dollar bills to \$40.7 million. nearly 20 percont less.

Further, there is already talk that a \$2 note would eventually accompany the dollar coin. Such a note was well established when Canada and Australia instituted their versions of the dollar coin. And now there is talk that Australia is planning to do away with the \$2 note—and replace it with a \$2 coin. If we are going to begin to issue \$2 notes for circulation, then we will not save money by not issuing the \$1 bit. This would result in replacing

the \$1 bill with two new items of currency the \$1 coin and the \$2 note. This does not seem cost-efficient to me.

For these reasons, I oppose abolishing the \$1 note. We have a working, satisfactory currency system. Without a compelling reason to abolish the note and replace it with a coin, and a careful and well considered study of the ramfications of such a change, I see no justification for change.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. Bentlew] is recognized for 60 minutes.

IMrs. BENTLEY addressed the House. Her 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.

IMr. 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. Dornam] is recognized for 60 minutes.

(Mr. DORNAN of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A SPECIAL TRIBUTE TO JAMIE L WHITTEN

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

Mr. MONTGOMERY. Mr. Speaker, I am proud to call to the attention of my colleagues the honor paid to the gentleman from Mississippi, JAMIE WHITTEN, on February 23, 1988. The University of Mississippi sponsored a program in support of the chair of law and government in his honor at the University Law School.

The event was held at the ICC Departmental Auditorium in front of a crowd of more than 800 and was jointly hosted by a majority of his colleagues.

I want to share with you a portion of that program, as well as two newspaper articles printed in the Oxford Eagle and written by Eagle Publisher Jessie P. Philips. Oxford is the home of the University of Mississippi.

CONGRESSMAN JAMIE L. WHITTEN

On November 4, 1987, Jamie Whitten completed 46 years of service in Congress, On November 4, 1986, he was elected to his 24th term. Throughout the history of the United States, only seven members of Congress have served longer on a continuous basis, although, as Congressman Whitten says, "It's not how long you have served, but how well."

On September 20, 1984, ranking members of Congress. Democrats and Republicans alike gathered to make a rare mutual tribute to one of their number. It was the official unveiling of a portrait of Congressman Whitten, whose lengthy tenure in the U.S. House of Representatives—eight years as

Chairman of the vital Committee on Appropriations—has earned him unique bipartisan acclaim as an exemplary statesman.

acclaim as an exemplary statesman.

The ceremony took place in prestigious Statuary Hall. Then Speaker of the Houses Thomas P. O'Neill, Jr., in accepting the portrall on behalf of the House of Representatives, said: "I know of no man for whom I have more respect and affection. Jamie enjoys the unanimous respect of the House and its members for his legislative ability, his character, and his principles. So on behalf of the House of Representatives, I am both honored and extremely pleased to accept this portrait to be hung here in the United States Capitol of one of the giants of the Congress, the Honorable Jamie Whit. the Congress, the Honorable Jamie Whit-ten, Chairman of the Committee on Appro-

The glowing tributes of the day were just one more capstone in the remarkable career of Congressman Jamle Lloyd Whitten of Mississippl. He was first elected to the Mis-sissippl State Legislature at the age of 21. barely old enough to vote. At 23 he was elected District Attorney of the 17th District, a circuit of eight courts. After being reelected twice, he began a string of 34 straight election victories for the United

States Congress.
Not only has his political career been uncommonly long and successful, he has
earmed the kind of bipartisan respect accorded only to true statesmen. As one example, in 1982, his colleagues voted him, "the
most effective Chairman in the U.S. Con-

A member of the Committee on Appro-riations since 1943, Mr. Whitten was amed the youngest person in history to hair the Appropriations Subcommittee on priations Agriculture after only fire years' experi-ence. He was elected overall Committee Chairman by his colleagues in 1979. He serves on all 13 appropriations subcommit-

As Chairman he has the reputation of get-As Chairman he has the reputation of get-ting things done. His comprehensive nation-al viewpoint has resulted in legislation that has protected and developed the nation's real wealth—its natural resources. He initi-ated establishment of the National Water-shed and Flood Prevention Program. He has supported major highway and navigation resilects.

In 1959, Chairman Whitten's motion rode the President's veto of the public works appropriations for fiscal 1960—re-establishing the right of the Congress to initiate public works projects.

While a respected national leader, Mr. Whilten has never forgotten, nor failed to represent forecfully, the needs of his own people in his district and in Mississippl, not only through Congress but in his expert grasp of the law.

only through Congress but in his expert grasp of the law,
Even as a 22-year-old District Attorney,
Mr. Whitten was influential, successfully prosecuting a number of cases prominent in Mississippi legal history. During two terms he had only one case reversed, and that for reasons beyond his control.

As a second-year Congressman, Mr. Whitten succeeded in having the Department of Justice set saide the sale of the Eik Hill Oil Reserve on grounds that it was unconstitutional for the government to enter into a contract with a private corporation in perpetuity. During World War II, he saved hillons of dollars by leading an effort to require the Navy to use vacated Army facilities. He has been vital to the survival and completion of the Tenn-Tom Waterway, the most ambitious navigational project in history and an economic boon to Mississippi and the Mid-South.

The Tenn-Tom project, at a cost less than

. The Tenn-Tom project, at a cost less than half that of single nuclear carrier, provides

a slackwater route from the Tennessee River to the Gulf of Mexico and is a great example of the Congressman's know-how. When first authorized in 1946, the plan called for a 150-foot-wide canal. For 20

varied for a 150-foot-wide canal. For 20 years, funding has been denied because the cost exceeded the benefits. In 1966, when the project became part of Congressman Whitten's district, he led efforts which resulted in funding authorization for a 300-foot-wide, 9-foot-deep canal, which made the project economically feasible.

Among hundreds of awards received during his career, Mr. Whitten has been acorded the Mississipppi American Legion Distinguished Service Award, the American Vocational Award for Outstanding Service, the Watchdog of the Treasury Award from the National Association of Businessmen, the Minuteman Hall of Fame Award from the Minuteman Hall of Fame Award from the Reserve Officers Association, the U.S. Corps of Engineers' Honorary Mississipul Navigator Award, the 4-II Alumni Recogni-tion Award from the Cooperative Extension Service, and the 50th Anniversary Medal for cultifacting contributions testing the Cooperative Conoutstanding contributions to American agri-culture from the nation's Federal Land

Mr. Whitten is the author of "That We May Live," a best-selling volume on the nation's natural resources, which received 72 reviews and sold more than 50,000 copies. Translations have been made in Spanish and German. A much-in-demand speaker, the Congressman has addressed many na-tional organizations, colleges and universi-

A native of Cascilla, Tallahatchie County, A native of Cascilla, Tallahatchie County, Mississippi, Mr. Whitten studied literature and law at The University of Mississippi, While at Ole Miss, his outstanding academic record earned him membership in Omicron Delta Kappa leadership honorary and Phi Alpha Delta law fraternity. He was a member of the debate team and Beta Theta Pi social fraternity and was active in University Theater productions. In 1932, he had the highest grade average of those admitted from The University of Mississippi to the State Bar. State Bar.

rior to his political career, Mr. Whitten

Prior to his political career, Mr. Whitten became a partner in the law practice of Denman, Breland and Whitten in Greenwood, Sumner, and Charleston.

Through his long and distinguished career in Congress, Mr. Whitten has served during the administrations of nine presidents—Pranklin Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, and Ronald Reagan.

"I have tried to concerate, so far as I

"I have tried to cooperate, so far as I could, with each," said Congressman Whitten, "for under our system of government of tent. For under our system of government of three equal coordinate branches, like the ancient trolks with three horses, we must pull in the same direction or we get no-where. Presidents have signed 96 percent of our appropriations bills," he added, "and we have worked out the others." have worked out the others

WHITTEN TRIBUTE DRAWS MORE THAN 800 (By Jesse P. Phillips)

(By Jesse P. Phillipa)

Washington,—Tuesday night, Feb. 23, was a night of glory for Congressman Jamie Lloyd Whitten, the State of Mississippi and the University of Mississippi.

On this night more than \$25 persons packed the Departmental Auditorium on Constitution Ave. to pay honor and tribute to one of America's greatest Statesmen, Jamie L. Whitten. Of this number it is estimated that more than 300 persons from Mississippi shared in the occasion, which took note of his \$6 years of service in the U.S. Congress.

sissippians came from the Gulf Coast, the plains on the east, the Mississippi and from North Mississippl to say, "Thank you, Jamie, for an unparalleled Congressional career.

Frederick W. Smith, chairman of the dinner committee and of Federal Express Corporation and a native of Marks, added excitement to the sire of the evening in the banquet hall, with the announcement that the \$1 million goal to establish the Chair of Law and Government at the Ole Mis Law Center, had been exceeded with the gifts totaling more than the \$1.1 million.

taling more than the \$1.1 million.

Native Mississippians, who enjoy their
Mississippi-raised cat fish, had their taste
buds awakened with the serving of the
broiled Norwegian salmon as an appetizer.

The rest of the meal was just delicious.

ane rest of the meal was just deficious.

"Initially we had hoped for a crowd of 500 for the dinner, but this number topped at over 825 plus, when the space in the banquet hall was fully exhausted," commented Chancellor Gerald Turner.

Many of Whitten's colleagues, i.e. former Streeker of the Univer Theorem.

Many of Whitten's colleagues, i.e. former Speaker of the House Thomas (Tip) P. O'Neill, Jr. and present Speaker, the Honorable Jim Wright, Sen. John Stennis and other members of the Mississippi congressional delegation, were in attendance. The Dean of the House of Representatives was honored earlier on Sept. 20, 1984, when ranking members—Democrats and Republicans—of Congress gathered to make a rare mutual tribute, the unveiling of a portrait of the Cascilla-bort statesman.

of the Cascilla-born statesman

of the Cascilla-born statesman.

The ceremony took place in the Statuary Hall, where the Speaker of the House, "Tip" O'Neill, Jr., in accepting the portrait on behalf of the House of Representatives, sald, "I know of no man for whom I have more respect and affection. Jamic enjoys the unanimous respect of the House and its members for his legislative ability, his character and his principles, So on behalf of the House of Representatives, I am both honored and extremely pleased to accept this portrait to be hung here in the United States Capilol of one of the giants of the Congress, the Honorable Jamie Whitten, chairman of the Committee on Appropriations."

In appreciation of his many contributions."

In appreciation of his many contributions to the nation, the State of Mississippl, and particularly District 1, the University of Mississippl has established the Jamie Lloyd Whitten Chair of Law and Government.

The principal of the endowment will be managed and invested by the University of Mississippl Foundation with the annual accruals being used to fund the Chair. The Chair will be filled by nationally recognized legal scholars and practitioners whose teaching will perpetuate the high standards of scholarship and integrity so forcefully exemplified by the life of Congressman Whitten.

The honoree's remarkable career began when he was first elected to the Mississippl House of Representatives at the young age of 21. At 23, he was elected District Attorney of the 17th District of eight courts. He was re-elected twice to this office and then put together a string of 34 straight election victories to the U.S. Congress.

A member of the Committee on Appropriations since 1943, Whitten was named the youngest person in history to chair the Appropriation Sub-committee on Agriculture after only five years of experience. He was elected overall Committee Chairman by his colleagues in 1979—he serves on all 13 appropriation sub-committees.

In 1982 his colleagues voted him, "the most effective chairman in the U.S. Congress." The honoree's remarkable care

One of his most notable feats came in 1966, with the funding authorization for a 300-ft, wide, 9-foot-deep canal for the Tenn-Tom Waterway.

Through his long, and distinguished career in Congress Whitten has served during the administration of nine presidents—Franklin Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter and Romald Reagan.

Congressman Whitten, it was stated

Jimmy Carter and Ronald Reagan.
Congressman Whitten, it was stated during the evening, shares the philosophy in the distribution of federal monies. "Give me half for the State of Mississippi and all the other states can divide the other half." However, his colleagues acknowledge that Whitten has taken care of other states as well—not just the First Dist. of Missispip.
At the ground-breaking for the \$11 million National Acoustics Center at Ole Miss, Whitten stated, "There was never a doubt for a minute where this center would be built."

A look at Oxford and the University com-munity is living evidence of his effectiveness

munity is living evidence of his effectiveness as Dean of the House.

After Mississippl's distinguished statesman is no longer "On the Hill," there will be the Pederal Building in Oxford, the Soil Sedimentation Laboratory, the U.S. Hydrology Leb, National Acoustics Center at Ole Miss and many other projects brought about by his strong leadership, that will be a living testimony to the life of Jamie Lloyd Whitten.

POTPOURRI FROM THE JAMIE WHITTEN DINNER

WASHINGTON, DC.—Sharing in this dinner, which was inspired by the establishment of the Chair of Law and Government at the Ole Miss Law Center, was an opportunity of a lifetime.

The "beginning" of the reason for this The "beginning" of the reason for this celebration took place some 40 years ago as a Delta-born Mississipian won his first bid to the U.S. Congress. His arrival in Washington was just one month removed from the tragedy of Pearl Harbor.

Since 1941, it would literally take volumes

or record the many accomplishments of his distinguished career, Whitten has already been recognized on several occasions as one of the most outstanding Statesmen who has a several careful in the LIS.

ever served in the U.S. Congress-serving not only Mississippl, but all 50 of the states. Mississippl's youthful governor, the Honorable Ray Mabus, received many positive reviews as he spoke briefly at the beginning. It was apparent Mabus "had done his homework."

Ole Miss's and Mississippl's Miss America. Ole Miss's and Mississippl's Miss America. Miss Mary Ann Mobley, brought all the gra-clousness and charm that a southern lady can possess. The beautiful Californian was quick to acknowledge her love for Ole Miss and her native state. She was kind in her remarks to Congressman Whitten as she stated. "We all share in your reflected glory."

glory."

Miss Mobley, shared with her audience that Miss Mississippi Toni Seawright finished in the "top 10" of the Miss America pageant. "She was '10' all over."

Miss Seawright was spectacular with her performance of two songs, "Mississippi, I'm Glad You're My Home" and "America the Beautifuli." She received a standing ovation from the crowd of more tan 800.

Vice-Chancellor Doyle Russel, who was seated at my table, and I had very similar reactions. We were proud of Toni Seawright and the fact that she is a Mississippian and Miss Mississippi. Moreover, we are proud of Mississippian and Ole Miss—both which have come a long way since the Meredith Incicome a long way since the Meredith inci-dent in 1962.

A sidebar to this took place Wednesday morning, as I was having breakfast in the Atrium of Embassy Suites Hotel, Scated to de was one of the three Black representatives of the Board of Trustees of Instiscritatives of the Board of Trustees of Insti-tutions of Higher Learning. We were remi-niscing about the dinner and program of the evening before. The spouse of the board member said. "I'm proud to say I'm a Missis-sippian; however, there was a time when this was not true."

The Honorable William P. Winter, former governor of Mississippl, shared that in 1854 the Board of Trustees petitioned the Mississippl Legislature to establish the Chair of Law and Governmental Science at the University of Mississippl. Winter was paralleling what took place 134 years ago with what is being done in honor of Congressman Whitten Dow The Honorable William P. Winter, former

Whitten, now.
Winter heralded the success of the Law
Center at Ole Miss with its ability to take "a
raw, green country boy (Whitten) from Cascilla, Ms. and to help him to realize the full
powers of his potential.
He shared with the distinguished audience
that the Law Cantas hera? It full time profer.

He shared with the distinguished audience that the Law Center has 21 full-time professors and a student population of 500.

"It is so timely that we are sathered in this Capitol tonight to establish the Chair of Law and Government, which will make generations in the future better because of it," commented Winter.

Former governor Winter shared with the friends of Whitten, that Whitten attributes the study of law at Ole Miss as the basis of his success.

his success.
Oxford attorney Will Hickman Oxford attorney will lickman, one of Whitten's closest friends, chided Chancellor Turner and said, "With your past two introductions, i.e. Winter and Hickman, you have moved from the 40 and under year old crowd".

"I'm honored to participate. We all know that Jamie is a modest man . . . he seeks no credits, just results."

One of the many accomplishments men-One of the many accompusaments men-tioned by Hickman was the recognition given Whitten by the "Washingtonian" as naming him the best Congressman who takes care of the needs of his constituents.

takes care of the needs of his constituents. Hickman concluded his remarks in saying, "Tonight, we honor a national statesman, a legend—one who has never forgotten the people he serves—the Dean of the House."

Ten of the 13 members of the Hoard of Trustees of Institutions of Higher Learning were in attendance for the dinner.

were in attendance for the dinner.
Republicans as well as Democrats love and appreciate Jamle Whitten. This was evidenced by the remarks of the Honorable Bob Michel, Republican leader, U.S. House of Representatives.

"For me Jamie put a lot of things in perspective. We've come a long way together." In Joking about Jamie's golf game, Michel said, "Only man I know who plays golf with

"Jamie and I are the 'odd couple' with my hearing impairment and I am not sure what language he speaks (referring to Whitten's Southern drawl). Jamle feels that what is misunderstood with the ambiguity can always be corrected with an amendment." he continued.

Michel said that one of his sides c

Michel said that one of his aides came to the cloak room one day and excitedly said, "Jamie is giving 'cm hel! . . . he's been at it for about 30 minutes." Michel quipped. "What about?" The aide retorted, "I don't know, he hasn't said yet."

His Republican friend shared, "Whitten never has been inattentive to the people of Mississippl. No one knows the rhythms of the House better than Jamie. If there is a melody of love for his country, Jamie will be playing this tune."

The Honorable Jun Wright, Speaker, U.S. House of Representatives, had the last op-portunity to pay tribute to this great son of Mississippi.

"Even though you can't understand him.

Even though you can't understand min. there is no doubt where he stands. In the 47 years he has served this country the net worth of this nation has multiplied 36 times. He will soon be instructing the 10th

worth of this nation has multiplied 36 times. He will soon be instructing the 10th president under which he will serve that the President doesn't spend anything unless the Appropriations Committee 'says so'."

Chancellor Gerald Turner who spoke elequently and presided masterly over the black tie dinner, had orchestrated the timing for the dinner to conclude at 10 p.m., but this hour had barely passed when the honored guest, Mr. Whitten, had an opportunity to respond. tunity to respond.

What would you say about all of that?"

he quipped.
"I can't afford to call all of you liars, but there has been a lot of exaggeration, to-

"I'm glad that I didn't live when Lincoln lived, because I would have been dead for a long time. If I had, there sure would not

long time. If I had, there sure wound not have been a Civil War.

"I've been accused of doing more for Missispil than some of the other states. This is really not the truth. I finally got Mississippi in on what all the other states had

been enjoying all the time.

"I appreciate all the great support that I have had back home," he stated.

In commenting about the special Chair of Law and Government being created at Ole Miss, "I'm glad they added my name to it, they didn't have to do it, but it sure was nice."

To climax the evening the Centennial Alumnus award was presented by Chancel-lor Turner to Congressman Whitten.—J.P.

The SPEAKER pro tempore, Under a previous order of the House, the gen-tleman from Ohio [Mr. McEwen] is recognized for 60 minutes.

[Mr. McEWEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Gray of Illinois (at the request of Mr. Foley), for March 16 and 17, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted

(The following Members (at the request of Mr. Gingrich) to revise and extend their remarks and include ex-traneous material:)

Mr. Dornan of California, for 60 minutes, today.

Mr. McEwen, for 60 minutes, today.

Mr. Ritter, for 5 minutes today.

Mr. Gingrich, for 5 minutes today.
Mr. Gingrich, for 5 minutes today.
(The following Members (at the request of Mr. Garcia) to revise and extend their remarks and include extraneous material:)

Mr. Boland, for 5 minutes, today. Mr. Rodino, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today. Mr. MONTGOMERY, for 30 minutes,

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks granted to:

(The following Members (at the request of Mr. Gingrich) and to include extraneous matter:)

Mr. PURSELL in two instances.

Mr. CLINGER.

Mr. GEKAS. Mr. RITTER.

Mr. LOTT in two instances. Mr. CRANE.

Mr. Armey, Mr. Solomon

(The following Members (at the request of Mr. Garcia) and to include extraneous matter:)

Mr. Bonker.

Mr. Lipinski Mr. HOCHBRUECKNER.

Mr. Mrazek.

Mr. GLICKMAN.

Mr. Kanjorski. Mr. Biacci.

Mr. RANGEL. Mr. Schumer.

Mr. CLEMENT, Ms. Slaughter of New York.

Mr. Atkins. Mr. Dyson.

Mr. GRANT. Mr. HOYER

Mr. PAUNTROY.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 854. An act entitled the "Nevada-Florida Land Exchange Authorization Act of 1988."

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move

Mr. HUNTER, Mr. Speaker, 1 move that the House do now adjourn.
The motion was agreed to; accordingly (at 2 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, March 21, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows

lows:

3159. A communication from the President of the United States, transmitting proposed transfers and mandatory supplemental appropriations request for fiscal year 1988 pursuant to the bipartisan budget agreement, pursuant to 31 U.S.C. 1107 (H. Doc. No. 100-176); to the Committee on Appropriations and ordered to be printed.

3160. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting a copy of Presidential Determination No. 58-11 that it is in the national interst that the Export-Import Bank extend credit in the amount of \$151 million to the Pro-

ple's Republic of China in connection with the purchase of equipment and services for the contruction of the Shidongkou coal-fired powerplant, pursuant to 12 U.S.C. 635(bt/2)(D)(iv): to the Committee on Bank-ing, Finance and Urban Affairs. 3161. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend the authorization of appropriations under the Runaway and Homeless Youth Act, pursu-ant to 31 U.S.C. 1110: to the Committee on Education and Labor.

ant to 31 U.S.C. 1110: to the Committee on Education and Labor, 3162. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting the report of economic conditions prevailing in Turkey which may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 note: to the Committee on Fureign Affairs.

tional debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 note: to the Committee on Foreign Affairs.

J163. A letter from the Director. Office of Legislative Affairs, Agency for International Development, transmitting a report of the agency's 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.

J164. A letter from the Associate Director, Office of Management and Budget, ACTION, transmitting a report of the agency's 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,

J165. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notification of a proposed new Pederal records system, pursuant to 5 U.S.C. 532(c); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLU-TIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

proper calendar, as follows:

Mr. ACKERMAN: Committee on Post
Office and Civil Service. H.R. 3757. A bill to
amend title 5, United States Code, to permit
voluntary transfers of leave by Federal employees where needed because of a medical
or other emergency situation; with an
amendment (Rept. 100-519). Referred to the
Committee of the Whole House on the
State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolu-tions were introduced and severally re-ferred as follows:

ferred as follows:

By Mr. PURSELL (for himself and By Mr. PURSELL);
H.R. A190. A bill to amend the Public Health Service Act to require the Secretary of Health Service Act to require to construct or improve facilities for the conduct of nursing research by institutions of higher education; to the Committee on Energy and Commerce.

merce.

By Mr. JACOBS:

H.R. 4191. A bill to amend the Internal Revenue Code of 1986 to provide that the gross income exclusion with respect to personal injury liability assignments shall apply where the plaintiff becomes a secured creditor of the assignee; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself, Mr. Dy Mr. ANDREWS (for himself, Mr. Chandler, Mr. Pickle, Mr. Donnel.

LY. Mr. ANTHONY, Mr. MATSUI, Mr. FLIPPO, Mr. ARCHER, Mr. JENKINS, Mr. THOMAS Of California, Mr. Prem 2EL. Mr. DAUB, Mr. DUNCAN, Mr. BROWN of Colorado, Mr. COVNE, Mrs. KENNELLY, Mr. BRYANT, Mr. HATCHER, and Mr. BEVILLY.

ER, and Mr. BEVILLI:

H.R. 4192. A bill to amend the Internal
Revenue Code of 1986 to provide that persons who could purchase diesel fuel tax free
under the diesel fuel tax as in effect before
its revision by the Revenue Act of 1987 may
purchase diesel fuel tax free under the revised tax; to the Committee on Ways and vised tax; to the Committee on Ways and

By Mr. BONKER (for himself, Mr. Dicks, Mr. Lowny of Washington, Mr. MILLER of Washington and Mr. DEFAZIO

DEFAZIO:

H.R. 4193. A bill to create a Frderal facility nuclear cleanup trust fund, to require the Secretary of Energy and the Administrator of the Environmental Protection Agency to enter into compilance agreements for environmental cleanup of Pederal nuclear facilities, to create a special environmental counsel, to provide for research and development for Federal nuclear facilities, and for other purposes: jointly, to the Committees on Energy and Commerce; Interior and Insular Affairs; Armed Services; Science. Space, and Technology; Public Works and Transportation; and the Judiciary.

By Mr. CRAIG (for himself, Mr. Punsell, and Mr. Lagomarsino):

H.R. 4194. A bill to repeat the provisions of the Revenue Act of 1987 which imposed the diesel fuel and aviation fuel taxes at the wholesale level; to the Committee on Ways and Means. H.R. 4193. A bill to create a Federal facili-

and Means.
By Mr. CRANE (for himself and Mr.

JACOSSI:

H.R. 4195. A bill to amend part A of title
IV of the Social Security Act to deny Pederal payment of administrative costs under
the AFIXC program to States providing for
State or local taxation of social security
handling to the Committee with the Committee. tate or local taxation of social security enefits; to the Committee on Ways and Means

State of local taxation of social security benefits; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 4196. A bill to provide a military survivor annunity for widows of certain retirement-eligible Reserve members of the uniformed services who dided during the period between the establishment of the military survivor benefit plan and the creation of the Reserve-component annunity under that plan; to the Committee on Armed Services.

By Mr. GODDLING:

H.R. 4197. A bill relating to the treatment of certain State plans under section 72(e) of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. GRANT:

H.R. 4198. A bill to direct the Board of Reservice of the Smithsonian Institution to develop a master plan for expanding the National Air and Spare Musuem at an airport and construct facilities necessary for housing such expansion; jointly, to the Committees on Public Works and Transportation.

By Mr. JACOBS:

H.R. 4199. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require a 20-percent reduction in certain assistance under such act to a law enforcement agency unless such agency has in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

By Mr. JONES of North Carolina (for himself Mr. 1900)

bill of rights; to the Committee on the Suc-ciary.

By Mr. JONES of North Carolina (for himself, Mr. Blacci, Mr. Anderson, Mr. Davis of Michigan, and Mr. Lent):

H.R. 4200, A bill to authorize appropria-tions for fiscal year 1989 for certain mari-

time programs of the Department of Trans-portation and the Federal Maritime Com-mission; to the Committee on Merchant Marine and Pisheries.

Marine and Pisheries.

By Mrs. MORELLA:

By Mr. SENSENBRENNER (by request):

By Mr. SENSENBRENNER (by request):

By Mr. SENSENBRENNER (by request):
H.R. 4203. A bill to protect the civil rights of Americans and to clarify the application of title 1X 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; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. DERRICK:
H.J. Res. 506. Joint resolution to express

By Mr. DERKICES: H.J. Res. 508. Joint resolution to express gratitude for law enforcement personnel; to the Committee on Post Office and Civil

By Mr. LEVINE of California (for

By Mr. LEVINE of California (for himself, Mr. Wolfe, Mr. Bonner, Mr. Smith of New Jersey, Mr. MILLER of Washington, and Mr. MILLER of Washington, and Mr. HUNTEN:

H.J. Res. 507. Joint resolution to disapprove the proposed agreement for cooperation between the United States and Japan concerning peaceful uses of nuclear energy; to the Committee on Foreign Affairs.

By Mr. McCOLLUM:
H.J. Res. 508. Joint resolution designating May 1988 as "Older Americans Month"; to the Committee on Post Office and Civil Service.

By Mr. MICA:

By Mr. MICA: H.J. Res. 509. Joint resolution designating August 4, 1988, as "National Legion of Valor Day"; to the Committee on Post Office and Civil Service.

Civil Service.

By Mr. MORRISON of Connecticut (for himself, Mr. Blacci, Mr. Murriy, Mr. Ownes of New York, Mr. Roc, Mr. CONYERS, Mr. FEIGHAM, Mr. DELLIMS, and Mr. MANTON).

H.J. Res. 510. Joint resolution to designate January 26, 1988, as "Scan MacBride Day" to the Committee on Post Office and Civil Service.

Service.

By Mr. PURSELL (for himself, Mr. By Mr. PURSELL (for himself, Mr. Murtia, Mr. Montonery, Mr. Wurtia, Mr. Montonery, Mr. Penny, Mr. Upton, Mr. Henny, Mr. Slattery, Mr. Miller of Washington, Mr. Wilson, Mr. Petri, Mr. Rowland of Connecticut, Mrs. Narin of Illinois, Mr. Cheney, Mr. Mackay, Mr. Watrins, Mr. Weber, Mr. Grandy, Mr. Glekman, Mr. Boehlert, and Mr. McCurnyl.

H. Con. Res. 266. Concurrent resolution calling for the reestablishment of the National Bipartisan Commission on Central America to study the nature of the U.S. interests in the Central American region and the threats now posed to those interests; to the Committee on Foreign Affairs.

By Mrs. MARTIN of Illinois:
H. Res. 406. Resolution raising a question f the privileges of the House; considered and agreed to

By Mr. RODINO (for himself, Mr. Ep-MR. RODING OF HIMSEH, ARE ED-WARDS Of California, Mr. Pish, and Mr. Sensenbbennern; H. Res. 407. Resolution impeaching Walter L. Nixon, Jr., Judge of the U.S. DIs-

trict Court for the Southern District of Mississippi for high crimes and misder to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. SMITH of Texas introduced a bill (H.R. 4204) for the relief of Alice M. Rector; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. JOINSON Of SOUTH Dakota, Mr. MURPHY, Mr. BERMAN, Mr. BORHLERT, Mr. SLAUGHTER OF NEW YORK, Mr. BEREUTER, Mr. HUCKABY, Mr. OWENS Of URth, Mrs. LLOVD, Mr. LEWIS Of Florida, and Ms.

PELOSI, MI. LEWIS OI FIOTIGA, RIGI MS. PELOSI, H.R. 80: Mr. PEPPER. H.R. 382: Mr. CALLAHAN AIR Mr. NICHOLS. H.R. 382: Mr. BONKER. H.R. 1076: Mr. DONNELLY. H.R. 1095: Mr. GALEGLY. H.R. 1095: Mr. GALEGLY. H.R. 1242: Mr. PEIGHAN. H.R. 1583: Mr. ST GFIMAIN, Mr. MOORHEAD, and Mr. IRELAND. H.R. 1597: Mr. CHENEY, Mr. SMITH OF TEAS, Mr. CAMPELL, MS. SNOWE, Mr. PURSELL, Mr. HYDE, MS. OARAR, Mr. OWLESS OF ULAH, Mr. SKAGES, Mr. McKAY, Mr. SIKORSKI, Mr. ROSE, Mr. THOMAS OF GEOTGIA, and Mr. LEWIS OF GEOTGIA.

Georgia. H.R. 2260: Mr. RITTER, Mr. HEFNER, Mr.

BRUCE, and Mr. MACK.
H.R. 2393; Mr. Donald E. Lukens.
H.R. 2532; Mr. Hubbard a McGrath

MCGRATH.

H.R. 2625: Mr. LOWRY Of WAShington.

H.R. 2640: Mr. MARKEY, Mr. COOPER, Mr.
GRAY Of Pennsylvania, Mr. MRAZEK, Mr.
DICKINSON, Mr. BUSCHNER, Mr. GAYDOS, Mr.
RAHALL, Mrs. PATTERSON, And Mr. RITTER,

H.R. 2667: Mr. GORDON, Mr. COELHO, Mr.
RICHARDSON, Mr. MRAZEK, Mr. NELSON Of
Plorida, Mr. WAXMAR, Mr. ANTHONY, Mr.
STAGGERS, Mr. BORSKI, Mr. MCMILLEN Of
Maryland, Mr. HAYES Of Illinois, Mr. SOLONON, and Mr. DONALD E. LUKENS.

H.R. 2762: Mr. LANGASTER, Mr. McMILLEN

H.R. 2762: Mr. LANCASTER, Mr. McMillen of Maryland, Mr. Richardson, and Mr. Wal-

GREN,
H.R. 2854: Mr. BENNETT, Mr. BROWN of
California, Mr. Neal, Mr. Howard, and Mr.

H.R. 2883; Mr. Wolf, Mr. Andrews, Mr. Burton of Indiana, and Mr. Lewis of Flori-

H.R. 2943; Mr. Mrume and Mr. Dwyer of ew Jersey. H.R. 2944: Mr. Mfume, Mr. Dwyer of New

Jersey, and Mr. Matsui. H.R. 2999: Mr. Oreen. H.R. 3565: Mr. Frenzel, Mr. Hastert, and

Mr. HEFLEY.

H.R. 3614; Mr. Foley. H.R. 3698; Mr. Edwards of Oklahoma and

Mr. Hughes, H.R. 3703: Mr. Nielson of Utah, Miss Schiedier, and Mr. Jeppons. H.R. 3757: Mr. Schapper, Mr. Borski, and

Mr. McGrath.
H.R. 3816: Mr. Bruce, Mr. Yatis, Mr. Crockett, Mr. Conyers, Mr. Cardin, Mr. Ortiz, Mr. Matsul, and Mr. Towns.
H.R. 3834: Mr. Young of Alaska and Mr. MURPHY

H.R. 3844: Mr. Price of Illinols, Mr. Huck-aby, Mr. Smith of New Jersey, Mr. Morri-son of Washington, and Mr. Ritter.

H.R. 3889: Mr. Harris, Mr. Ridge, Mr. Rogers, Mr. Jones of North Carolina, Mr. Parris, Mr. Dannemeyer, and Mr. Denny

SMITH.

H.R. 3900: Mr. UPTON.

H.R. 3919: Mr. BADHAM, Mr. BARNARD, Mr. BEVILL, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. BRUCE, Mr. DAVIS OF Michigan, Mr. DE LA BEVILL, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. BRUCE, Mr. DAVIS of Michigan, Mr. De LA GARZA, Mr. DINGELL, Mr. DORMAN Of CALIFORMAN, DE LA GARZA, Mr. DINGELL, Mr. DORMAN OF CALIFORMAN, DE LA GARZA, Mr. GARY OF ILILIOIS, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. HOCHARD, Mr. MCDADE, Mr. HOCHARD, Mr. MCDADE, Mr. MCDADE, Mr. MCDADE, Mr. MARTON, Mr. MARTINEZ, Mr. MCDADE, Mr. NARLON, Mr. MR. MR. SCHULZE, Mr. ROLMON, Mr. THOMAS OF GCOFFIA, Mr. WOLF, Mr. WORTLEY, AND MR. PEUSIS, Mr. FOCLIETTA, and Mr. PLANS. H.R. 3953; Mrs. COLLINS, Mr. PE LA GARZA, Mr. 1975; Ms. PEUSI, Mr. FOCLIETTA, and Mr. DAYANS, H.R. 1975; Ms. PEUSI, Mr. RUSTAMANTE, Mr. TOWNS, and Mr. MANTINIEZ, H.R. 4037; Mr. ANNUNICIO, Mrs. PATIERSON, Mr. DORSKI, and Mrs. BENTLEY, H.R. 4042; Mr. JACOBS, Mr. MRAZER, Mr. SOLARE, Mr. OWENS Of New YORK, and Mrs. BOXER, Mr. ANDER MIS. SCINKEIDER

BOXER.

H.R. 4049: Ms. Snowz, Miss Schneider,
Mr. Hall of Ohio, Mr. Gilman, Mr. Fazio,
Mrs. Boxen, Mr. Morrison of Connecticut,
Mr. Owens of New York, Mr. Edwards of
California, Mr. Studds, Mr. Weiss, Mr.
TOWNS, Mr. MATSUI, Mr. Evans, Mr. Mylur,
Mr. Fuster, Mr. Faintrov, Mrs. Johnson of
Connecticut, Mrs. Boggs, Ms. Pelosi, Mr.
Ackerman, Mr. de Lugg, Mr. Wilson, and
Mr. Garcia.

H.R. 4060: Mr. Dixon, Mr. De Lugg, Mr.

MI. GARCIA.

H.R. 4060: Mr. DIXON, Mr. DE LUGO, Mrs.
BOXER, MS. OAKAR, Mr. KASTEMBRIER, Mr.
COELHO, AND MS. KAPTUN.

H.R. 4075: Mr. RINALDO, Mr. GALLO, Mr.
FLORIO, Mr. FAUNTROY, Mr. HORSKI, Mr.
RODINO, and Mr. CONTR.

H.R. 4076: Mr. WILSON.

H.R. 413: Mr. STANGELAND, Mrs. ROUKEMA. AND Mr. SIANGELAND, Mrs. ROUKEMA. AND Mr. SIANGELAND, Mrs. ROUKEMA. AND Mr. SIANGELAND.

MA. AND Mr. Shaw.
H.R. 4155: Mr. Darden, Mr. Skelton, Mr.
Sisisky, and Mr. Hocherueckner.
H.J. Res. 50: Mr. Davis of Michigan, Mr.
Mollolian, Mr. Hoprins, Mr. Rahall, and
Mr. Bunning.
H.J. Res. 192: Mr. Boehlert.
H.J. Res. 333: Mr. Brennan and Mr. Defa-

H.J. Res. 333: Mr. Brennan and Mr. DePatio.

H.J. Res. 380: Mr. Snith of Texas, Mr. Brown of California, Mr. DeLay, Mr. Deltums, and Mr. Mollohan.

H.J. Res. 445: Mr. Convens, Mr. Evans, Mr. Grant, Mr. Bates, Mr. Dwyer of New Jersey, Mr. Coleman of Texas, Mr. Dingell, Mr. Oyson, Mr. Feighan, Mr. Dowdy of Mississippl, Mr. Covpe, Mr. Torbers, Ms. Slaughter of New York, Mr. St Genham, Slaughter of New York, Mr. St Genham, Mr. Olin, Mr. Packard, Mr. Sado, Mr. Vento, Mr. Lott, Mr. Packard, Mr. Owens of Utah, Mr. Hoyer, Mr. Hawkins, Mr. Mostomery, Mrs. Byron, Mr. Leadne, Mr. Carer, Mr. Hertel, Mr. Brennan, Mr. Shape, and Mr. Bunning.

H.J. Res. 452: Mr. Shusher,

H.J. Res. 460: Mr. Bosco, Mr. Bryant, Mr. Campell, Mr. Covpe, Mr. Defere of California, Mr. English, Mr. Ford of Tennessee, Mr. English, Mr. Ford of Tennessee, Mr. Lewis of Georgia, Mr. Mr. Mydde, Mrs. Morella, Mr. Nillson of Utah, Mr. Ritter, Mr. Schaughter of New York, Mr. Smith of Texas, Mr. Robert P. Smith, and Mr. Vento.

H.J. Res. 470: Mr. Hyde and Mr. Mpune.

Mr. VENTO.

H.J. Res. 470: Mr. Hyde and Mr. Menns

H. Con. Res. 19: Mr. Dornan of California, Mr. Rodino, Mr. DeFazio, Mr. Lantos, Mr. Ackerman, Mr. Roe, Mr. Smith of Florida.

M. OWERS OF NEW YORK, Mr. MARTINEZ, AIID Mr. BIAGGI.
H. CON. RES. 261: Mr. LIGHTFOOT, Mr. ROBERTS, Mr. JOHTZ, AND MR. HOPKINS.
H. RES. 395: Mr. SCHULEX, Mr. BOULTER, Mr. OWERS OF NEW YORK, Mr. WILSON, Mr. LIFINSKI, Mr. MANTON, Mr. VISCLOSKY, Mr. NITELSON OF UTAIN, MIS. LLOYD, AND Mr. GRAT OF Illinois.
H. RES. 396: Mr. STRATTON, Mr. BADHAM, Mr. SWINDALL, Mr. WOLF, Mr. HUCKABY, Mr. OXLEY, Mr. DENNY SMITH, Mr. ANDREWS, Mr. MCGASTH, Mr. WILSON, Mr. KONNYU, Mr. EMPRESON, Mr. INHOIX, Mr. DORMAN OF CALIFORNIA, Mr. HULER, and Mr. MATSUL.

H. Res. 400: Mr. Boehlert, Mr. Brown of California, Mr. Coyne, Mr. Gallo, Mr. Jacobs, Mr. Jones of Tennessee, Mr. Kam-Jonski, Mr. Kolter, Mr. Lewis of California, Mr. McEwen, Mr. Moorhead, Ms. Oakar, Mr. Rahall, Mr. Sikorski, Mr. Visclosky, and Mr. Walgern.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLU-TIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 390: Mr. DAUB.

PETITIONS, ETC.

Under clause 1 of rule XXII: 140. The Speaker presented a petition of the American Studies Foundation, Alcalde, NM, relative to a proposal for the preserva-tion of the Ranch at Los Luceros, Alcalde, NM; which was referred to the Committee on Education and Labor.

Senate

THURSDAY, MARCH 17, 1988

(Legislative day of Monday, March 14, 1988)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable Tom Harkin, a Senator from the State of Iowa.

PRAYER

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

Let us pray: The love of God is greater far than

tongue or pen can ever tell. It goes beyond the highest star and reaches to the lowest hell.

God of peace and justice, on this St. Patrick's Day, we remember a man who came bringing peace and God's love. Help this to be real to us today as all hell seems to break loose in Ireland, Panama, profound crisis in the Middle East and Central America, Grant to our leadership humility to acknowledge their need of You, grace to yield to You for wisdom and direction. And whatever else, Lord, unite us, unite us in Your love and Your peace and Your wisdom. In Jesus' name, Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President protempore [Mr. Stennis].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 17, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Tom Harkin, a Senator from the State of Iowa, to per-

form the duties of the Chair.

Join C. Stennis,

President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I yield my 5 minutes under the order to Senator PROXMER

Mr. Proxmine. Mr. President, I thank my good friend, the majority leader, for his graciousness and generosity.

TIME FOR THE ADMINISTRA-TION TO CUT THE DREAMS AND TALK STRAIGHT

Mr. PROXMIRE. Mr. President, consider the kind of dream stuff and fairy tales—and this being St. Patrick's Day, the Irish blarney—the administration has been telling to the country while our country has been sinking under the worst economic policies in our history. It will take a great deal to destroy this great economy of ours. But the administration's policies are making a tremendous "college try" in exactly that direction. Here is the way the administration's justification of its policies goes.

How serious is debt in America? The administration's report: Sure, we have a \$2.4 trillion national debt. Yes, indeed, our households owe an enormous \$2.9 trillion. We admit that American nontinancial business is more than \$3 trillion in debt. And sure, all these figures are the highest on record, and they are rising very fast. But we are doing fine. Put all those figures in perspective. Our GNP now exceeds \$4 trillion. It is moving on toward \$5 trillion. Our country is not only more productive than ever, it is growing at a steady rate. Sure, debt happens to be growing faster than the economy is growing. So what?

At this moment, with debt rising, unemployment continues to fall and is, right now, down to 5.7 percent. When we break down the components of debt, there is little to be concerned about. Net interest paid by the Federal Government is at \$145 billion, only about 14 percent of outlays. Sure, it was only about half that proportion of outlays in the fiftles and slxtles but it is still controllable. It is about half of our defense outlays and about onesixth of our nonmilitary spending. OMB expects that interest to decline as a percent of total outlays in coming years. OMB also expects outlays to decline as a percent of outlays until the budget is in balance in 1993.

In the judgment of this Senator, this kind of administration talk is dream stuff. It is nonsense. All of us know that these wishes will not come true. For the past 8 years, OMB has underestimated the deficit in every year without exception. Its initial estimate of the deficit has not only been wrong every year, the administration always, inevitably, time after time, predicted a lower deficit than we have had. Now the Congressional Budget Office tells us the administration is wrong again. CBO tells us that the deficit will not decline in 1988 as OMB projects. CBO tells us the deficit will climb to \$180 billion this year and this assumes a continued recovery—no recession.

continued recovery—no recession.

By forecasting a declining deficit and falling interest rates, OMB estimates that while the interest cost of servicing the national debt will continue to grow, it will grow less than GNP. This also is deceptive dream stuff. It is nonsense. No one can predict with any precision what our economy will do in the future. But on the basis of experience—year in and year out, we can be sure that the deficit is far more likely to grow than to decline. We can also be sure that come the next recession the deficit will shoot into the strate-sphere. We can be confident that this kind of fiscal policy this country has pursued for the past 8 years will be inflationary. We also know that as prices rise interest rates will rise. And as interest rates rise, and the national debt rises, the cost of servicing that national debt rises, the cost of servicing that national debt will shoot out of sight.

rises, the cost of servicing that hatlonal debt will shoot out of sight.

It is true that any predictions by the administration of recession or rising prices or rising interest rates or growing unemployment could have an adverse psychological effect on important decisionmakers in the economy. But this administration sounds like Voltaire's Dr. Pangloss: everything is always jim-dandy, rosy. The administration has lost its credibility, Would the American people respect and respond maturely to some straight-fromthe-shoulder realism? Why not try it? How can we expect the American public to support the kind of tough, painful economic measures we need if the administration—the President of the United States and the Secretary of the Treasury tell us month after month—even when they are leaving office that we do not need those measures?

I am not calling for a crepe-hanging, sour, discouraged, we-can't-line from the administration. we-can't-make-it calling for some straight, tough talk that tells the American people we are living beyond our means which we are that running continuous mammoth deficits in periods of recovery is their fault as well as Congress' fault and that this policy will hurt this country in the future. Tell the country the truth. Tell the country that there are no gains without paying. Until we have an administration that has the courage to do that, this country is going to continue to be in serious economic trouble.

Mr. President, I yield the floor and I thank my good friend, the majority

leader.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The acting Republican leader is recognized.

U.S. TROOPS IN HONDURAS

Mr. McCAIN. Mr. President, I rise to make a few remarks concerning the situation in Central America today. I would like to point out to start with that this is a time for us to consult together and work together as this crisis—and indeed, I think it can be described as a crisis-unfolds in the next hours and days.

Nr. President, the President of the United States chose yesterday to send 3,200 troops to Palmerola Air Base, which is 120 miles from the Nicaraguan border. This action in my view clearly does not indicate that young American men are going to be involved in combat in Central America. It does show some support to the Honduran Government, which I think has ample reason to question the United States commitment in the region. But, Mr. President, I want to make it perfectly clear that neither I, nor do I believe the American people, nor Members on both sides of the alsie, would in any way endorse U.S. troops involved in combat in Central America unless there was some dramatic escalation, something greater than the present incursion carried out by the Sandinista

I also think it is important that the administration, as soon as possible, conduct consultations with our leadership, our majority leader in particular, and others so that they and the American people can clearly understand what is taking place.

Now, in my view, Mr. President, what the Sandinistas have done is a clear reaction to what the Central Americans view as an abandonment of the Contras. Instead of a commitment to the peace process, instead of a com-mitment to the negotiation of a ceasefire, which we were supposed to be get-ting next week, the Sandinistas decided to deal what Mr. Ortega described

as a knockout blow to the Contras, with an incursion which, from the information I have, is well supported by helicopter gunships and other modern

Soviet-supplied equipment.

Whether this incursion will be suc cessful or not is unclear at this time. I think that the view most Central Americans have of this incursion, including President Arias, is one of condemnation. All of the Central American leadership have condemned this action on the part of the Sandinistas, and I think it deserves condemnation. And the best thing that the Sandinistos can do is withdraw as soon as possible, and let the peace process contin-

For the Congress of the United States, in my view, it is certainly a compelling requirement for us to at least review the entire issue of aid to the Contras. There is a new factor the entire scenario, and I believe that we should view this situation both from the viewpoint of renewed hu-manitarian aid or even renewed mil-

tary aid if possible.

Let me point out that the difference of opinion that exists between the Re-publicans in the other body and the leadership in the other body rests primarily on one single issue, and that is whether the President at some future date should have the ability which he has had for years-a vote for expedit ed procedures for continued lethal aid to the Contras in case of a total breakdown of the peace process—something which appears to be happening today. Mr. President, I think it is important

in this time of crisis that we reassure the American people, one, that we are not sending American boys into combat. We will not agree to such a thing, nor would we support such a thing. We are indeed showing the Honduran Government that we have not abandoned them in the region. But it is time for us to help the American people understand exactly what is going on, to clarify the facts involving the so-called incursion and clarify the facts as to the United States role in

I would also in closing say it is time us, the Republicans and Democrats, conservative and liberal, to sit down together, reason together, and regain some semblance of bipartisan in ddressing this issue so we can send a message to the Sandinistas, to the Contras, and to the world that we can unite behind a foreign policy to pre-serve or regain peace in the region—in a most vital part of the world, Latin America. In that way, I believe we can proceed toward a peaceful resolution of this very difficult and dangerous

I yield the balance of my time.

CIVIL RIGHTS RESTORATION ACT (GROVE CITY)-VETO

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the President's veto message on S. 557, which the clerk will read and which will be spread in full upon the record. The assistant legislative clerk read

as follows:

To the Senate of the United States:

To the Senate of the United States:

I am returning unsigned with my objections 8, 557 and transmitting for your prompt consideration the Civil Rights Protection Act of 1988. The Congress should enact legislation designed to eliminate invidof opportunity for all Americans while pre-serving their basic freedoms from governmental interference and control. Regretta-bly, the bill presented to me fails to achieve that objective.

There is no matter of greater concern to There is no matter of greater concern to me than ensuring that our Nation is free of discrimination. Our country has paid a heavy price in the past for prejudices, whether based upon race, gender, etinic background, religion or handicap. Such atti-

background, religion or handicap. Such atti-tudes have no place in our society.

It was with this commitment in mind that in the wake of the Supreme Court's 1984 Grove City College decision, I voiced my support for legislation that would strengthoutport for registation that would strength-en the civil rights coverage of educational institutions that existed prior to that deci-sion. I have repeatedly endorsed legislation to do just that. Today I am sending to Congress a bill that goes further than the legi-lation previously endorsed. This proposed bill is intended to accommodate other concerns raised during Congressional consider-ation of the Grove City issue.

Our bill advances the protection of civil

rights. It would:

Prohibit discrimination against women,
minorities, persons with disabilities, and the
elderly across the board in public school districts, public systems of higher education, systems of vocational education, and private educational institutions which receive any bie ferobot

Federal sid.

Extend the application of the civil rights statutes to entire businesses which receive Federal aid as a whole and to the entire plant or facility receiving Federal aid in every other instance.

Prohibit discrimination in all of the federal aid in the federal side of the f

ally funded programs of departments and agencies of State and local governments. Our bill complements well our body of ex-

Our officient profession of the control of existing Federal civil rights laws. But even more remains to be done. Por example, I have urged the Congress to enact responsible legislation to deal with some obvious failures of the Pair Housing Act of 1968, including the need to protect persons with dis-

Congress, on the other hand, has sent me a bill that would vastly and unjustifiably expand the power of the Federal govern-ment over the decisions and affairs of private organizations, such as churches and synagogues, farms, businesses, and State and local governments. In the process, it would place at risk such cherished values as

The bill presented to me would diminish substantially the freedom and independence substantially the irrection and independence of religious institutions in our society. The bill would seriously impinge upon religious liberty because of its unprecedented and pervasive coverage of churches and syna-sogues based on receipt of even a small amount of Federal aid for just one activity: its unprecedented coverage of entire religious elementary and secondary school systems when only a single school in such a system receives Federal aid; and its failure to protect, under Title IX of the Education Amendments of 1972, the religious freedom of private schools that the schools that of private schools that are closely identified

with the religious tenets of, but not controlled by, a religious organization.

Businesses participating in Federal programs, would be subject to comprehensive Federal regulation. While some proponents of S. 557 have claimed that it would not apply to farmers who receive Federal crop subsidies or food supplies who accept food stamps, the ambiguity in the statute and its legislative history indicates that these exemptions should be made explicit.

be made explicit.

A significant portion of the private sector—entities principally engaged in the business of providing education, health care. business of providing education, health care, housing, social services, or parks and recreation—would for the first time be covered mationwide in all of their activities, including those wholly unrelated activities of their subsidiaries or divisions receive no Federal aid. Again, there was no demonstrated need for such sweeping coverage.

Further, this bill would be beyond pre-Grove City law and expand the scope of coverage of State and local government agencies. Under S. 557, any agency of such a government that receives or distributes such assistance would be subject in all of its operations to a wide-ranging regime of Pederal regulation, contrary to the sound principles of federalism.

of federalism.

The cost and burdens of compliance with S. 557 would be substantial. The bill would bring to those it covers—which is most of America—an intrusive Federal regulatory regime; random on-site compliance checks by Federal officials; and increased exposure to lawsuits, which are costly to defend even when you win.

Morrower, such legislation would likely.

Moreover, such legislation would likely have the unintended consequences of harm-Moreover, such legislation would likely have the unintended consequences of harming many of the same people it is supposed to protect. For example, persons with disabilities seeking to enhance their job skills are not helped if businesses withdraw from Federal job-training programs because of their unwillingness to accept vastly expanded bureaucratic intrusions under S. 557, Business groups have indicated many of their members may do just that.

The Civil Rights Protection Act that 1 am proposing today addresses the many shortcomings of S. 557, The Civil Rights Protection Act would protect civil rights and at the same time preserve the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

The Civil Rights Protection Act contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while required that Federal intrusion into the lives and businesses of Americans, while

the lives and businesses of Americans, while ensuring that Federal aid is properly moni-tored under the civil rights statutes it amends. The bill would:

Protect religious liberty by limiting coverage to that part of a church or synagegue which participates in a Federal program; by protecting under Title IX, the religious tenets of private institutions closely identiwith religious organizations on the basis as institutions directly controlled with by religious organizations; and by providing that when a religious secondary or elemen-tary school receives Federal assistance, only that school, and not the entire religious school system, becomes subject to the Federal regulation

sure that the reach of Federal regula tion into private businesses extends only to the facility that participates in Federally funded programs, unless the business, as a whole, receives Federal aid, in which case it is covered in its entirety. The bill also states explicitly that farmers will not become sub-ject to Federal regulation by virtue of their acceptance of Federal price support pay-ments, and that grocers and supermarkets will not become subject to such regulations by virtue of accepting food stamps from cus-

or where the independence of State and local government from Federal control by limiting Pederal regulation to the part of a State or local entity that receives or distributes Pederal assistance.

In all other respects, my proposal is identical to S. 557, including the provisions to ensure that this legislation does not impair protection for the lives of unborn children. I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact promptly in its place the Civil Rights Protection Act of 1988.

Romad Reagan.

IRIUS PTOLECTION ACT OF 1988.

RONALD REAGAN.

THE WHITE HOUSE. March 16, 1988.

The ACTING PRESIDENT pro tempore. The question before the Senate is, shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The distinguished majority leader is ecognized.

Mr. BYRD. Mr. President, the managers on the other side are not in the Chamber as yet. The manager on our side, Mr. Kennedy, is here.
I ask unanimous consent that I may

proceed for not to exceed 3 minutes,

out of order.
The ACTING PRESIDENT pro tem-Without objection it is so ordered.

UNITED STATES TROOPS IN HONDURAS

Mr. BYRD. Mr. President, I did not respond earlier to the comments that were made by the able Senator from Arizona (Mr. McCain) because of the orders that has been entered. While awaiting the arrival of the managers on the other side of this vetoed legis tion. I simply want to compliment the distinguished Senator from Arizona [Mr. McCain] and join with him in expressing the hope that American troops are not going to be involved in fighting in Central America.

I join in condemning any incursions into Honduras by the Sandinistas. But I also want to express the hope that what we have seen take place—that being, I suppose, a training exercise, a no-advance-notice training exercise, in which we probably engage in many instances, and in connection with which I find no fault-I want to express the I find no fauit—1 want to cap-hope that this exercise, what appears to be a overrection at the wrong time, what appears to be and may be an what appears to be and may be an overreaction, does not prove to be counterproductive

While the Sandinistas are to be condemned for their actions, and so far as I know they may be out of Honduran not be: I do not have up-to-date infor-mation on that—I hope that the reaction that our country has had does not prove to be counterproductive, does not derail the peace process which was set forth in the Guatemala accords. I can only hope that the peace process goes forward and that there will be a ressation of hostilities. Out of the meetings that are supposed to occur in the early part of next week. I hope there will be actions that will follow on that will ultimately lead to a cease fire.

CIVIL RIGHTS RESTORATION ACT (GROVE CITY)--VETO

The Senate continued with the consideration of the veto message of the

President on S. 557.

Mr. BYRD. Mr. President, on the veto message, I want to take a few remaining moments to express the hope that the Senate can reach a vote on overriding this veto today.

I think the President has been unwise in vetoing this measure. Many people in his own party, I understand, have advised him to do otherwise. Nevertheless, he has exercised his authority under the Constitution to veto a bill, and he has done that in this in-stance—unjustifiably, I think.

It having been done, however, I think it is the Senate's duty to reach a decision, certainly within a reasonable decision, certainly within a reasonaute length of time. There can be debate. I hope it will not be strung out, delayed. There is no point in carrying this matter over until next Monday or Tuesday in this body.

It is my understanding-I have not heard it directly-that the House will not vote to override until next Tuesday, if the Senate does override. That being the case, it seems to me that at least the Senate ought to be allowed to reach a decision on this matter today. We have other work to do.

I have not had an opportunity to dis-uss this with the distinguished assistant Republican leader, Mr. Simpson, et; but I hope the debate will begin and that after a reasonable length of time, the Senate can work its will on the override.

Mr. President, I yield the floor

Mr. McCAIN. Mr. President, the dis-tinguished manager has arrived.

I ask unanimous consent to speak 2 minutes, out of order, to respond to the very important statement of the

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

HONDURAS

McCAIN. Mr. President. should like to express my appreciation for the comments just made by the distinguished majority leader. He obviously shows a concern and a bipartisan attitude toward this issue which I think is crucial to its resolution.

In addition, however, I should like to comment that this incursion on the part of the Sandinistas, in the view of many of us, is a cynical abrogation of their commitments to the peace proc-

I also am convinced that if there is a derailing of the peace process, it is not because of the sending of 3,200 American troops to Palmerola Base.

I think it is also very important to point out that the American people will not support U.S. combat involvement under present circumstances in Central America. At the same time, it is important for us to send a signal to our allies and friends in Central America that we are not abandoning the

This movement, although I think laudable in that respect, is in one way regrettable, in that the focus has now shifted from the Sandinista incursion to the understandable and deep and abiding concern on the part of the

abiding concern on the part of the American people as to whether those young men who have been sent are going to be involved in combat.

I think we need to first assure the American people that that is not the case, and then address the implications of what I view as a cynical underwinder. mining and torpedoing of the Central American peace process—the attempt by Mr. Ortega to deal a so-called knockout blow to the Contra effort.

Again, Mr. President, I thank the majority leader for his continuing commitment to finding a peaceful resolution to the regional conflict. I be-lieve he has displayed an enormous degree of bipartisanship and understanding, under sometimes very difficult circumstances. I am convinced that, as in the past, he will play a key role, and perhaps the key role, in any agreement we come to in trying to resolve this issue on a bipartisan basis.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

CIVIL RIGHTS RESTORATION ACT (GROVE CITY)-VETO

The Senate continued with the consideration of the veto message of the President on S. 557.

Mr. KENNEDY. Mr. President, I urge the Senate to override President Reagan's unjustified veto of the Civil Rights Restoration Act. The bill is identical to the measure that passed the Senate by an overwhelming bipartisan vote of 75 to 14, 6 weeks ago. The identical measure was adopted by the House of Representatives with a 315-

House of Representatives with a 315-to-9 margin 2 weeks ago.
This is a critical moment for civil rights and for the Nation. For 4 years since the Supreme Court's unfortunate decision in the Grove City College case, minorities, women, the disabled and the elderly have endured federally subsidized discrimination that they were powerless to stop.
For 4 years, Congress has worked to craft legislation to overturn the Grove City deicision and restore the four

City delcision and restore the four basic civil rights laws to their former strength. We developed legislation that does just that—nothing more and nothing less.

In addition to broad bipartisan support in Congress, the Civil Rights Res-toration Act is supported by the more than 200 national organizations represented by the Leadership Conference on Civil Rights, numerous religious or-ganizations, including the U.S. Catholic Conference, the American Baptist Churches, the Evangelical Lutheran Church in America, the Union of American Hewbrew Congregations, American Hewbrew Congregations, and the United Methodist Church. The bill has also been endorsed by the National Association of Independent Colleges and Universities, which represents 814 institutions of higher education in the United States.

The Civil Rights Restoration Act is limited legislation in the sense that it affects only the scope of coverage of those who receive Federal financial assistance.

Like every civil rights measure ever enacted, this bill has been the target of an irresponsible misinformation of an irresponsible misinformation campaign. We have heard it all before. Opponents of the Civil Rights Act of 1964 claimed that "in truth and in fact, the bill, under the cloak of prolact, the bill, under the cloar of pro-tecting the civil rights of certain mi-norities, will destroy civil rights of all citizens of the United States who fall within its scope." Those opposed to civil rights called the 1964 act greatest grasp for executive power conceived in the 20th century."

conceived in the 20th century."

Our 20 years experience under the civil rights laws demonstrates no such dire results: To the contrary, we have made great strides toward equality in our society, thanks to the 1964 act and our society, manks to the 1904 act and subsequent measures building on it. This progress was halted by the Grove City College decision. The Civil Rights Restoration Act would do nothing more than return us to the pre-Grove City situation.

Let me set the record straight on what the act does and does not do:

Fact: The Civil Rights Restoration Fact: The Civil Rights Restoration Act restores the broad prohibition against discrimination based on race, sex, disability and age by those who accept Federal financial aid.

Fact: The Civil Rights Restoration Act does not change in any way the definition of Federal financial assistance or who is a receipient of such assistance. The four civil rights laws apply only to such receipients. For example, farmers receiving crop subsidies are ultimate beneficiaries. They have been and will continue to be

exempt from these laws.

Fact: With the exception of abortion, the Civil Rights Restoration Act makes no change in the substantive requirements of the four civil rights laws. If a practice is prohibited dis-crimination now, it will be prohibited discrimination under the Civil Rights Restoration Act.

Fact: The Civil Rights Restoration Act makes no change in the persons protected under the four civil rights laws. These laws have never been terpreted to protect homosexuals. The act does nothing to change those interpretations.

In a desperate effort to salvage this veto, the administration is proposing a third alternative to the Civil Rights

Restoration Act. Its first two proposals were rejected soundly by Congress this year. As we examine the administration alternative, it is important to remember that, for the past 4 years, this administration has vigorously opposed any meaningful reversal of the Grove City decision.

The so-called administration alternative is a combination of the amendments offered and rejected in committee or on the Senate and House floors. plus a few additions that are unnecessary or are so lacking in merit that they were not even proposed as thev amendments to the bill.

The administration proposal would expand the religious tenet exemption in title IX to include institutions "closely identified" with the tenets of a religious organization as well as those "controlled by" a religious organization as well as nization. That amendment to the bill was rejected by the Senate 59 to 36.

The expanded exemption is unwarranted and would seriously undermine title IX protection in thousands of private schools throughout the country. No change in title IX is needed. More than 150 religious exemptions have been granted to colleges and universi-ties since title IX was enacted. No request for an exemption has ever been denied. No administration has ever required any institution to change a practice that it claimed was required by its religious beliefs, and no enforcement action has ever been brought against a religious institution because of a practice it claimed was dictated by

Expanding the religious tenet emption would create a giant loophole in title IX by opening the door to sex discrimination by hundreds of schools. discrimination by nundreds of schools. It is important to reflerate that the National Association of Independent Colleges and Universities, with over 800 members, supports the bill as is.

The administration proposal would

also limit corporate coverage, by re-stricting it to the single plant that re-ceives Federal aid, even if the corporation provides quasi-governmental services like housing and health care. This amendment was rejected by a vote of 11 to 5 in the Senate Labor Committee. In fact, in pre-Grove City practice tee. In fact, in pre-Grove City practice coverage was corporatewide for all corporations. In the present bill, we have limited corporatewide coverage to areas of public service, where it is most important.

The administration proposal would lso limit coverage of religious institualso limit coverage of religious institu-tions to the specific program receiving Federal funds. In other words, it would leave the Grove City decision in place for religious institutions. The Senate rejected this amendment 56 to

The civil rights laws never have conthe civil rights have hever have contained a different scope of coverage for religious and nonreligious recipients of Federal aid. There have been no problems in the two decades since these law were passed. Most religious organizations, including the U.S. Catholic Conference, are not seeking this change.

Finally, the administration proposal would allow schools that are part of a private school system to discriminate while taking Federal money by eliminating the act's requirement that if any school in a private school system receives Federal aid, the entire school system is covered.

This amendment was rejected by the Senate 70 to 16. II any school in a system receives Federal aid, the system must not be permitted to use creative bookkeeping to discriminate in its other schools.

What is being called an administration alternative to the Civil Rights Restoration Act is really the Federal Subsidy for Discrimination Act. Instead of restoring pre-Crove City protections from discrimination, it opens new loopholes in our laws to permit federally financed discrimination

The Civil Rights Restoration Act has been fully debated in the Senate and approved overwhelmingly. I urge my colleagues to override the President's misguided veto.

Mr. HATCH. Mr. President, this is still a very important debate, still a very important debate, still a very important issue and certainly deserves every consideration. Whenever a President vetoes something like this, especially a bill that is labeled as a civil rights bill, you have to be concerned that maybe he has some legitimate reasons for doing so.

Mate reasons for uonig so.

Now, what I would like to do, I say to the distinguished majority leader and those on his side, is to suggest that we are willing to go to a direct vote at a time certain. I have a particularly difficult schedule at this time and I do not want to be pushed into a major debate on this today, but I would be willing to set a time certain for a vote. I would prefer to do it sometime next week, with maybe an hour equally divided beforehand. And we can certainly take some time today, But I think it is fair to say that on

But I think it is fair to say that on the majority of the bills that have come to the floor I have had to be over here. We all have strong commitments and difficulties. I have more than my share right now and I would prefer that courtesy to me to allow this to go over until, say, next Tuesday or Wednesday, set a date, set a time certain. There will be a 1-hour debate beforehand so that everybody can have their last shot at this and we will be happy to take a few hours here today. I will be happy to chat for a few hours or better because I have a lot to say about this bill today.

I would just like to suggest that this is the way to resolve it. I do not think it is going to make any difference. I do not think it is going to change a lot of votes in the Senate. The House, as I understand it, is scheduled to vote next week. As I understand it, they are going to vote Tucsday. We could vote the same day they vote.

I am suggesting a time certain and a definite vote and no real problems with it other than we do want to make some final points at least to back up why the President feels so strongly about this issue that he has even taken the extraordinary step of veto-ing this bill.

Mr. KENNEDY. Mr. President, I always want to accommodate my good friend from Utah and certainly would make every effort to do so. But I sincerely hope that the Senate can address this measure soon. This issue has been before this body, been before our committee now for 4 years. The President has taken the full range of time right up to the deadline in order to exercise his constitutional right for a

We have debated this issue, We have discussed these matters. The basic conclusions in the President's veto are matters that have, by and large, been offered as amendments where we have had full and complete debate and votes.

The veto message is primarily the sum and substance of amendments that were offered to the Civil Rights Restoration Act. So the Members know these issues, the Members know these questions. There are really no new items in the President's veto measure.

I want to accommodate the Senator from Utah and I want to try to work out a process but it baffles me why we ought to go on 1 more day, quite frankly, with the existing law on the books

We are talking about the stain of discrimination. The Senate ought to speak on this issue. It is Thursday morning. I do not see why we cannot find the time, either later today or certainly at the latest tomorrow, to move ahead and to get a determination and get a final judgment.

I have not had the opportunity to talk to the leader. I want to certainly, accommodate the interests of the Senate. But I would hope and urge on him, at least to move ahead on this. I would urge the leader if we could make some time certain tomorrow, work out at least in terms of the debate today the speaking program with my colleague from Utah, so people that have differing views can present them. But I find it difficult to understand why we could not at least determine now that we would be able to yote on this certainly tomorrow.

The Senator from Utah can arrange a series of speakers so that we cannot vote on it, but I think that sends a message as well to the country. People are entitled to know where this institution stands and where the Senate stands. I would hope that we could at least make a determination, Mr. Leader, that we would vote sometime tomorrow. I would urge those who feel so strongly about it that we try and commit to the leader and the Senate to go on to some other business. But I

cannot for the life of me see why we ought to wait until next week.

Mr. HATCH. I guess the reason I raised this is that I would like to have it put off until next week because of inconvenient schedules, because of my own inconvenient schedules; and everybody knows I have to be here. There is no desire on anybody's part to filibuster this unless we are pushed

into doing it. I do not want to do that. It is safe to say that I have been here on the floor on seven major issues since the first of the year. I am not complaining. I have been here when I have been needed. I have participated strongly and fully. The good Senator knows that I have participated under some difficulty on the Polygraph Protection Act. The fact is I am saying we could have a date certain. We could get rid of the debate today, except for, say, the last hour. I will be happy to get rid of the debate, you can go back to Price-Anderson, get rid of that and then, I suspect, tomorrow the distinguished majority leader, as he indicated, wants to bring up another bill from our committee. So we go right from this one to another one. I would prefer to do it in a more orderly and more respectful way.

more respectful way.

I would be happy to go for a couple of hours today and to, basically, get into the Record all the things that I would care to get into the Record. I do not think it is an untoward request. The House has indicated that they are going to vote on this next Tuesday. I do not see why we cannot.

I frankly do not think it is going to change any votes in the Senate and I suspect that nobody is risking anything by granting this courtesy. But I have to be prepared, also, for the next bill that is coming up and it is going to be a very hotly contested issue, and that is high-risk occupational notification. I do not want to get shoved around on Grove City when I have that coming up the next day.

should be dive clay when I have that coming up the next day.
So, of the bills that have come up since the first of the year, that means eight of them will have been bills that I have either an intense interest in or manage on our side of the floor. I do not think that has happened to any Senator around here in many, many years.

I think it is a reasonable request. I know my colleague wants to accommodate me. I think I am trying to accommodate him. I am trying to make it clear, make his tenure on the floor relatively short and to make the debate a reasoned one, without any divisiveness, without any rancor or any ill will. But I am a U.S. Senator. I am happy to accommodate the Senate. If that is what they want to do, then do not blame us for taking a little bit extra time to do it.

I do not want to do that, I would like to have a reasoned, orderly debate that probably would not take much more than 2 hours today. It will take an hour before the vote on either next Tuesday or Wednesday. It would accommodate me and my schedule and I think the schedules of many other Senators. I think I have made a pretty good case: that I have been here every the transfer of the schedules. time I needed to be here and I certain ly will in the future.

Of course, if the majority feels otherwise, I will be here for this one, but I would like that accommodation and it would mean a lot to me. But I am not going to argue anymore beyond that.

If that is the way it is, then that is the way it is. But we will have to see be-cause all I can say is the gauntlet is going to be down on everything else this year.

I want everybody to know that. has never happened to me. People have always tried to accommodate me and I have tried to accommodate them. But if that is the way the floor is going to be run, maybe we had better know it today and if that is the way it is that is OK. I am used to some of it. But I think I have more than a commodated my colleagues and I will certainly try to do so in the future but I am not going to do it on many bills in the future, I will tell you that. And I think we will have a little difficult time around here from this point on and I am not the only one who feels that wav.

You know, I am asking for this courtesy. The House is not going to vote until Tuesday. There is no reason why we have to vote before then, especially if we could limit the debate, save the time of the Scnate, proceed with other business, have a time certain, make sure everybody understands it, let ev-

sure everyoody understands it, let everybody think about it over the weekend and then have the vote.

If the distinguished Senators are afraid that they might not win on the veto override on this issue, then I can understand why. understand why they would press so hard on this but I do not see why they should be so afraid of it.

That is the concession I would like to have. If we do not have it, well,

then, so be it.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I would remind the Senate, we passed this bill, 75 to 14. Seventy-five to fourthis oili, 75 to 14. Seventy-tive to rour-teen. Of those that were absent, there were seven cosponsors. That is 82 Members of this body, in one way or the other, who reflected support for this bill. Eighty-two Members of this ball. Eighty-two Members of this

this bill. Eighty-two Members of this body reflected support for it.

We would like to accommodate, but we are talking about discrimination. Why can we not have a vote on this? This is a matter that has been debated. It has been discussed.

I, too, have had what I consider the fortunate opportunity to be on the floor during the course of these past bills which the Senator has described. A good many of them have come from our committee. I welcomed that opportunity and I look forward to being on the floor a good deal more during the remainder of this session because this is the Nation's business. I would hope, given the fact that 82 Members of this body have indicated support, that we could move shead

we are not going to move ahead, as far as I am concerned, then the burden ought to be on those that desire not to move ahead. I cannot for the life of me understand why we cannot vote on this matter; if not ready, then on tomorrow. What issue is there that has not been fully venti-What item in the President's veto measure has not been fully examined? All of us have busy schedules.

This is a very celebrated holiday, St. Patrick's Day. And we have seen over the history of that beautiful little island, tragically in the last few days, the stain of discrimination. This would be a wonderful St. Patrick's Day present to the country, if we were able to override that veto today. So I would hope we would get a little accommodation, a little understanding from the

good friend from Utah.

Mr. HATCH. Well, you have two
Irishmen here arguing with each

Let me just say this. I asked for this accommodation. I presume it can be granted and if that is the case, so be it. Nobody wants to filibuster this bill, but I think we need until next Tues-day to resolve the issue and I would like to take a minimum of the Senate's like to take a minimum of the Senate's time so we can go to other business. That being the case, if we cannot resolve it then perhaps we will have to talk about it for a lengthy period of time anyway. I do not think anybody wants to put up with one item of discrimination in this country.

But I think when a President values.

But, I think when a President vetoes a bill, especially a bill that is called a civil rights bill, and it certainly does have aspects of civil rights with which I think everybody agrees, then I think it is a serious issue. I have made an ac commodative offer that we take about 2 or maybe 3 hours today. That will probably be the extent of the debate. and we can consider this issue at a later date which I would prefer to be next Tuesday or Wednesday.

Mr. President, I rise today to urge my colleagues to sustain the Presi-dent's veto of the so-called Civil Rights Restoration Act.

We all oppose discrimination. There is no one in this body who opposes discrimination more than I do. I think we all favor vigorous civil rights enforcement. I certainly favor that

But the debate on the Grove City legislation is not about discrimination, nor is it about women's rights, which has been the facade behind which many who have supported this legislation have positioned themselves.

S. 557 is not a simple piece of legislation that restores the law to what it was the day before the Supreme Court issued its decision on Grove City College versus Bell. Instead, this legislation trammels the first amendment's guarantee of freedom of religion by

forcing churches and synagogues to bow under the heavy hand of Federal regulations, just because they run a social service program in their basement that receives but \$1 of Federal money

The bill goes on and tells religious schools and universities that if one of their religious beliefs runs afoul of a single Federal regulation, then that religious belief must always be compromised in favor of the Federal regulation.

We do not have to assault religious beliefs in order to have an effective civil rights policy. We need not trade off our religious rights to ensure effective civil rights enforcement. Nor do we have to vote today to get this bill passed, in my opinion.

If the flaws in this bill were of a dif-

ferent nature, perhaps the veto would not have occurred. But Congress should not be allowed to chip away Congress our constitutional rights and prote tions. Once the Federal Government is allowed to dominate synagogues, once Federal bureaucrats can control religious schools and universities, we no longer have freedom of religion

The President has suggested that, if we can solve that problem and six others, he would sign the bill, because he, too, wants civil rights enforced and protected in this country. But that is a

significant problem.

When you stop to think about it, the first amendment talks about various rights and freedoms. The first one really mentioned in the very sense of that term happens to be religious free-dom and this bill trammels on religlous freedom. I, for one, find a great deal of difficulty with it. So does the President, and he should. I am surprised that my colleagues on the other side of the issue do not. Nevertheless. they do not. So you can say maybe there is room to disagree. I do not think so. I think we are giving the Federal Government inordinate trol over synagogues and churches in our country when they disagree with particular religious tenets of those particular religions.

Mr. President, let me reiterate that, for me, the principal flaw of S. 557 is the manner in which the bill extends Federal regulatory jurisdiction over churches and synagogues. Under the churches and synagogues. Under the bill, once a church or synagogue ac-cepts one dime of Federal money to assist their communities with pro-grams such as shelters for the homegrains such as shelters for the nome-less or hot meal programs for the el-derly, all of the programs and activi-ties of that particular church or that particular synagogue are covered. That is right All pollution of that particular synagogue are covered. That is right. All activities of that

church or synagogue are covered.

This coverage results from paragraph 3(B) of sections 3 through 6. graph 3(B) of sections 3 through 6. Paragraph 3(B) subjects to coverage "all of the operations of •• the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended • • • any part of which is extended" such assistance.

In the case of a church or synagogue operating a meals for the elderly program in its community room church or synagogue is a geographicalchurch or synagogue is a geographically separate facility under this bill. Moreover, because the meals program would constitute Federal aid, the entire church or synagogue, including its prayer rooms or other purely religious elements, would be subject the range of Federal regulations and the accompanying burdens and restricincluding paperwork, onsite tions compliance reviews by Federal regulators and law enforcement people, the need to accommodate persons with contagious diseases—and we all know what that means, or at least we have a pretty good idea-expensive accessibility rules that they will have to meet in all these churches and synagogues, affirmative action requirements

Can you imagine the impact of telling a church what it can or cannot do from an affirmative action standpoint?

And much more.

This is one of the reasons why the President is against this bill. In fact, he cites it as the first reason and he has a list of seven amendments that, if they were put into the bill, would allow him to accept the bill and sign it into law and, of course enforce it with all the vigor of his ability.

I want to point out the coverage of these institutions goes even further. A number of churches and synagogues operate housing for elderly in the locality where the church is located. The housing is often built with Feder al ald. Often tenants receive Federal subsidies.

Under this bill, not only would the housing project be covered, but also all the activities of the church or synagogue, even if the church or syna-gogue itself receives no Federal aid.

That has to concern everybody. It certainly concerns me.

This is true for two reasons:

First, the housing project is an operation of the church and, under the language of this bill, whenever any part of the church's operations receive any Federal aid, all of the operations are covered.

Second, according to the committee report, the term "geographically separate facility" does not mean just the one building where the Federal aid is received. It means all other buildings related in any way to that building in the same locality or region.

There are even more ramifications for religious institutions under this

measure

According to the plain language of this bill, when the church or syna-gogue receives Federal social welfare aid for a noneducational program, and the church or synagogue also conducts an educational program, such religious classes and instruction could be sub-ject to title IX. This expands title IX way beyond where it was one day

before the Grove City decision was made back in 1984.

We have waited 4 years and it seems to me a request for 3 more days should not be that significant.

In fact, S. 557 could be interpreted in fact, 8, 557 could be interpreted to require that, if the church or synagogue operates an educational program and Federal aid goes to any part of the church or synagogue, the entire religious institution is subject to title which addresses gender discrimination

Once again, it is important to note that the coverage of churches and synagogues under S. 557 is not a "restoration" of laws.

In fact, no evidence whatsoever was presented to our committee that such broad coverage of our most basic reli-gious institutions existed prior to the Supreme Court ruling in Grove City

College versus Bell.

Proponents of S. 557 were quite vocal in committee in their defense of this pervasive coverage of religious in-stitutions. However, there is a fundamental difference between a church or synagogue on the one hand and a manufacturer of socks and a general defense contractor on the other, a distinction which the majority on this bill cavalierly ignores, but the President does not.

The President has raised an effective issue which, it seems to me, ought

to be given consideration.

In the past, Congress has recognized In the past, Congress has recognized this difference and tried most cau-tiously to avoid interfering with the constitutionally—acknowledged activi-ties of religious institutions. The proponents of this bill would have us discard such caution and expand the law to impose the Federal Government directly into the operations of church.

That statement: They are going to impose the Federal Government di-rectly into the operations of the churches and synagogues of this country, that is the first time this has ever happened. It makes you wonder if we have a Constitution any more. I be-lieve this bill, if it is stricken down, will be because of that provision, and the President believes it, and I think, rightly so.

The Federal Government would be imposed directy into the operations of the churches and synagogues of this country despite a lack of any allega-tion of discrimination which would warrant such action. That is what resulty caused the uprising by Grove City in the first place. A small Presbyterian college, never accused of discrimination, does not discriminate and, yet, they find themselves in this costly litigation all the way up to the Su-preme Court. Of course, they won and lost in the Supreme Court. They lost, on the one hand, where the Supreme Court said: Yes, indirect funding, like Pell grants, do trigger liability under title 1X, not under the three additional statutes that are now covered by this bill. But then the Court went on

to say, and I might add this is one of the few times in recent history where the Court has really followed the strict legislative language of the legislation and literally used that language to basically decide in favor of Grove

City.

I will go back to that point again.
They would impose the Federal Government directly into the operations of the church, and they would do so despite a lack of allegation of discrimination that would warrant saction. That is an important point. such

Grove City won the case when the Supreme Court said, yes, direct funding does apply, but only as to that particular "program or activity to which the moneys go. That is what the bill said. The other side said: "Well, the bill was expanded much beyond that before Grove City and, therefore, they needed this change." I agree with that. The President agreed with that. We both agreed that we want title IX to apply institutionwide to all educational institutions which receive Federal funds on the college level and even beyond that, if that were the

There never has been an issue about whether or not title IX should apply institutionwide. We agreed with that within a day after the decision came down. The issue has been these unjust intrusions of the Federal Government into churches and synagogues in our society. I am going to mention the other issues as well that the President raised, and he raises them rightly.

I have been through this now for 7

years with this President, and I do not think people realize how deeply com-mitted he is to civil rights. You get into a phony issue like this, and it, looks like or some try to portray him as though he is not when, in fact, he is. He is raising important constitutional issues, and so am I.

I think I am fairly well known for that around the Senate of the United States, sometimes to the point where the Court actually sustains what I have argued right here on the floor. Like one of the recent bills this year where the Circuit Court of Appeals for the District of Columbia overruled the Congress of the United States on the independent counsel statute. I came out here and told them that is what they were going to do and asked them to delay the bill. I said: "Please, let us to delay the bill. I said: "Please, ict us wait until after the decision comes down in a month or so." And it came down within a very short period of time afterward, and it overruled what they were trying to do.

Let me continue on this bill. Certainly, the threat of such regulation provides a tremendous disincentive to churches and synagogues who are curchurches and synagogues who are currently serving their communities by providing these needed and valued services. Contrary to the views of the proponents of S. 557, I believe the Government should be encouraging religious institutions to assist it in the

provision of social services to their communities. This bill discourages bill discourages them, like so many things that happend back here.

Sometimes churches and synagogues are the very best informed about the problems of the needy and are generally feat to the synagogues. ally in the best location to deliver services to them.

But even more important are the constitutional implications of the coverage of churches and synagogues under S. 557.

Let me quote the first amendment: Congress shall make no law respecting an establishment of religion—

Do you notice which ones are first in those protected rights and freedoms? Establishment of religion.

or prohibiting the free exercise thereof.

The two basic tenets of the first amendment go right to this issue, and yet those who are arguing that the President is against civil rights just blithely shield these rights by and trample all over them in the process of this bill. Wait until some of these this bill. Wait until some of these churches, who think they are supporting a civil rights bill find out how heavyhanded the Federal Government can be even in religious institutions.

They will find that out all through the long trial and appellate process the long trial and appendic property of the Supreme Court where they will win there, which I think they will do on the language of this bill

Let us go back to the first amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

Then it goes on:

or abridging the freedom of speech

What about the freedom of speech of churches and synagogues? Here are three issues already; the first three of the first amendment:

or of the press; or the right of the people peacefully to assemble and to petition the Government for a redress of grievances.

I am a great supporter of the press with regard to the doctrine of prior restraint. But where is the press when it comes to explaining this very important issue that the President of the United States feels strongly enough about to veto a bill that is called a civil rights bill? He deer not state the contract of the United States feels strongly enough about to veto a bill that is called a civil rights bill? He deer not be strongly and the state of the contract of the c rights bill? He does not do that lightly. He does not do it because he is again the civil rights. He does it because this is an important constitutional point, and nobody knows that better than I do. I do not think anybody knows it better than he does.

We have to remember that of the rights protected in the first amendment, religion is recognized first before speech, press, assembly, and petition.

These rights may be overridden only where their exercise poses a specific and immediate threat, not avoidable by other means, to some supreme

I am citing the cases of Thomas versus Collins and Wisconsin versus Yoder, which is one of the important

cases of all time. And as William Bentley Ball, who argued that case and who is a great constitutional lawyer, the greatest arguer in this country for religious rights and freedoms, stated during the committee hearings on S. 557, and he is the top authority on constitutional rights with regard to religious freedom:

One of the great rea sons for strong pro-One of the great reasons for strong pro-tective language in statutes potentially af-fecting religion is the intolerable burden which may be visited upon a religious body of limited resources while in the toils of an agency blind to all but its own narrow area of "expertise" and before the First Amendment claim can be aired in court.

William Bentley Ball made a pretty good statement there. Most churches and synagogues do not have exhaustive amounts of money, any more than Oliver North and John Poindexter and General Secord have exhaustive amounts of money, and yet the Feder-Government has inexhaustible funds, 30 full-time lawyers, and 50 full-time investigators on that particular case. Can you imagine what it would be like to have that type of an onslaught, or even just one assistant U.S. attorney who gets a bug in his ear and decides to intimidate some church or synagogue in this country? By the time that church or synagogue is through, it is going to cost it hundreds of thousands, if not millions, of dollars to go all the way through the trial process and on up to the Supreme Court of the United States through the appellate process. I do not want to see that happen, and this bill allows it.

It is unbelievable, it really is, that it is allowed to come through the Con-

Certainly, the free exercise clause of the first amendment is threatened by the board coverage of churches and synagogues found in S. 557. As the Susynagogues found in S. 557. As the Su-preme Court explained in Abington School District v. Schempp, 374 U.S. 203, 222-223 (1963), "The Free Exer-cise Clause ° ° withdraws from legis-lative power, State and Federal, the exercise of selling Victorian Court of State and State of Selling Victorian Court of State of Selling Victorian Court of Se exercise of religion. Its purpose is to secure religious liberty in the individsecure religious liberty in the individ-ual by prohibiting any invasions there-of by civil authority." Moreover, in Wisconsin versus Yoder, the case I cited earlier, the Court explained, "A regulation neutral on its face may, in "a application prophibles of food the its application, nonetheless offend the constitutional requirement for governmental neutrality if it unduly burdens the free exercise of religion.

This bill unduly burdens the free exercise of religion, and may even burden the free right to establish a re-

That is not unimportant, and that is That is not unimportant, and that is why the President has vetoed this bill in part. It is just reason No. 1 and it has to concern everybody in America, and it has basically nothing to do with general civil rights, but it does have a lot to do with the civil rights of religious institutions. gious institutions

The area of Government regulation that burdens the free exercise of religion has been a difficult and less than clear area of law for the Supreme Court. However, the Court has consistently made clear that religious beliefs are absolutely protected from governmental interference. Moreover, recent cases indicate that the High Court is developing a standard of review in the area of Government regulation of reli-giously based conduct that is highly glously based conduct that is dignly protective of free exercise claims. For example, in *Sherbert v. Verner*, 374 U.S. 398 (1963), the Court held that the free exercise clause compels exemption for a Seventh Day Adventist from a requirement of a State unemployment compensation statute. The statute required beneficiaries to be ready to accept suitable employment at anytime. However, Sherbert stated that she could not accept employment that she could not accept employment involving work on Saturday because Saturday was recognized by her religion as the Sabbath. The Court held that the statutory requirement could be applied to have able to be recorded. be applied to her only if it served "a compelling state interest." Similarly, in Wisconsin versus Yoder, the Court held the free exercise clause to compel an exemption from a State compulsoeducation requirement for Amish children whose religiously based way of life could be threatened by the reof the count of threatmen by the required 2 years of high school education. The Court found that "only those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion."

free exercise of religion.

More recently, in Corporation of Presiding Bishop v. Amos, 107 S.Ct. 2862 (1987), the Supreme Court upheld the broadening of the exemption in title VII for religious organizations. tions from the ban on religious dis-crimination to include not only employees engaged in religious activities but also those who perform "work con-nected with the carrying on by such nected with the carrying on by such corporation, association, educational institution, or society of its activities." The case involved three employees who worked for church-owned enterprises and who were fired because they failed to meet certain religious recultements. Justice White, writing requirements. Justice White, writing for the Court found that "it is a permissible legislative purpose to alleviate significant governmental interference with the ability of religious organizawith the ability of religious organiza-tions to define and carry out their reli-gious missions." The Court noted that the free exercise clause required only an exemption for the religious activi-ties of religious organizations. Howev-er, the Court recognized that the ex-tension of the exemption to the orgatension of the exemption to the organizations' secular activities served a legitimate function. As the Court stated:

gitimate function. As the Court stated:

It is a significant burden on a religious orsanization to require it, on pain of substantial liability, to predict which of its activities as accular court will consider religious. The
line is hardly a bright one and an organization might understandably be concerned
that a judge would not understand its reli-

glous tenets and sense of mission. Fear of potential liability might affect the way an organization carried out what it understood to be its religious mission.

This concern, expressed by Justice White, is very applicable here. Regulation of even the ministerial functions of a church or synagogue, as required by S. 557, and the resulting fear of potential liability might well affect the way an organization carries out what it understands to be its religious mission. Such regulation might well be found by the Court to be an interference with belief and thereby a violation of the free exercise clause.

In any case, regulation of the religious activities of a church or synagogue would surely constitute an unacceptable entanglement of church and State that interferes with the ability of religious organizations to carry out their religious missions.

This body need not and must not

This body need not and must not sacrifice religious freedoms in an attempt to strengthen civil rights protection

Now some will argue that with regard to churches and synagogues, coverage is only program specific. But that is not the case. I think you will have a difficult time finding any language in the bill that would provide an exemption from religious institutions. Where is it? I do not see it there. The truth is there is no exemption.

We tried to add such an exemption, but it was voted down by the supporters of this bill. I hope my colleagues will not be misled. The simple fact is that unlike today, unlike prior to Grover City, if this bill becomes law, if a church runs a hot meal program in its basement, the whole church and all of its activities are subject to Federal regulation. What a disappointing policy for this august body to adopt.

RELICIOUS TENENTS

Let me talk about religious tenents because it just does not go to this one issue concerning churches and synagogues.

gogues.

As I noted before, new religious tenets language is also needed in title IX to protect a covered institution's policy which is based upon tenets of a religious organization where the institution is controlled by, or closely identified with the tenets of, the religious organization. Because S. 557 does not contain this language, the vast majority of church-related educational institutions could be denied a religious tenets exemption because they are not literally controlled by the tenets of a religious organization.

In 1972, when Congress enacted title IX. Congress included several exceptions to its coverage, including: "This section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization;" (20 U.S.C. sec. 1681(a)(3)).

At that time, many educational institutions were controlled outright by religious entities. Even then, from 1972 to 1984, a hostile Federal bureaucracy granted only about 5 of 220 exemption requests. Since 1985, another 145 or so have been granted.

requests. Since 1905, another have been granted.

Some of these institutions today, while retaining their identification with religious tenets, are controlled by lay boards and thus may be outside the scope of the religious tenets exception of current law. Accordingly, the "control" test for application of the exemption no longer affords adequate protection for religious tenets under title IX.

Language should have been included in the Grove City bill to protect a policy of an educational institution under title IX based on religious tenets when the institution is not controlled by a religious organization. This same protection should also be afforded to other institutions, such as hospitals, covered under title IX by Grove City legislation when they have such a close identification with the tenets of a religious organization.

Because S. 557 does not contain this language, a subsequent administration may revoke the exemptions already granted. Or, advocacy groups hostic to the exemption may suc to have existing exemptions revoked once they have safely seen S. 557 become law.

THESE LAWS WERE INTENDED TO BE PROGRAM-

Now Mr. President, with respect to the scope of S. 557. I want to point out again that the plain language of these civil rights statutes, together with their legislative histories, demonstrates that Congress always intended the scope of these statutes to be "program-specific," as the Supreme Court correctly determined in the Grove City decision. They all use a phrase "program or activity" which on its face denotes something less than an entire entity or institution.

Frankly, the term "program or activity" would appear by common sense to mean something less than an entire institution. Congress is often criticized for its ambiguity, or its mistakes in legislative drafting, but I do not think it made such a wholesale mistake as to expect the entire country to think that the term "program or activity" was a synonym for an entire school, a school system, or a State.

Title IX itself makes reference to

Title 1X itself makes reference to "an educational institution" and defines the term "educational institution" as broader than a program (20 U.S.C. 1681(c)). In all honesty we have to admit that Congress knew how to cover an entire institution whenever one part of it received Federal aid, but declined to do so in the antidiscrimination provision of these laws.

Moreover, in section 904 of title IX, Congress prohibited discrimination on the basis of blindness or vision-impairment "in any course of study by a recipient of Federal financial assistance for any education program or activity." (10 U.S.C. 1684). Here, Congress clearly banned discrimination on the

basis of blindness throughout the institution by using the word "recipient" in the statute itself—in stark contrast to the more discrete term "program or activity" used in the antisex discrimination provision of title IX and in the other three statutes. Congress clearly knew how to provide institution-wide coverage under these statutes and declined to do so.

Thus, it is important to recognize that references by the proponents of \$5.557 to the "longstanding" interpretation of these laws are inaccurate. Indeed, while some lower courts did rule that these statutes covered an entire institution whenever any part of the institution received assistance, most Federal courts ruled, as the Supreme Court did, that the statutes were program-specific. And the trend in the lower courts leading to the Grove City decision by the Supreme Court was certainly in that direction. For instance, in Simpson versus Reynolds Metals Co., 629 F.2d 1226 (7th Cir. 1980), a case brought under section 504 of the Rehabilitation Act and decided 4 years before Grove City, the Court said:

Court said:

The statute does not, as plaintiff seems to contend, generally forbid discrimination against the handicapped by recipients of Federal assistance. Instead, its terms apparently require that the discrimination must have some direct or indirect effect on the handicapped persons in the program or activity receiving Federal financial assistance. To be actionable, the discrimination must come in the operation of the program or manifest itself in a handicapped individual's exclusion from the program or a diminution of the benefits he would otherwise receive from the program. (629 F. 2d at 1232).

Similarly, in Bachman versus American Society of Clinical Pathologists (577 F. Supp. 1257 (D. N.J. 1983)), the Court made a program-specific interpretation in a section 504 action:

It is not enough... to show that a person has been discriminated against by a recipient to Federal funds. Plaintiff must also show that she was subject to discrimination under the program or activity for which those funds were received... section 504 of the Rehabilitation Act imposes a programspecific requirement limiting chains brought pursuant to this section to those programs or activities which are federally funded. (577 F. Supp. 1262-1263).

In Bachman, a nonprofit professional medical association received about \$50,000 in Federal funds to conduct and publish the proceedings of three seminars on alcohol abuse. The Court ruled that such Federal funding does not subject to coverage the association's board of registry, which develops standards and procedures for entry and promotion in medical laboratories and certifies and registers those who meet competency requirements, including the use of an examination.

Now Mr. President, if this veto is not

Now Mr. President, if this veto is not sustained, a court will have no choice but to rule differently than it did in Bachman. And what that will lead to is forcing "equal results" rather than

assuring equal opportunity. If S. 557 is adopted, all of the professional standards of such an organization receiving such Federal aid will be subject to "equality of results" regulations that could invalidate the existing standards, just because they fall with a disproportionate impact on certain groups, even though they are clearly not established with that intent. That proportionate will be a sad day for this country.

The list of program specific holdings is long. I invite my colleagues to read is long. I invite my colleagues to read Rice v. President and Fellows of Harvard College, 663 F. 2d 336 (1st Cir. 1981), cert. denied, 456 U.S. 928 (1928); Hillsdale College v. Department of Health, Education and Welfare, 696 F.2d 418 (6th Cir. 1982) Federal scholarship and loan aid to a college subjects only the college's student side jects only the college's student aid program to title IX coverage, vacated and remanded in light of Grove City College v. Bell; Dougherty County School System v. Bell, 694 F.2d 78 (5th Cir. 1982) (reaffirming earlier decision holding that title IX is program-specilic): University of Richmond v. Bell, 543 F. Supp. 321 (E.D. VA. 1982) (university's intercollegiate athletic program not subject to title IX coverage because it did not be accounted to the control of the control o because it did not receive Federal financial assistance).

GROVE CITY HAS NOT IMPAIRED EXECUTIVE ORCEMENT EXCEPT IN EDUCATION

Mr. President, let me repeat that we recognize that harm has been documented in the area of education, and all of us have been willing since 1984 to address this harm. Institutions of higher education, private elementary and secondary institutions, and public and secondary institutions, and public school districts receiving any Federal aid should be covered throughout. Federally assisted education programs in noneducational entities are also covered.

However, it is important for my colleagues to be aware that, outside of the Department of Education, most, if not all, other agencies enforced the statutes properly as program-specific, and have not seen their enforcement diminished by the Grove City decision.

And I agree that needs to be corrected and this bill would correct that, but it goes so much farther than that.

For example, the Department of Labor reported that all 47 of its complaint investigations initiated since March 26, 1985, were unaffected by the Grove City decision. No investigation was narrowed in scope as a re of Grove City, and no investigation was found to be beyond the Department's jurisdiction as a result of Grove City. Indeed, Secretary of Labor liam Brock advised Senator Kenneny on April 2, 1987, that no Department of Labor enforcement on investigative activity has been curtailed as a result of the Grove City decision, adding:

The Department has traditionally inter-preted the phrase "program or activity" consistently with the interpretation set forth by the Supreme Court in Grove City.

The Veterans' Administration reported that its complaint investigation process had not been affected by Grove City, no compliance reviews were dropped, narrowed, or "put on hold" as a result of Grove City, and the agency's procedures for handling complaints and compliance reviews had not been changed. Thus with respect to the vast bulk of Federal agency activity, not only has there been no showing by sponsors of S. 557 that the effectiveness and vitality of these four crosscutting civil rights statutes has been impaired, reports from a number of agencies demon-strate to the contrary.

Even for the Department of Education, of the 674 complaints closed in whole or in part, or suspended, during fiscal years 1984 through 1986, 468 of concerned abortion rights and were filed by one person. Moreover, if this substitute language had been adopted when it was first offered 3 years ago, all of these cases could have been resolved.

INSUFFICIENT EVIDENCE TO WARRANT S. 557 BROAD SWEET

Let me emphasize, Mr. President, that no case has been made for the radical expansion of Federal jurisdiction represented by S. 557. Everyone in this body knows that Federal regu-lations, and the private right of action under at least three of these statutes, are not without significant costs. They should not be imposed without a basis in the record of harm. When we expand Federal authority, we expand the burdens that go with it.

Justice Lewis Powell, Joined by Chief Justice Warren Burger, and Justice Sandra Day O'Connor neatly captured the point in a nutshell in a concurrence in this very Grove City case:

With acceptance of Federal financial assistance one surrenders a certain measure of the freedom that Americans have always cherished. (465 U.S., at 577).

As Judge Abraham Sofaer, now the As Judge Auranam soluci, now the State Department's legal advisor, said in a title VI case, a Federal agency's power is very significant and threatening, even at the investigation phase:

The power to inquire, and to demand explanation, provides leverage that will inevitably delay or discourage many nondiscriminatory and essential decisions, Bryan v. Koch. 492 P. Supp. 212, 235 (S.D., N.Y.), aff'd, 62/F.,2d, 612 (2nd Cir. 1980).

In other words, Mr. President, we must recognize that when we expand Federal jurisdiction under these laws, we expand the burdens accompanying them—paperwork, on-site compliance reviews, affirmative action requirements, and much more.

Grocery stores, for example, will be covered under S. 557 for the first time. even if their only contact with Federal even it their only contact with recerai assistance is acceptance of food stamps, even though not one word of testimony in 4 years of debate on Grove City has suggested that there is any problem with grocery stores. The National Grocers Association testified on March 27, 1985, before a joint com-

mittee hearing in the U.S. House of Representatives, that their Members profit margin is about one penny on the dollar. Absent a demonstrated need to expand these laws and the burdens that go with them, why should grocery stores have to spend a portion of their penny-on-the-dollar profits on compliance costs?

No record has been made demonstrating a need for the sweeping reach of S. 557. If there are demonstrated problems, let's address them.

The tailored approach is the way we handled the issue of discrimination by airlines against persons with handi-caps. Advocacy groups argued that section 504 covered an airline which used an airport which received Federal aid, Now, that reading of section 504 would mean businesses using federally aided highways would be covered and there would be no end to coverage. The Supreme Court rejected this interpreta-

Congress responded by enacting a law which banned discrimination an airline against persons with handicaps, the Air Carrier Access Act of 1986. Now, Mr. President, that's the way to fix a problem: identify a problem, not with slogans, rhetoric, and catchy titles, but with fact, and then craft legislation addressing it. S. 557. in stark contrast, covers the country with a blanket of Federal jurisdiction, regardless of whether there is a problem in a given area or not. Have any of my colleagues heard complaints about farmers, grocers, churches, and synagogues? As I mentioned, except for the Department of Education, Grove City has had either no impact or virtually no impact at any agency in 4 years.

Mr. President, S. 557 is not a simple piece of legislation designed to restore the status quo. We all know that. It is new law. It creates new coverage and gives the ever ominous Federal Government new powers.

It would have us say as a matter of policy that we want the Federal Government to regulate churches. We want religious schools to always com-promise their religious tenets when some bureaucrat decides a Federal regulation is being abridged.

The simple fact is that we do not need to mug our religious institutions in order to have an effective civil rights policy in this country. Mr. President, I hope my colleagues will have the courage to stand up and be counted. I hope they will have the courage to vote for religious freedom. I hope they will vote to sustain the President's veto.

President's veto.

If they vote to sustain this veto, they will be voting for that.

Mr. President, let us make a few more points clear. First, S. 557 is not legislation that restores the law to what it was the day before the Supreme Court decision in Grove City versus Reil versus Bell.

(Mr. GRAHAM assumed the chair.)

S. 2184-CIVIL RIGHTS PROTECTION ACT OF 1988

Mr. HATCH. Mr. President, the President has sent a bill to us which shows his good intent to accept virtually everything in this bill except for an additional seven amendments. I ask unanimous consent that the bill be printed in the RECORD at this point.

As a matter of fact, let me ask upan imous consent that I introduce the bill

at this point into the RECORD.

The PRESIDING OFFICER, Without objection, it is so ordered

The text of the bill follows:

S. 2184

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

SHORT TITLE

Section 1. This Act may be cited as the "Civil Rights Protection Act of 1988".

FINDINGS OF CONGRESS

Six, 2. The Congress finds that

Six: 2. The Congress finds that—
(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or east doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to re-store the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMEND

SEC. 3. (a) Title DX of the Education Amendments of 1972 is amended by adding at the end the following new sections:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY

"Sec. 908. For the purposes of this title, the term 'program or activity' and 'program'

mean all of the operations of—
"(1XA) the part of a department, agency, special purpose district, or other instrumentality of a State or of a local government to

which the assistance is extended; or

"(B) the part of the entity of such State
or local government that distributes such

"(2)(A) a college, university, or other post-secondary institution, or a public system of higher education; or "(B) a local educational agency (as defined

in section 198(a)(10) of the elementary and Secondary Education Act of 1965), system of vocational education, or other elementary

or secondary school;
"(3)(A) an entire corporation, partnership,
or other private organization, or an entire
sole proprietorship if assistance is extended to such corporation, partnership, private or ganization, or sole proprietorship as a

"(B) the entire single plant or other com-"(B) the entire single plant or other com-parable, geographically separate single facil-ity to which Federal financial assistance is extended, in the case of any other corpora-tion, partnership, private organization, or sole proprietorship; or "(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal finanany part of which is extended Federal infan-cial assistance, except that such term does not include any operation of an entity which is controlled by, or which is closely identified with the tenets of, a religious or-canization if the application of section 901 to such operation would not be consistent illh the religious tenets of such organiza

(b) Notwithstanding any provision of this Act or any amendment adopted thereto:

"NEUTRALITY WITH RESPECT TO ABORTION

"SEC. 909. Nothing in this title shall be "SEC 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

REHABILITATION ACT AMENDMENT

4. Section 504 of the Rehabilitation Act of 1973 is amended

(1) by inserting "(a)" after "Sec. 504."; and (2) by adding at the end the following new

(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

'(1)(A) the part of a department, agency, special purpose district, or other instrumentality of a State or of a local government to which the assistance is extended as the assistance is extended; or

(B) the part of the entity of such State or local government that distributes such

assistance;

"(2)(A) a college, university, or other post-secondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other elementary or recondary school; condary school:

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship if assistance is extended to such corporation, partnership, private or ganization, or sole proprietorship as a

(B) the entire single plant or other comparable, reographically separate single facil-ity to which Pederal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entitles described in paragraph (1), (2), or (3);

any part of which is extended Federal finanassistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibil-ity, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on date of the enactment of this subsection.

AGE DISCRIMINATION ACT AMENDMENT

SEC. 5. Section 309 of the Age Discrimina-tion Act of 1975 is amended— (1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu nereof; and
(3) by inserting after paragraph (3) the

following new paragraph:

following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(ANI) the part of a department, agency, special purpose district, or other instrumentality of a State or of a local government to which the assistance is extended; or

"(ii) the part of the entity of such State or local government that distributes such assistance;

"(B)(i) a college, university, or other post

"(BM) a college, university, or other post-secondary institution, or a public system of higher education; or "(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1985), system of vocational education, or other elementary or secondary school;

"(CXI) an entire corporation, partnership, or other private organization, or an entire sole proprietorship if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole: or

whole; or

"(ii) the entire single plant or other comparable, geographically separate single facility to which Federal financial assistance is
extended, in the case of any other corporation, partnership, private organization, or
sole proprietorship; or

"(D) any other entity which is established
by these masses of the sufficient sections."

by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal finan-

CIVIL RIGHTS ACT AMENDMEN

Sec. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section: "Sec. 606. For the purposes of this title,

"See. 505. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—"(1)(A) the part of a department, agency, special purpose district, or other instrumentality of a State or of a local government to

which the assistance is extended; or

"(B) the part of the entity of such State
or local government that distributes such stance

assistance:

"(2)(A) a college, university, or other postsecondary institution, or a public system of
higher education; or "(B) a local educational
agency (as defined in section 1981ax10) of
the Elementary and Secondary Education
Act of 1965), system of vocational education,
or other elementary or secondary school;

"(3)(A) an entire corporation, partnership,
or other private organization, or an entire
sole proprietorship if assistance is extended
to such corporation, partnership, private organization, or sole proprietorship as a
whole; or

whole: or

"(B) the entire single plant or other com-arable geographically separate single facili-to which Federal financial assistance is xtended, in the case of any other corpora

catenaci, in the case of any other corpora-tion, partnership, private organization, or sole proprietorship; or "(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Pederal financial assistance.".

RULE OF CONSTRUCTION

Sec. 7. Nothing in the amendments made

by this Act shall be construed to extend the application of the Acts so amended to—
(i) ultimate beneficiaries of Federal finan(ia) assistance excluded from coverage before the enactment of this Act;

(2) any part of a church or synagogue, if uch part does not receive federal financial

(3) any grocery store, supermarket, or other similar business entity based upon other similar business entity based upon participation in the Federal Food Stamp Program; or

(4) any farm, farmer, ranch, or rancher based upon participation in any Federal ag-ricultural program, including without limi-tation a program providing price support payments or crop subsidies.

ABORTION NEUTRALITY

SEC. 8. No provision of this Act or any amendment made by this Act shall be con-

strued to force or require any individual or hospital or any other institution, program, or activity receiving Federal Funds to perform or pay for an abortion.

CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

SEC. 9. Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after sub paragraph (B) the following:

(C) For the purpose of sections 503 and "(C) For the purpose of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who. by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.".

Mr. HATCH. Yesterday, as we all know, the President vetoed the so-called Civil Rights Restoration Act of 1986. At the same time, the President submitted to Congress a compromise proposal which is an effective response to the Grove City decision but which does not trammel all religious rights and freedoms protected under the first amendment

At the President's request I am today, introducing his proposal and I hope my colleagues will give it serious consideration. While it is based on S. 557, it avoids the key problems that really arise with that legislation.

First, the President's bill protects religious liberties. The proposal provides that a church or synagogue will not be covered beyond the part of the church or synagogue that receives the Federal assistance. In conformity with Federal regulations already on the books, it provides that a private or religious ele-mentary or secondary school that renet the entire system, if only one school receives aid. And the proposal will assure that, under title IX olicies of institutions closely identified with religious tenets of a religious organization are protected.

In addition, under the President's proposal, coverage in the private sector would be plantwide where assistance is received for only one program, and would cover the whole private sector entity where assistance is received as a whole. In the public sector, the compromise bill provides coverage to the part of the State or local government that receives or dis-tributes Federal assistance.

The proposal retains S. 557's coverage of entire systems of public educa-tion-post-secondary, elementary and secondary. It likewise retains coverage of entire systems of private post-sec-ondary educational institutions, and entire systems of vocational education.

Finally, the proposal retains the abortion-neutral amendment adopted by the House and Senate. This measure provides effective civil right tection and enforcement without trammeling religious freedom. I hope my colleagues will give this

proposal serious consideration.

Mr. President, I would like to just read from the factsheet sent up by the White House.

The President today transmitted to the Congress a legislative initiative to improve protection for the civil rights of Americans entitled the "Civil Rights Protection Act of 1988." Enactment of the initiative would advance equality of opportunity and nondis-crimination while protecting the freedom of Americans from unnecessary Federal intru-Americans from unnecessary Federal intru-sion. The initiative would extend protection for civil rights well beyond the proposed ex-tension introduced as H.R. 1881 which the Administration previously endorsed. The proposed legislation would strength-en four civil rights statutes that prohibit directivity titles.

discrimination in programs or activities receiving Federal financial assistance:

Title VI of the Civil Rights Act of 1964, prohibiting discrimination on the basis of

race, color, or national origin;
Title IX of the Education Amendments of
1972, prohibiting discrimination on the basis

of gender in education; Section 504 of the Rehabilitation Act of 1973, prohibiting discrimination on the basis of handicap; and

The Age Discrimination Act of 1975, pro-hibiting discrimination on the basis of age. The President's proposal advances the protection of civil rights. It would:

Prohibit discrimination minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher education, systems of vocational education, and private educational institutions which receive any

Extend the application of the civil rights Extend the application of the civil rights statutes to entire businesses which receive Federal aid as a whole and to the entire plant or facility receiving Federal aid in every other instance.

Prohibit discrimination in all of the Federal was a state of the feder

erally-funded programs of departments and

ranj-funcco programs of departments and agencies of State and local governments.

The President's proposal accompanies has message returning S. 557 to the Senate for reconsideration with his objections. In contrast to the vetoed S. 557, the President's proposal would provide specific protections for important liberties. The bill would:

for important liberties. The bill would:
Protect religious liberty by limiting coverage to that part of a church or synagogue which participates in a Federal program; by protecting under Title IX the religious tenets of private institutions closely identified with religious organizations on the same basis as institutions directly controlled by religious ornanizations; and by providing that when a religious secondary or elementary school receives Federal assistance, only that school, and not the entire religious school system, becomes subject to the Federal regulation.

Ensure that the reach of Federal regula-

eral regulation.

Ensure that the reach of Federal regulation into private businesses extends only to the facility that participates in Federally funded programs, unless the business as a whole receives Federal aid, in which case it is covered in its entirety. The bill also states explicitly that farmers will not become subject to Federal regulation by virtue of their acceptance of Federal price support payments, and that grocers and supermarkets will not become subject to such regulations by virtue of acceptance from customers. by virtue of accepting food stamps from cus

Preserves the independence of State and local government from Federal control by limiting Federal regulation to the part of a State or local entity that receives or distributes Federal assistance.

In other respects President's proposal is identical to 8, 557, including provisions to

ensure that the legislation does not impair

ensure that the tegislation does not impair protection for the lives of unborn children. Coverage under the civil rights statutes entails compliance with extensive Pederal regulations and paperwork, potential costly lawsuits, and random on-site Inspections by Pederal officials.

The President's proposal takes particular

care to avoid unnecessary Federal intrusion into religious institutions. The proposal ex-tends Federal regulation into a church-run program that accepts Federal funds. In contrast, S. 557 subjects the entire church to such regulation if a single church program accents Rederal funds Also the President's accepts Federal funds. Also, the President's proposal extends Federal regulation to a private elementary or secondary religious school which accepts Federal funds, but, unlike S. 557, does not further extend it to the entire school system of which that school is a part, if the rest of the system does not receive Federal aid. Finally, the President's proposal protects the religious tends of a review of constitutions that page 100 process of control of constitutions and the president's proposal protects the religious tends of controls of constitutions. tenets of private organizations that are closely identified with religious institutions on the same basis as it protects the religious tenets of private organizations that are directly controlled by religious institutions. In contrast, S. 557 extends protection only to organizations under such direct control.

The President's proposal exercises similar care in extending Federal regulations of businesses. Under the proposal, if a business as a whole receives Federal aid, it is covered as a whole receives Federal aid, it is covered in its entirety. In all other cases, if a busi-ness of any kind accepts Federal aid in a single activity, then only the plant of racili-ty in which that activity takes place be-comes subject to Federal regulation. In con-trast, under S. 557. businesses engaged in providing education, health care, housing, social services and narks and recration are providing education, neath care, nousing, social services, and parks and recreation are treated as if they were government agencies—acceptance of aid for a single program would subject the entire business to Federal

cies—acceptaince of an or a same monarm would subject the entire business to Federal regulation.

The President's proposal carefully tailors the reach of the Federal Government into State and local government to the extent of Pederal financial assistance, to safeguard the principles of federalism. Under the President's proposal only the programs of a State or local agency which receives Federal funds will become subject to the regime of Federal regulation. In contrast, under S. 557, if any program of an agency of a State or local government receives any Federal ald, all operations of that agency become subject to the regime of Federal regulation.

The President's proposal also makes clear that farms and ranches participating in Federal agricultural programs, and grocery

that iarms and ranches participating in Pederal agricultural programs, and grocery stores accepting Food Stamps, are not considered subject to Federal regulation by virtue of that participation, in contrast, the language of S. 557 lends itself to the interpretation that receipt of crop subsidies and Food Stamps provides the story of the productions of the story of the production of the productions of the story of the ood Stamps may be treated as Federal subjecting the recipient to Federal regulation

Mr. President, that is the factsheet pertaining to the Civil Rights Restoration Act of 1988. As you can see, there are seven basic approaches that he has stated, and I think they are quite reasonable. They should be accepted, and I think then the President would sign the bill, and I would support the bill.

Mr. President, I understand that the distinguished Senator from Kansas distinguished Senator from Kansas would like to make a short statement. So I ask unanimous consent that I may yield the floor to him without losing my right to the floor or any statement hereafter being considered a second speech under the rules.

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

The Senator from Kansas.

Mr. DOLE, Mr. President, I ask unanimous consent I may speak out of order for 3 or 4 minutes. The PRESIDING OFFICER. With-

out objection, it is so ordered.
Mr. DOLE. And I thank the distinguished Senator from Utah and the distinguished Senator from Massachu-

DOES IT MAKE SENSE?

Mr. DOLE, Mr. President, this morning, the light of freedom flickers more dimly in Central America.

Thousands of Sandinista soldiers— emboldened by the tragic decision of House liberals to pull the plug on Ni-caragus's freedom fighters, and supported by the full-might of Soviet supplied armaments-have smashed the Contra's border camps; killed hun-dreds; scooped up tons of supplies; and pushed across the Honduras border.

The bloodbath may render moot next week's scheduled "ceasefire" talks. As Daniel Ortega knows well, dead men, and dispersed armies, can't

fire back, anyway.

Now, troops of the 82d Airborne are moving to Honduras, at the request of President Azcona. I support President Reagan's decision to respond decisive ly to the Honduran request for those troops. It is the right thing to do-and considering that House liberals have eliminated aid to the Contras as a viable option, one of the few ways left to demonstate American resolve.

But as American forces go into Central America—we have an obligation, and perhaps a last chance, to think about a few things.

Does it make sense to cut off military aid to the freedom fighters, in the face of this massive Sandinista offen-

sive, and the hundreds of millions of dollars of Soviet military aid which continues to flow to Managua?

Does it make sense to see the only

real leverage we have on Ortega wiped out, leaving us more and more with only two options—rollover and play dead, or use American troops?

Does it make sense to give up on young men and women willing to fight and die-not only for their own freedom, but for legitimate U.S. interests

in Central America?

And does it make sense even as thousands of Communist troops cross the border of a free country in this hemisphere, for Members of the Congress to make excuses for Ortega's aggression, while accusing the President of the United States of "fueling the war in Control America". in Central America?

Does any of this make sense?

Mr. President, this may be our last chance—our last chance to make sense; to do what is right, and in America's interest; to stand up for freedom.

I hope the President will put the decision squarely before us. I hope he will send up a package of humanitari-an and military aid for the Contras today, and demand immediate congressional action on it.

The freedom fighters are being slaughtered. The Sandinista Commuhists have crossed the border into Hounduras. American troops are on their way to that country.

We have run out of time. We have run out of options.

We must decide now, once and for all, whether we are on the side of free-dom; whether we are capable any longer of doing what makes sense at

CIVIL RIGHTS RESTORATION ACT (GROVE CITY)-VETO

The Senate continued with the consideration of the veto message of the

President on S. 557.

Mr. HATCH addressed the Chair. The PRESIDING OFFICER. The Senator from Kansas has yielded the

floor. The Senator from Utah.

Mr. HATCH, I would yield to the distinguished Senator from North Carolina under the same terms and conditions as previously stated.

The PRESIDING OFFICER Under the same terms and conditions as pre-viously stated when the floor was yielded to the Senator from Kansas under the unanimous consent request of the Senator from Utah, without objection, it is so ordered. The Senator

from North Carolina.

Mr. HELMS. Mr. President, today
we have what I would call a fortuitous opportunity to revisit the so-called Civil Rights Restoration Act, and this Senator at least hopes it will not become law. In all seriousness, I do not think any Member of the Senate truly believes that this bill merely reverses the decision made in 1984 when the Supreme Court decided the Grove College versus Bell case

This bill goes far beyond that and would expand the scope of Federal jurisdiction over State and local governments and a wide range of businesses

and private institutions.

If this Grove City bill becomes law businesses and other private and public institutions will face overlapping enforcement structures, duplicative and overly-burdensome Federal recordkeeping and reporting requirements, and new and extensive on-site compliance investigations. The bottom line being that this bill represents a dramatic and unwarranted expansion of Federal intrusion into the the private sector of this country.

Our business community already faces an explosive growth in litigation. Court dockets are jammed. But what does this legislation propose to do? It proposes to unnecessarily exacerbate that problem by creating new classes of plaintiffs and new private causes of action.

Let me cite an example of what many businesses, religious and other private institutions, and local govern-ments have to look forward to if this legislation is enacted.

The Rehabilitation Act bars discrim-

ination against any otherwise qualified person solely by reason of his handi-

Certainly nobody can oppose such a compassionate and well-intended provision. But when you peel off eneer and examine how the definition of handicapped is being distorted, it becomes clear how this language may cause enormous problems for reli-gious organizations and other private institutions that will be swept within the purview of this act if this legisla-

the purview of this act it this legisla-tion, in fact, does become law. In the fall of 1986, in the case of Blackwell versus U.S. Department of the Treasury, the Federal District Court for the District of Columbia found that a transvestite is a handicapped person, within the meaning of section 504 of the Rehabilitation Act.

In the Blackwell case, the plaintiff was an admitted homosexual and a transvestite. He had previously worked at the Treasury Department, but he lost his job through a reduction in force. He appplied and was interviewed for a subsequent opening at the Treasury Department under their priority replacement program for rehiring those who had been RIF'd: that is to say, under the reduction in force process

According to the district Judge, the plaintiff attended the interview dressed as a woman, the same type of dress he had worn during his previous 8 years of employment with the Department of the Treasury.

The judge also pointed out that the

plaintiff had foam implanted in his breasts, and had effected other changes in his physical appearance.

That is what the judge said.

The district court opinion on the merits states that "as a matter of statutory analysis, while homosexuals are not handicapped it is clear that transvestites are because many experience strong social rejection in the workplace as a result of their mental ailment made blatantly apparent by their cross-dressing lifestyle."

Fortunately, the Treasury Department won that case in the district court, but the Federal Government won it on a technicality. The court found that the plaintiff had failed to inform his prospective employer of his so-called handleap, a prerequisite under the Protection of the Rehabilitation Act, according to the court, since it was not readily apparent

The opinion was later vacated by the court of appeals, but only because the appeals court disagreed with the disappeals court disagreed with the dis-trict court's conclusion that relief under the Rehabilitation Act is de-pendent on a person's giving a pro-spective employee notice of a handicap that is not "automatically apparent." The appeals court did not even address the district court's conclusion that a transvestite is protected from discrimination under the act. I have no doubt that the courts will be asked to revisit that issue.

In any case, Mr. President, I certainly hope Senators will not rush to judgment on this vote to override the President's veto. I think we should carefully consider what this one particular aspect of the bill, that is, the extension of the Rehabilitation Act, portends across the board. It neither starts nor ends with this transvestite case. It is across the board.

We already have Federal involvement in child care through Head Start programs. We already have Federal involvement in social service block grants, and many other programs. We have in the making proposals to institutionalize and greatly expand Federal control over child care in this country, And if those proposals are successful, these child care facilities in their entirety will necessarily come under the coverage of the four civil rights statutes amended by the Grove City bill. This raises a host of disturbing questions.

Mr. President, do we really want private institutions, particularly schools and day care centers, to be prohibited from refusing to hire a transvestite because some Federal court may find that this violates the transvestite's civil rights to wear a dress and to wear foam, that sort of thing? Do we really want to prohibit these private institutions from making employment decisions based on moral qualifications?

Mr. President, in School Board of

Mr. President, in School Board of Massau County versus Arline, the Supreme Court concluded that a teacher with a contagious disease—in this case it was tuberculosis—was handicapped within the meaning of the Rehabilitation Act. It did not matter about the potential for infecting the children in the classroom. And the Federal courts have already taken the next step and decided that a person with AIDS is handicapped, and therefore protected by the Rehabilitation Act. In fact, in Local 1812, American Federal Government Employees versus the Department of State, the plaintiffs argued that any person testing positive for the AIDS virus is perceived as handicapped, even if there was no manifestation of AIDS itself, and therefore they contend that such a person should come under the protection of the act.

I offer these examples to illustrate the Pandora's Box of problems and litigation that will be imposed upon our schools, our churches, private businesses, and State and local governments if we fall to uphold the President's veto of this bill.

As has been demonstrated by several Senators, this legislation represents a radical departure from the law prior to the Grove City decision. So it is not accurate to say that we just restore the law prior to Grove City versus

Bell. This bill is totally inconsistent with the intended scope of both title IX and title VI as indicated by their legislative histories.

In the judgment of this Senator, this bill unjustifiably expands the coverage of these statutes and extends Federal jurisdiction over religious organizations and private institutions that have no significant connection with Federal funds whatsoever.

I asked for and received an analysis of this bill. It is very interesting. I think it is worth considering by the

Senate.

First of all, as I have already said, the act does not restore the law prior to Grove City College versus Bell.

One of the most persistent misrepresentations in this entire debate, reflected in the very title of the act as well as the frequent statements of its supporters, is the claim that the Supreme Court in 1984, in an act of Judicial usurpation, somehow overthrew an existing legal status quo favoring the broad jurisdiction over private and religious institutions that will be imposed by the act.

The legislative historics of both title VI of the Civil Rights Act of 1964—the grandfather of all antidiscrimination legislation—and the title IX sex discrimination amendments of 1972 clearly show that Congress explicitly considered and rejected proposals that would have imposed institution-wide coverage in the manner of the current act. What is now called the "program specific" language of each of those laws was carefully considered and adopted instead of the institution-wide language. This was so clear that as early as 1969 the fifth circuit held that title VI was, and was intended to be, program specific.

After the Department of Health, Education and Welfare in the mid-1970's promulgated and began attempting to enforce regulations which as interpreted by the Department imposed institution-wide coverage, numerous lower Federal courts almost invariably struck down the regulations as going beyond the clear program-specific language of title IX. During the period 1979-82, at least 10 Federal courts, in cases involving either these regulations or the title IX statute itself, ruled that the entire regulatory structure was premised on being program-specific, not institutional. The Supreme Court in North Haven Board of Education v. Bell. 456 U.S. 512 (1982), upheld the HEW regulations struck down by many of the courts, but expressly refected HEW's institution-wide interpretation of the scope of the regulations. The Court made quite clear that program-specificity was a cornerstone of these anti-discrimination statutes.

Title IX's legislative history corroborates its general program-specificity. Congress failed to adopt proposals that would have prohibited all discriminatory practices of an institution that receives Federal funds.

I am quoting directly from 456 U.S. at 537, and that is the Court's empha-

sis.
The Supreme Court's 1984 decision in the Grove City case has been widely misunderstood because the central point of it was not the program specificity issue-as to which there was no real doubt-but rather the question of whether there could be any coverage at all of a private educational institution whose only link to the vast web of Federal financial assistance was the fact that some of its students directly received certain Federal grants and loans, then used those moneys to attend the college. The college was not receiving and disbursing the funds through any financial aid program, but was only the indirect recipient of funds that went directly to the stu-dents. The Supreme Court held for coverage of the private college even though it claimed to operate no financial aid program. This is the real holding in Grove City, a victory for proponents of extending the scope of the civil rights statutes, and not a defeat or reversal as the act's proponents today maintain.

The Supreme Court then considered the extent of the coverage now to be imposed on the private college. The college's opponents wanted to turn its denial of having a financial aid program upside down by arguing that since there was no such program, therefore the entire college was the statutory program and should be covered. The Court rejected this argument and stated, consistent with North Haven, that to call the entire college the program would be to ignore the clear program-specific legislative history and the Court's own decision in the North Haven case.

In short, the status quo prior to the Grove City decision was the exact opposite of what the act's proponents maintain. The Court in that case simply applied existing law on the issue of program-specificity. Although HEW regulators had been struggling for years prior to Grove City to establish the alleged institution-wide status quo, they had suffered defeat at almost every turn from the courts.

The combination of this act and the expanding definition of handicap is a potential legal time bomb.

This expansion of Federal control is especially troubling in light of the rapidly evolving judicial definition of handicapped persons under the Rehabilitation Act, which includes any person who has a substantial physical or mental impairment, a history of such impairment or who is regarded as impaired. Courts have already construed this broad language to include communicable diseases, including AIDS and infection with the AIDS virus, as well as behavioral patterns, such as transvestism and other compulsions or additions, which churches or religious schools might once have

felt comfortable in regarding as moral problems, not medical handicaps.

That is out of the window now. Forget the morality of it. The churches and the schools under the terms of this act have no judgments to make. They are under the Federal thumb, like it or not.

Since the Supreme Court has suggested that the purpose of the Rehabilitation Act is to replace action based on "myths and fears" with "reasoned and medically sound judgments"—see School Board of Nassau County v. Arline, 107 S. Ct. 1123, 1129 (1987)—this bill opens the way for private institutions all over the country to find stitutions all over the country to find themselves forced to justify exclusion of various behaviorally handicapped persons from benefits by evidence from medical doctors and other experts, but not from morals or theology. They are trying to tell us this is not intruding upon the rights and responsibilities of the churches and the religious educational herituities. religious educational institutions.

This danger has not been appreciated, we think, because the Rehabilita-tion Act has not previously covered so many private institutions, because many of the judicial decisions defining handicap are very recent, and perhaps most of all because the Rehabilitation Act appears so compassionate and unontroversial on its face. It is one of these cases where you had better look at the fine print and examine the implications

When people, including the average Congressman, think of handicaps, what first comes to mind are diseases which have no conceivable moral content and yet have been associated in the past with irrational fears-such as epilepsy—or else physical impairments such as those of the distinguished mi-nority leader, the Republican leader in the Senate, Mr. Dole, which bespeak valor and heroism. I have often said that Bos Dole has paid his dues to this country. I have great admiration for him because he lay in the hospital for years, endured pain because he served his country. No problem about the consideration of that as far as this Senator is concerned. But now we propose, or it is proposed under this to open for the courts the opportunity to eliminate the enlire concept of a moral qualification for any Job, position, or privilege-in any private institution in this country that can even indirectly be tied to the Federal financial assistance structure-by referring to the strong trend in psychiatry to classify almost all compulsive or destructive behavior patterns as discrete and medically treatable diseases

The combination of the rehabilitation law and this new bill poses the serious threat that religious organizations would be forced to accommodate many activities and behaviors com-pletely offensive to their basic reli-gious doctrines which heretofore had been protected by the first amend-ment free exercise clause. Moreover, unlike the sex discrimination law

which provides an exemption for some religious organizations, there is no exemption whatsoever in the Rehabilitation Act.

The exemption in the sex discrimination law needs updating.

The viability of religious instituexemption from the most radical judicial interpretations of required sex equity is threatened by the rapid development in governance and con-trol of religious institutions since the exemption was enacted in 1972. Since "control" language might narrowly be viewed as no longer including many religious institutions whose basic mission and purpose are un-changed but which have altered their formal governance structure, an amendment expanding the exemption amendment expanding the exemption to include groups "closely identified with the tenets of a particular reli-gious organization" was proposed, but defeated, right here in the Senate.

But let me say this: If there is no real threat to religious liberty anyway, the bill's proponents should not par-ticularly object to clarifying language which does nothing more than ensure that no truly religious school or institution would be denied the exemption merely because of some legal formality as to its governance structure. Congress should and must be especially careful to see that the laws and exemptions adequately protect the b right of the free exercise of religion which leads me to this conclusion.

Conclusion: This misnamed legisla-

tion does not reestablish any past legal status quo that ever actually existed, but instead contains the seeds of a potential explosion of overreaching Government regulation of, and novel and even outrageous claims against, here-tofore private religious and other or-ganizations. This potential is not evi-dent on the face of the seemingly innocuous language, but is, like an ice-berg, nine-tenths submerged from immediate view. Without a strong religious exemption added to the Rehabilitation Act and an updating of the sex discrimination exemption, this bill in its current form is totally unaccept able and must be defeated.

Mr. President, this so-called civil turbed the Nation's Founding Fathers. None of us can speak with certainty, except our study of what they said and what they stood for. But I believe that the Founding Fathers would be aghast if such a piece of legislation or such a proposal had been made at the time of the creation of this country.

It threatens the ability of religious organizations to enforce moral standards-and I cannot emphasize that too much-flowing from their religious beliefs, within organizations closely af-filiated with them such as their religious schools. We have a duty to the Nation and to the American people to tread carefully when we attempt to regulate areas that implicate the very first amendment interests which motivated our forefathers to cross the At-

lantic, in the first place.
It is important to grant as much protection as possible against instruction and unwarranted governmental intervention requiring actions many religions would find inconsistent with their religious tenets. This legislation would allow Federal courts to apply their own, often unique interpreta-tions of the civil rights statutes to many organizations with religious pur--but which nevertheless fail to qualify for the narrowly interpreted religious exemptions contained in the statutes

I believe Senator Harriero, the dis-To cheve Senator HATFIELD, the distinguished Senator from Oregon, said in debate on this act in January (Cong. Rec. S-207 et seq., Jan. 28, 1988) that a large number of religious schools have changed their manner of governance over the last decade. Over zealous administrators or judges could characterize these changes as no longer constituting sufficient control to enable the schools to qualify for the religious exemption, despite the fact the religious nature of the schools has not changed.

More ominously, this legislation will More ominously, this regislation was subject churches and synagogues to the civil rights laws in some circumstances. As was pointed out in our prior debate this year, a church conducting a food program for the elderly in its basement will cause that particular church to become liable to the rules and regulations of this bill if the church receives even one Federal dollar as part of the feeding program.

Such churches will be faced in the long run with lawsuits, compliance reviews, redtape, and bureaucratic intru-sions. They will also be subject to the ridiculous interpretations the Federal courts have given the Rehabilitation Act, as I discussed earlier.

Mr. President, we have a duty to be aware of the crosion of religious liber-tics occurring in America today. This so-called Civil Rights Restoration Act in its current form threatens to encourage the ever-increasing reach of the Federal Government into matters of religion and free enterprise.

Mr. President, I hope that all Sena-

tors will vote to sustain the President's eto of this very unwise bill, I yield the floor

The PRESIDING OFFICER. The Senator from Utah, under the previcontinues to retain the floor.

Mr. HATCH. Mr. President, lets

make a few points clear. First, S. 557 is not legislation that restores the law to what it was the day before the Su-preme Court's decision in Grove City versus Bell. The supporters pretend that prior to the Supreme Court's decision there was total uniformity on the whether receipt of Federal aid triggered program specific coverage or institution-wide coverage.

The truth is that the courts were split on this issue, with the majority of

the lower courts siding with the Supreme Court that these statutes should be applied on a program specifbasis. If we really wanted to return the law to what it was then we would

the law to what it was, then we would need to do nothing. We could simply leave the Grove City decision intact. Most of us in this Chamber have been ready since 1984 to resolve the problems caused by the Supreme Court's decision, but we feel we can do It without attacking religious institutions. Why do we have to regulate churches and synagogues to have an effective civil rights policy?

S. 557 extends regulatory coverage to an entire church or synagogue. It is simply a lie to say that under S. 557 if a church runs a hot meal program in its basement, only that program is subject to Federal regulation. There is no such limitation in the bill. There is no such exemption. In fact, when I tried to include such an exemption, the sponsors of the bill led the fight against it.

against it.

The threat of such regulation provides a tremendous disincentive to churches and synagogues who are currently serving their communities by providing important social services.

Unless S. 557 is changed, many religious schools and institutions will be placed in jeopardy. Under current law, only a school or institution controlled.

only a school or institution controlled by a religious organization can be exempt from a specific Federal regula-tion under title IX that conflicts with one of its religious tenets. Strictly applied, only two institutions in this country, BYU and Catholic University, qualify. Fortunately, the Reagan ad ministration has seen the wisdom of applying this standard more loosely, but this interpretation could disappear overnight with one stroke of a bureaucratic pen.

The simple fact is that we can have an effective civil rights policy without jeopardizing religious freedom. We can enforce equality without mugging churches. We can protect the free-doms promised all citizens without regulating synagogues. Why do we have to choose between regulating churches and eliminating discrimination?

At this point, I should like to read into the RECORD a letter dated March 9, 1988, to the Honorable James C. Miller III, Director of the Office of Management and Budget, from John R. Bolton, Assistant Attorney General for Legislative Affairs. In this letter, he states the reason why the Justice Department has so much difficulty with this bill that the President has vetoed. He says:

DEAR MR. MILLER: The enclosed analysis of S. 557, the "Civil Rights Restoration Act" of 1987, sets forth the views of the Departof 1987, sets forth the views of the Department of Justice on this proposal. This bill would significantly amend four civil rights statutes which ban discrimination on various bases in programs and activities receiving Federal financial assistance: title VI of the Civil Rights Act of 1964 (race, color, national origin); title IX of the Education Amendments of 1972 (sex) (limited to education); section 504 of the Rehabilitation Act of 1973 (handicap); and the Age Discrimina

of 1973 (handicap); and the Age Discrimination Act of 1975 (age).

S. 557 is one of the most sweeping expansions of federal jurisdiction in the post
World War II era. We strongly recommend
that the President veto this bill.
This letter will summarize the salient portions of the attached bill comment:
Prior to Grove City, under their plain language and legislative histories, these statutes were program-specific in scope.
No case has been made for the sweeping
expansion of federal authority represented
by S. 557.

by S. 557. by S. 557.

Grove City has barely had any impact outside of education; most agencies, except for the Department of Education, have indicated to us that their civil rights programs are not at all impeded by Grove City. The Administration's alternative bill fully addressed concerns in the education area.

dressed concerns in the education area.

There are two reasons why Grove City has had such little impact outside of education: had such little impact outside of education: (1) there have been numerous federal, state, and local civil rights laws enacted in the last 25 years that provide protection and (2) there is far more federal aid dispensed today than 25 years ago, giving rise to significant jurisdiction under these four statutes, as construed in Grove City.

Among the burdens that result from expanded federal lurisdiction page.

panded federal jurisdiction are:

Increased Federal paperwork;
A requirement to consult with disabled persons or disability rights groups and to make and maintain a record of such consul-

The requirement of adopting "grievance procedures that incorporate appropriate due process standards"; Exposure to Federal bureaucratic compli-

ance reviews and on-site reviews even in the absence of an allegation of discrimination;

A cumbersome and overly intrusive Federal regulatory regime;

Subjection not to an equality-of-opportu-nity standard, but to an equality-of-result standard under Federal regulations which forbid conduct (including admission stand-

ards not adopted for a discriminatory pur-pose) just because it fails with a dispropor-tionate impact on particular groups; The prospect of having to meet costly ac-cessibility requirments, including structural modification, job restructuring, alteration of work schedules, and the provision of aux-

iliary aids;
The requirement to attempt to accommodate persons with infectious diseases such as tuberculosis and AIDS:

creased exposure to costly private law-

Increased exposure to costly private lawsuits.

As Justice Powell, joined by Chief Justice
Burger and Justice O'Connor, stated in an
opinion concurring in the result in Grove
City, "(Wilth acceptance of [Federal financial] assistance one surrenders a certain
measure of freedom that Americans always
have cherished," 468 U.S. at 577.

Thus, If there is no demonstrated, compelling need for Pederal regulation—and the
concomitant exposure to expensive private
concomitant exposure to expensive private
iligation under these statutes—it ill behooves Congress to impose the costs and
burdens of such regulation and litigation on
new sectors of the American economy not
covered prior to the Grove City decision.
The expansion of Federal jurisdiction in
any field, including civil rights, is not without costs—costs which should not be imposed unless shown to be necessary.

Some Examples of S. 557's Expansions of
Pre-Grove City Coverage:
An entire church or synagogue will be covered under title VI, section 504, and the Age
Discrimination Act, if it operates one federally-assisted program or activity, as well as

under title IX if the church or synagogue conducts an educational program or activity (with exceptions under title IX in those cir-

twith exceptions under title IX in those cir-cumstances where title IX requirements conflict with religious tenets). Every school in a private or religious ele-mentary or secondary school system will be covered in its entirety if any one school within the school system receives even one dollar of Federal financial assistance.

Grocery stores and supermarkets partici-pating in the food stamp program will be subject to coverage in their entirety solely by virtue of their participation in that pro-

division, plant, subsidiary, Every Every division, plant, subsidiary, store, and facility of a corporation, partnership, or other private organization or an entire sole proprietorship principally engaged in the business of providing education, health care, business of providing education, health care, housing, social services, or parks and recreation will be covered in its entirety whenever one portion of one division, plant, subsidiary, store, or facility receives any Federal financial assistance.

If one program at one nursing home or hospital in a chain receives Federal aid, not

nospital in a cnain receives reterral aid, not only is the entire nursing home or hospital covered, but all other nursing homes or hospitals in the chain are automatically covered in their entirety even if they don't receive Federal aid.

ceive Federal aid.

If the tenant of one unit in one apartment building owned by an entity principally engaged in providing bousing receives Federal housing aid, not only is the entire apartment buildings covered, but all other apartment buildings, all other housing operations, and all other non-housing activities of the owner are covered even though they receive no direct or even indirect Federal aid.

receive no direct or even indirect. Federal aid.

Similarly, if a private organization principally engaged in home building or development constructs one housing project with any direct or indirect Federal aid, all of the builder's housing projects and other activities, including non-housing activities, would be covered in their entirety even if they receive no direct or indirect Federal aid.

If a private organization principally engaged in one of these five broad activities employs part-time a student receiving Federal work-study aid in one program at one facility, not only is that facility covered in its entirety, all aspects of the entire organization—all of its plants, facilities, local offices and all of its activities unrelated to its principal business—are covered.

Further, if an entity conducting one or more educational programs receives Federal

Further, if an entity conducting one or more educational programs receives Federal financial assistance to any part of the entity, whether or not that part is educational, then all four statutes, including title LY's ban on sex discrimination, apply to the entire entity, including noneducational ac-

tivities.

Under the expanded coverage established by subparagraph (3NANII), contracting activities of covered entities will be covered in all cases—contracting is an "operation" of the covered entity.

A private, national social service organization will be covered in its entirety, together with all of its local chapters, councils, or lodges, if one local chapter, council, or lodge receives any Federal financial assistance.

(a) All of the operations of the entire plant or geographically separate facility of businesses and other private entities and

plant or geographically separate facility of businesses and other private entities not principally engaged in education, health care, housing, social services, or parks and recreation would be covered if one portion of, or one program at, the plant or facility receives any Federal financial assistance, (b) Further, all other plants and facilities asso-clated with, and in the same locality or

region as, the one receiving any Federal aid are covered even if they receive no direct or indirect Federal aid.

indirect Federal aid.

If a research hospital receiving Federal aid establishes a research laboratory jointly with a pharmaceutical company, and the research laboratory does not receive Federal search laboratory does not receive Federal aid, it is covered because it is an operation

aid, it is covered because it is an "operation of" the hospital.

Similarly, if a private business contributes its own funds or equipment informally to a federally-assisted school district, private school, or private social service program, the business itself is covered.

business itself is covered.

Farmers receiving crop subsidies and price supports will be subject to coverage.

A State, county, or local government department or agency will be covered in its entirety, whenever one of its programs receives Federal aid. Thus, if a State health clinic is built with Federal funds in San Diego, California, not only is the clinic covered, but all activities of the State's health department in all parts of the State are also covered.

And I would like to comment on each of these and I will after I get

through reading the letter.

The zoning function of local government will likely be covered by these laws in ways never before achieved.

Every college or university in a public system of higher education will be covered in its entirety if just one department at one school in that system receives Fede nancial assistance

A school, college, or university investment A school, college, or university investment policy and management of endowment will be covered if the institution receives even one dollar of Federal education assistance.

one dollar of Federal education assistance. The commercial, non-educational activities of a school, college, or university, including rental of commercial office space and housing to those other than students or faculty, and other commercial ventures will be covered if the institution receives even one dollar of Federal education assistance. A new, vague catch-all provision provides additional coverage in potentially limitless ways.

additional coverage in potentiary many, ways.

S. 557 does not adequately protect the religious tenents of institutions it covers: Concress should adopt the religious tenets language it has already enacted in the Higher Education Amendments of 1986. There, a ban on religious discrimination in the construction loan insurance program used the phrase: "controlled by, or closely identifies with the tenets of," a religious organization. We support the same language for title IX.

This bill runs a risk that the traditional, and universally agreed upon, pinpoint scope and universally agreed upon, pinpoint scope

and universally agreed upon, pinpoint scope of an agency's authority to terminate federal aid is greatly expanded.

For all of these reasons, we strongly recommend against enactment of S. 557.

(Mr. BREAUX assumed the chair.)

Mr. HATCH. Mr. President, I read this letter from the Justice Depart-ment and I think that it makes some pretty important points about bur-dens. I agree there are some groups, and at least one of my colleagues has brought this is my attention, that are trying to, I think, exaggerate some of the problems that may arise under this bill. I do not countenance that. But let me just say this. You do not have to exaggerate. There are enough problems under this bill the way it is presently written that, unless we accept the President's seven points

you do not need to exaggerate.

We talked about the burdens that really are going to be placed upon in-

stitutions that receive \$1 of Federal funding. The entire institution becomes covered. There is increased paperwork. Anybody who does not understand that is not in the real world.

The reason Jimmy Carter was elected President, we all remember that because he was was tired of Federal Government oppression. He was tired of all the paperwork small business was saddled with. Now you are going to saddle churches and synagogues with paperwork, and every other institution in society, because one segment of that institution does something with a Federal dollar, even indirectly.

Do we want to saddle grocery stores with increased paperwork? The fact of the matter is that grocery stores that take food stamps are going to be sad dled with it. You are going to have increased paperwork. I can go through all the illustrations, but we do not want to bore you with that.

The fact is it is not boring because those people are going to be screaming at Congress when some of these intru-sive bureaucrats back here start to increase their Federal paperwork. We are almost inundated with paperwork in this country as it is.

They list a requirement to consult with disabled persons or disability rights groups and to make and maintain records of each consultation. Keep in mind, that is no small obligation. Let us go back to the grocery stores again. If they become subject under this act, because they have under this act, because they have taken Federal dollars, they are going to have to not only consult with disabled persons or disability rights groups, they are going to have to keep records on that and they are going to find themselves sued time after time after time, which would not happen under present law, for things that really are not their fault and things that are really not violations of civil

Look at the third, requirement of adopting a grievance procedure that adopting a grevance process that incorporates appropriate due process statements. Well, I do not see any problem with that. I think businesses could do that, colleges could do that, churches also probably could. But why? Why do they need a grievance procedure? Nevertheless, that would be a requirement.

They are going to be exposed to Federal bureaucratic compliance reviews. Any time some bureaucrat in Washington becomes irritated with a religious institution, some synagogue, a college or university, some small busiconiege of university, some sman dus-ness, some farmer, some grocery store that qualifies under this bill, and many will, they can drive them into the ground with bureaucratic compli-

It is being done all over this country today under present law. Can you imagine what it is going to be like under this one? And this law really puts some teeth into it. It is not because they violated civil rights. It is because some bureaucrat here thinks he wants to shove it to them and he is going to be able to do it.

You are going to have an expensive and cumbersome Federal regulatory regime. Every day of our lives

You talk about a bill that puts the Federal Government on everybody's back, this is it, with the accompaniment of increased costs and inflation that results from things like this. Then you are going to be subjecting all these institutions, not to an equality of opportunity standard but to an equality of result standard. If the results do not turn out to be the same for everybody, there is going to be litigation, lawsuits, compliance reviews, paperwork, bureaucratic interference meddling and I might add, all kinds of

If this bill passes in its present form, many institutions that do not have to meet those accessibility requirements right now will have to meet them. And will be forced to meet them at their own cost. The Government is not going to pay for it. They might have to have structural modifications in their buildings, job restructuring to meet the employment demands of the EEOC and the OFCC, the Office of Federal Contract Compliance.

Of course, there is the requirement to attempt to accommodate persons with infectious diseases, such as tuberculosis and AIDS.

There are those here in this body who would make total equality of rights regardless of the contagious dis-

ease that a person has.

I do not know about you: I want equality of rights but I want to take into consideration the equality of rights for those who do not want to be infected with contagious diseases.

And, of course, increased exposure to private lawsuits. My gosh, we are an overlitigated society now and it is pri-marily because of Federal laws and the broad interpretations of Federal laws that many of these very liberal courts have provided in our society.

Some would argue that it is the cost of having civil rights. Well, if this just involved civil rights. I would have to that is right. But sometimes it in-

say that is tight.

yolves outrageous interpretations by bureaucrats here in Washington that have nothing to do with civil rights.

They went through some really interesting examples of S. 557's expansion of pre-Grove City coverage and they make the point again that an entire church or synagogue will be entire church or synagogue will be covered under all four statutes provided here. They are broad-based stat-utes, if they operate one federally assisted program or activity. They will be covered. When churches and synagogues start to realize how abusive this law is going to be and how it is this liw is going to be and now it is going to bring Federal bureaucratis down onto their backs, many will not participate in any Federal function or program. The reason they will not is because it will not be worth it to them. Many of the best programs will go by

the board without the involvement of some of the best institutions in our society.

I want to encourage religious institutions to participate. In the Hatch-Johnston child care bill, unlike the ADC child care bill, we believe reli-gious institutions should be involved in providing child care services. We want them involved. That is where you will get some of the best child care. The other bill provides they cannot be involved.

There is an increasing hostility to religion in this body and in the House of Representatives as well, less so than this body. It is not a neutral position the Constitution provides, it is a hostility to religion. Churches and synagogues, if \$1, even indirectly—you ould not believe it would happen comes to that church through some sponsored Federal program, church becomes responsible for a whole panoply of obligations you could never dream possible. They can even overrule that church's personal for religious beliefs.

Every school would be covered in its entirety if one school makes a mistake under this law. They can withhold their funds if they want to. Bureaucrats can sit back here and give that school a rough time and that whole school district a rough time if they happen to disagree with the way the

school district happens to operate.
Some of the school districts are operated in parochial ways by the Catho-lic Church. If the Federal bureaucrats do not like what that school district does because there is some sort of a textbook provided to that district with Federal funds or indirectly with Federal funds, bureaucrats can start dictating to Catholic schools what they can or cannot do in their curriculum.

It can be very instrusive. It may not be but I can see it will be.

You can count on bureaucrats in Washington to make life miserable for

everybody in this country.

Grocery stores: How many want to Grocery stores: How many want to saddle grocery stores with the range of requirements that these bills could saddle them with? If they participate in the food stamp program, they become subject to all these onerous burdens we got through discussing and he withcast in their outlested. be subjected in their entirety.

One Safeway store accepts food stamps and all of them are subject to

stamps and all of them are subject to everything the Federal Government wants them to do. Every facility of a corporation, part-nership, or other private organization nersnip, or other private organization or an entire sole proprietorship, principally engaged in providing health care, social services, parks and recreation will be covered in their entirety.

Whenever one portion, one facility, one subsidiary or one store receives any Federal financial assistance they

That is a burdensome imposition to be placed upon them with the bureaucratic compliance review, the additional attorneys counsel and all of those things.

If one nursing home receives Federal aid not only is the entire nursing home or hospital covered, but every other nursing home or hospital in the chain is covered in their entirety, even if they do not receive Federal aid. You cannot help but be concerned about

If one-tenth of an apartment building receives some sort of a Federal rent subsidy, that whole apartment building becomes subject to this. Even though the individual owner does not receive Federal aid not only the apartment building, but everything apartment owner owns, is covered because one person receives a subsidy.

I can see when apartment owners will not want rent subsidy tenants in their apartments. I can see the day when apartments dry up because no one wants the onerous burden of the ederal Government's heel on their hacks and necks

This will apply if a private organization principally engaged in homebuild-ing or development constructs one housing project with any direct or indirect Federal aid. It is hard to do anything in this society today without some Federal aid coming into it. In fact, I am sure innovative attorneys are going to find ways of insisting that there is Federal aid even when there is not under this indirect theory of Federal aid.

Everything in that builder's inventory, all of his housing projects, all of his affiliated organizations, all of his contractors, all of his real estate agen-cies, or anything else that he has con-nected with that one particular project that might receive an indirect dollar in Federal aid becomes subject to all these rules, regulations, bureau-cratic ensmarlments, complaince reviews, audits. IRS checks, and a hundred other things that would not have occurred under present law and would not have occurred under the law as it existed 1 day before the Grove City decision.

If any private organization principal-engaged in one of the five broad activities employs part-time students in a Federal work-study program in one program in one facility, then everything that particular organization does is covered in its entirety, everything. All aspects of the entire organization, all of its plants and facilities, local offices, activities unrelated to its principal business, are covered. Everything. It is unbelievable.

It is unbelievable, but that is what this bill does.

The thing that bothers me is I have had some of my colleagues come up and say, "I do not know what is in that bill. I am just for civil rights.'

bill. I am just for civil rights."

Being for civil rights is one thing and all of us should be, but we as Senators representing 230 million people ought to be aware of what is in a bill like this. We had a President, I think a poor President but nevertheless a nice

man, elected President on the argument that the Federal Government is on everybody's backs too much. I have to say that I was elected in 1976 be cause I was tired of it. I had gone to court to represent little, average, common citizens in Federal court who had been indicted because some bureaucrat thought they had violated

some obscure law.

I cannot begin to tell you the pain some of those people went through. I will never forget one little dry cleaner in Roosevelt, UT, who never made more than about \$6,000 or \$7,000 a year in his life, working 17 hours every day. He lived on the premises. Like say, he never made more than \$6,000 or \$7,000 a year, working like a dog, supporting his family. He was accused of income tax fraud and evasion, willful filing of false returns, as I recall, because he, an immigrant, did not understand that when he bought new dry cleaning machines that that was not an expense to be written off in the single year in which he bought it. It was something that had to be depreci-

They put him through this tremen. douly difficult, complex criminal trial that lasted days. He could not afford my services. I donated them to him, I felt so sorry for him.

We went through this trial for days because some idiot bureaucrat wanted to pound him into the ground. I cannot tell you what a relief it was when our great system of justice, at the end of those many days in court, acquitted him on all charges. That little guy stood about this tail next to me, white haired, bowed shoulders, had worked all of his life trying to do what was right, and he stood there a real man and cried right in open court. The jury cried; I cried. I was so moved by it all. That is just one of millions of cases brought against the people. Sometimes people are just plain run into the ground.

While I am talking about it, why not spend a minute or two on the Iran-Contra issue? I do not think anybody watching who has any kind of a heart or any kind of feeling or any kind of intelligence or any kind of sense of justice failed to note that before they brought Oliver North on the stand to answer his own questions, that members of our illustrious committee, which I sat on, were smirking and joking and making fun because they had this big list brought into evidence. This big list of so-called traveler's checks that he had supposedly taken to himself and used for his own purposes. They were alleging by that lost, doing it with hearsay evidence, with no direct evidence, embarrassing him in front of millions of people in the country, that he was a creat. country, that he was a crook

The same smug, smirking Members of Congress who sat on that commit-tee, and there were some who did this, believe it or not, when he finally testifled and explained where every nickel

of that money went. How he was fightof that money went. How he was light-ing 18, 20 hours a day to try and help the Contras and to try and get the hostages out, yes, I have to say in a mistaken way, but, nevertheless, fighting for this country, he used every nickel of that money in the correct

Yet, that is one of the counts against him because some bunch of bureau crats under a bill established by this wonderful, illustrious Congress of the past bring indictments on ridiculous things like that,

You could not sit and listen to him without realizing that the man was telling the truth. When he went into those Vietnamese jungles to take his squad in and came out all alone with just one other guy, decorated with a Silver Star, he was a hero then, and he is a hero today. Because of a ridiculous law imposed in a ridiculous way, we see him being indicted down here on 23 ridiculous counts.

If you think that is not real, look at that here who offered up his life for us, and look where he is today.

I will tell you, there was not any smirking by my colleagues on that committee when he answered the questions and was given an opportunity to do it. In fact, they were afraid to take him on, the very ones who were so pompous in the back rooms, the very ones who put the charts up, the very ones who made the jokes about him

And look at Secord, too. Yes, Secord And look at Secord, too. Yes, Secord is a tough guy. Yes, he came in without any immunity, and he testified forthright. He lost his business. I think Secord would be a rich man today, having been a general in our Alf Evre having the second with the look. Air Force, having known about intelli-gence the way he did. He is a broken man today because he tried to help this country, albeit in a poor way. Today he is indicted with all these counts by the smirking people right here in Washington, sometimes the most unreal city in this world.

If you want to saddle the American people with bureaucracy and compli-ance reviews, audits, attorneys and accountants, this bill does it in spades. It is almost as well written as the Boland amendments that caused all these problems to begin with.

Today we have the freedom fighters Sandinistas, and those up here who are refusing to give them money are running around scurrying for cover.

John Poindexter. I look at him. You cannot know Poindexter without knowing the man's integrity. Yes, there were mistakes made here. Yes, he has been criticized from pillar post. He has lost his job, he lost a star, and now he is indicted.

Each one of these people have to raise a million bucks apiece for their

defense, or better.
What is a little corner grocer going to do if they start applying bureau-cratic principles like that here? Sure, that does not rise to the dignity of the

Iran-Contra affair, but I think of that poor little dry cleaner from Roosevelt, UT, who never thought for a minute in this free land that he would be ac cused of dishonesty because he did not understand the intricacies of the In-

ternal Revenue Code.

If you think that is intricate, you ought to see some of the things that will come from this bill. When you think how they covered churches and synagogues, it makes one blanch. It is pathetic, and there is no desire here to do anything about it because they are afraid that they will be accused of not being for civil rights if they are for churches and synagogues. It boggles my mind I tell you my mind, I tell you.

Another little guy out there, eight counts of willful failure to file income tax returns and tax fraud. Eight counts, He ran an art gallery out there. You cannot believe what he went through. Again, he went as far as he could paying for legal fees and, nally, I did it for him for free because I felt so badly about his cas

We had to go through this charade of a trial, and at the end, the jury threw out all eight counts. All of them. This tough, little art dealer from Holland, an immigrant from Hol-

These two people never read the Internal Revenue Code. They did not know. They were honest people trying to do their work, trying to make a

living in a new country.

They threw out all eight counts. He stood there and cried, and his wife, his father, and mother, the jury, and I stood there and cried. How many people are going to find a lawyer who is going to do it for free for them? Those days are pretty well gone forever

have been there. That is one reason why I ran for the Senate, be-cause of the oppression of these people back there. This little 10-square-mile city enclave. George Will described it as a 10-square-mile city enclave surrounded on all four sides by reality dictating to everybody in America exactly what they can and cannot

When is it going to end? It is not going to end with this bill. I guarantee von that

I stand here and tell you all day that I am for civil rights in every way, but this is not civil rights. This is oppression of people. These people will not even look into the religious tenets problem or the churches and synagogues' problem. That first amend-ment is important, and religious free-dom is mentioned first in our protected first amendment rights and free dom

I notice the distinguished Senator from Nebraska is here. So under the same terms and conditions of my prior unanimous consent, no second speech and return of the floor, I will yield to

PRESIDING OFFICER. Is The there objection?

Mr. WEICKER. Reserving the right to object, what are the same terms and conditions?

Mr. HATCH, Second speech and

return of the floor.

Mr. WEICKER. I have no objection. Mr. HATCH. Mr. President, I yield to him under the same terms. I did not realize the distinguished Senator from Connecticut was here. As soon as the distinguished Senator from Nebraska is finished. I will be delighted to yield to the distinguished Senator from Connecticut

The PRESIDING OFFICER, Without objection, it is so ordered.
The Senator from Nebraska

Mr. KARNES. Mr. President, first I wish to acknowledge the outstanding statement and comments of my distinguished colleague from the State of Utah. He made a very clear statement as to the concerns many of us have about this very important piece of legislation

Mr. President, as one of the Members of this Senate who voted against passage of S. 557 in January. I am pleased to have this opportunity readdress my concerns with this measure. I would hope that my concerns, along with those of my other distinguished colleagues who joined me in January in opposing S. 557, will be listed to with a careful ear by the Members of this Senate who cast their vote on this bill only after what some describe as a tortuous personal delib-

Let me begin by saving that my decithe begin by saying that my decision to vote against S. 557 was by no means an easy one to come to. This bill was supposed to be "the civil rights bill" of the year, a bill that was supposed to protect the civil rights of American citizens by "clarifying" guage in existing civil rights laws.

What we ended up with, however, was not a bill that protected these rights of citizens but, rather, a bill that interfered with these inalienable rights. Mr. President, many of the pro-visions in S. 557 represent a distinct invisions in S. 507 represent a distinct in-trusion, in this Senator's mind, into the private lives and practices of American citizens. This was why I eventually opposed the measure in January, and this is why I now strongly support the alternative measure that my honorable and distinguished colleague from Utah has introduced on behalf of the administration.

Let me make it very clear that this Senator is strongly for civil rights, he is strongly for equality of opportunity, and he is strongly for fairness and the fair application of the laws of this country.

Mr. President, the Hatch substitute, the Civil Rights Protection Act, is an extremely appropriate alternative to S. 557. In fact, by reading the title alone it is clear that this substitute should be "the civil rights bill" of the year. Its definition begins as "a bill to protect the civil rights of Americans," as compared to S. 557 which is defined

initially as "a bill to restore the broad scope of coverage" of existing civil

The problem is, Mr. President, S. 557 is just too broad. As other Members of this Senate have already pointed out, the Hatch substitute narrows the scope of S. 557 so that we have a bill that protects but does not intrude on the civil rights of American citizens.

Mr. President, the first point I would like to address in the President's bill is the exemption he has provided for farmers and ranchers from these broad regulations. This is important to me as a farmer myself and as an indi-vidual who comes from the State of Nebraska where agriculture is our most important industry. When S. 557 was being considered on the Senate floor this past January. I offered an amendment to settle the concern that this legislation would extend the scope of the civil rights laws beyond that which existed before the Grove City decision. My amendment dealt specifically with farmers and ranchers to the degree that they would be brought under the civil rights laws by virtue of their participation in Federal farm programs. That is not what farmers would like.

Under S. 557, farmers who receive loan guarantees, commodity loans, de-ficiency payments, disaster payments, price supports, and so on, would be forced to comply with the entire range of civil rights statutes. This would lay a whole new set of Federal regulations at the doorstep of farmer: and ranchers across the land. Mr. President, the producers of our Nation's food supply are having a difficult enough time trying to cope with the Federal regula-tions to which they are already sub-

In fact, just yesterday I found myself obligated to testify before the Finance Committee about an ill-ad-vised piece of legislation on the diesel fuel tax. This tax requires not only additional payments by the American farmers but also much paperwork, and individuals on the Finance Committee and in the Ways and Means Committee stated this was not the intention.

Again we have before us a piece of legislation that many people said is not intended to deal with American agriculture, it is not intended to put the burdens that I perceive on American agriculture, but yesterday I saw a classic example with the diesel fuel tax of a piece of legislation that was not intended to have the effect that it is now having.
So we must always be aware of pass-

ing legislation that is too broad.

Farmers have enough problems without being included under this bill. They should not have to work under the gun, knowing that a court may later rule that S. 557 does include farmers and ranchers, triggering un-necessary, but nonetheless mandatory regulations for them to study and adhere to—additional paperwork, clearly they have neither the time,

money, nor personnel to attempt to comply with requirements of bureaucomply with requirements of oureau-crats who may demand volumes of proof of nondiscrimination even when no complaint has been received. Soon. agribusinessmen are going to feel as if they have to call their lawyer before they go out to work in the fields. I think many of my colleagues would agree that this is not the intent of Congress under this measure. We should never legislate in such a fash-ion that would hamper the ability of

the American farmer to complete.

Mr. President, this exemption does not imply that farmers are opposed to civil rights in any way, or that they may want to turn back the clock to the times and the events that necessiti tated the enactment of civil rights laws in this country. In this case, the issue is not discrimination. The issue is unnecessary Federal interference. As a farmer and a lawyer, I personally have never heard of any complaints or any record that has been established show ing that there are civil rights problems on the American farm that would warrant the inclusion of farmers, as a group, in this legislation. I addressed this fact in January, when I offered my amendment, and I urged then to have anyone who felt that farmers should be subject to these civil rights regulations to contact me and discuss their reasoning. I have since heard of no such concerns-not one phone call.

Mr. President, for the purposes of further clarification, I will reiterate that my concern with S. 557 as it pertains to farmers is that it creates an ambiguity in our civil rights laws which would ultimately lead to litigation to resolve any dispute under the

We have the good fortune of having a President of the United States who recognizes the unfairness of this provision for farmers, as evidenced through the explicit exemption for farmers and ranchers that he included in his alternative measure. I commend the President for including this provision in his bill, and I thank the President on behalf of farmers and ranchers accross the Nation.

I urge every Member of this Senate who supported S. 557 in January, especially those who represent the farm States of our country, to reread sec-tion 7 of that bill. It states that none of its provisions shall be construed to extend the application of the civil rights laws to ultimate beneficiaries of Federal financial assistance excluded from coverage before enactment. It is serted by some that this language is sufficient to lay the farm and ranch issue to rest. I disagree. It does not. It does not make clear which ultimate beneficiaries are now excluded, nor does it address the issue of exclusion of those persons receiving benefits from programs that may be enacted in the future. Comments in the committee report on S. 557 are not adequate to address these concerns because the bill substantially rewrites the statutes

and adds a new definition of programs and activities covered by this law

President Reagan added the exemp-tion for farmers and ranchers because there was nothing in S. 557 that specifically assured farmers that they will not be covered by the wide range of civil rights coverage in this provision S. 557 leaves open the possibility that a court would construe the law to include farmers and ranchers against our intent. The possibilities are mindboggling and they are of great concern agricultural America.

to agricultural America.

To point out just a few, I ask whethro point our just a jew, i ass whether, under S. 557, farmers would have to hire persons with infectious diseases as TB or AIDS? Perhaps they could be required to restructure jobs, modify facilities or install equipment fear handlegunged persons.

for handicapped persons.

I am sure they have no problems in providing amble opportunity to handi-capped or disabled persons but in a farm environment, many times people with handicaps are not suited to work in this sometimes very dangerous profession. Farmers may have to establish grievance procedures whereby a hear-ing may have to be held before letting a worker go simply because he does not do the job.

Mr. President, I have overstated my Mr. President, I have overstated my case in defense of farmers and ranchers in the hope that other Members of this Senate will recognize this one of many shortfalls of S. 557, and take a look at section 7 and make a determination. The members of nation themselves. I learned this morning from the president of the Nebraska Farm Bureau that the farmers of Nebraska have become increasingly concerned about the effects on their businesses from this bill. This bill could make farming a whole new ball game.

Anyone familiar with farming knows that regulations like these on farms in many instances are already numerous. Farmers are already overburdened with low commodity prices, excess sur-plus stocks, and the lack of affordable financing. We have addressed some of these this year in Congress. But let's not add more to that burden. To be faced with the additional statutory and regulatory requirements could jeopardize their continued existence of many of my farm colleagues.

Of course, farmers and ranchers would not be the only citizens that are adversely and unfairly affected by the provisions in S. 557. The rights of all private sector organizations that receive Federal financial assistance, including corporations, partnerships, private organizations and sole proprietorships, are seriously called into question under S. 557.

The President's proposal protects these rights by requiring that only the plant or facility that receives and applies the Federal aid be subject to the corporate coverage provision under S. 557. This is especially appropriate in light of the fact that Federal assistance to corporations is provided to

promote, in almost all instances, and not hurt a business. The time and pa-perwork involved with complying with S. 557 is completely absurd and intrusive if it applies to an entity other than the direct recipient of funds. President Reagan's proposal assures that this will not be the case, and clarifies this very important point for many people in this country in small

The coverage of food stamp recipients is yet another example of how S. 557 represents an unwarranted intrusion into the rights of private citizens. A business entity's participation in the Federal Food Stamp Program, participation which is aimed at benefitting the less fortunate people in our population, should not be further restricted and limit the participation of potential recipients of the Food Stump Pro-

The intrusion into the operations and policies of these business entities reflects a misunderstanding of the principles which such Federal aid programs are founded upon.

Finally, Mr. President, the concerns of the infringement of S. 557 on religious institutions cannot be looked by any Member of this Senate. S. 557 opens the door for broad Federal intrusion into some of our most per-sonal and cherished rights, like the free exercise of religion. This challenges one of the great foundations of our country, the separation of church and state, in the mind of this Senator. The consequences of this legislation could conflict with the devotional activities of citizens across the country, and how they practice their religion. Subjecting bona fide churches and their congregations to lawsuits under the bill could affect this vital aspect of family life in America.

This expansion of Government power may jeopardize one of the cor-nerstones of freedom in our county— Government the independence of our churches from governmental influence.

Ir. President, in summary, I strongly believe that President Reagan's proposal would provide the basic civil rights protections and give better assurances against unnecessary instrusions of religion and businesse because they are recipients in some way of Federal funds.

I am concerned about this because the supporters of this legislation say that this would not happen and simply because you are a recipient of Federal funds you would not be subject to the overly broad parameters of this legislation. I disagree. We must recognize that we are living in an era of less government, not more government, which is considered to be the best medicine for the woes of our society. When we vote on this alternative package I urge my colleagues who have not done so to vote in favor of protecting the civil rights of citizens and not encouraging additional intrusion on their rights

Let me conclude by citing an editorial that appeared on the 4th of March

in the Omaha World Herald. The caption of this editorial is "Federal Power To Grow if Grove City Veto Fails.

Majorities in both houses of Congress brushed aside serious concerns when they passed the Grove City College bill. The charge that the bill could extend federal control over colleges and other public and private agencies to unreasonable, perhaps dangerous, lengths has never been effectively rebutted. butted.

ly rebutted.

The term "civil rights restoration bill" The term "civil rights restoration bill" evokes a favorable response from many Americans. Understandably so. Who would want to be known as an opponent of restoring civil rights? Supporters of the Grove City bill got a lot of mileage out of describing it as a vehicle to repair civil rights laws that were damaged by the U.S. Supreme Court's 1984 decision in the Grove City College case. But the description isn't accurate. The 1984 decision didn't weaken the civil rights laws. It merely clarified that the laws didn't cover all of a college's programs and divisions received federal lad.

The new bill, which President Reagan says he will veto, would overturn the 1984 decision and extend federal power in civil rights matters to some non-federally funded programs and operations. It would apply

programs and operations. It would apply not only to colleges but also to other public and private organizations that might receive funds directly or indirectly from the federal Treasury.

Treasury.

It is not, consequently, simply a civil rights issue. It also involves the question of how much more control the government should assume over non-government matters. As William T. James, a Grove City College vice president, wrote recently for The Washington Post, the legislation "is not a bill about civil rights. At its very core lies the assumption that our citizens are unable to govern themselves with justice and equality."

To be against a substantial expansion in federal control is not to support discrimina-tion. Grove City College got in trouble with the government for reasons that had little to do with discrimination. It was hauled into court for refusing to sign anti-discrimina-tion paper work.

Although the college, James said, "consid-

ers discrimination of any kind to be repug-nant and inconsistent with its conscience as a Christian institution." Grove City didn't a Christian institution," Grove City didn't feel obliged to sign the statement because of its policy of refusing all federal aid. The government argued that the college was required to fill out the form if its tie to the federal Treasury consisted of federal stu-

Opponents said the bill would mean exces-Opponents said the bill would mean excessive government control and paper work for colleges and universities and private-sector organizations. It could be used to try to force colleges to have identical athletic programs for men and women-regardless of the demand for such programs or the pub-

the demand for such programs or the public's willingness to supply the resources through taxes or gate admissions.

Considering what happened in an Omaha courtroom recently, the bill might even be used to force colleges to let women compete on the men's wrestling team—perhaps as a condition of keeping a research grant in the physics department.

Many of the U.S. civil rights laws have heen of enormous benefit since they were passed in the 1960s. They should be main-almed and preserved. What Congress has done in the Grove City College bill, however, went beyond maintenance and preserve.

er, went beyond maintenance and preserva-tion. The proper words for what it did are "expansion of federal control." Those words weren't used often enough in the debate.

I agree with this editorial, that we hould have discussed more specifical ly during the debate, initially, and that is what we are doing now, the dramatic expansion of Federal control in our lives.

I believe this bill should not be called the Civil Rights Restoration Act but should be entitled "The Expansion of Government In Our Lives Act," because that is what I believe it does.

Mr. President, I urge my colleagues to seriously consider their first votes and to give strong consideration to supporting the President's initiative and the Hatch alternative and to sustain the veto of the President.

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

Mr. KARNES. I yield the floor to the distinguished Senator from Idaho. The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator from Utah requested that the Senator from Connecticut be recog-

Mr. SYMMS, Mr. President, I ask unanimous consent that I may be recognized under the same agreement that the Senator from Nebraska was recognized.

The PRESIDING OFFICER. Is there objection?
Mr. WEICKER. Mr. President, re-

serving the right to object-and I will not object-I would be delighted to yield under the same terms and condi-tions as were set forth by the Senator from Utah. I am delighted to yield the floor to the distinguished Senator

from Idaho.
The PRESIDING OFFICER, Without objection, the Senator from Idaho is recognized.

Mr. SYMMS. I thank my friend and colleague from Connecticut.

Mr. President, I compliment the Senator from Nebraska for a very important statement that speaks to the problems we have in my State and hat he has in his State with this legislation.

This young Senator has certainly done an outstanding and able job of representing the people of Nebraska in the short term he has been here. He is to be commended for the depth of his understanding of this issue as revealed in his speech. I thank him for it. I think the farmers, agribusinessmen, and support industries to agriculture in my State also thank him for a very outstanding statement. It speaks directly to the problem.

Mr. President, Senator Kannes said it better than I could. This should be called the Expansion of Government Act or the Intrusion Act, if you will and I commend my good friend from Nebraska for that statement.

HONDURAS

Mr. SYMMS, Mr. President, I rise to peak today on the proposed bill that the President has correctly, in my judgment, vetoed. But before I speak

about the Civil Rights Act, I wish to say a few words about the civil rights of some people who are very near the United States of America. Yesterday and today, the Communist dictatorship of Nicaragua invaded the borders of nearby Honduras.

Mr. President, in my judgment, the chickens are finally coming home to roost, from the action taken in the when they voted to not give aid to the freedom fighters in Nicaragua. That vote only encouraged Daniel Ortega and his Marxist-Leninists friends. It and his Marxist-Leninists friends. It emboldened them to think that the United States would be paralyzed and would do nothing. The Sandinistas believe they were free to invade Honduras to go after those valiant freedom fighters who have been fruite. fighters who have been trying to wage a popular war that has been supported by over 80 to 85 percent of the peple

in Nicaragua.

I used the term "85 percent of the people support it." That is not my term. In my visits last fall with Cardinal Obando y Bravo, I asked him that question; and he said that he estimat-ed that at least 85 percent of the people in Nicaragua supported the

Contras

Now, whatever has happened, whatever votes took place, however it was handled by administration, there have been signals sent from this Govern-ment—that we are washing our hands of the Contras. Therefore, the Communist Government of Nicaragua thinks they can run across the border into Honduras and go after some of the support bases of the Contras.

Mr. President, I have to think back

Mr. President, I have to think back to when we listened to the debate on the floor about whether or not we should aid our freedom fighters in Nicaragua. It was interesting to me that 2 weeks ago Monday, we are able in this body to get a 77-to-0 vote in support of those brave freedom fighters in Afghanistan. Yet, we were not able to get the same kind of vote for the freedom fighters in Nicaragua. In many ways the situation is the

In many ways, the situation is the same. There are not as many Soviet troops, I must admit, in Nicaragua, but we do have the Cubanization of Nicaragua taking place. We have Soviet helicopters. We have Soviet personnel carriers. We have Soviet-built tanks. We have Cuban and East German and PLO and North Korean troops in here, training these neonly. These sections training these people. There certainly is the Sovietization, the Cubanization, communication of Nicaragua the communication of Nicaragua taking place in our own time zone. We can support the freedom fighters in Angola and Afghanistan. Those are 10-time zones away. We seem to get Congress to help in those areas, and they are winning the wars against oppression. Yes in our angular takes the constraint of the second takes the s sion. Yet, in our own hemisphere, we have been unable to get the help.

It remains me of some 13 or 15 years ago, when I was in the House of Representatives, at the time we had the big debates about whether or not we should give aid to Cambodia. We had

the famous Paris Peace accords, and Dr. Kissinger and Le Duc Tho got the Nobel Peace Prize. The only problem was that Dr. Kissinger's prescription for how the Paris Peace accords were to be enforced, anytime there was a violation of the Paris Peace accords, was that American airpower would intervene and enforce the Paris Peace

Then Congress spoke to that issue and removed the threat of American airpower. We had a President resign under duress under the Watergate situation. We had a President who took power and made a pledge that he would comply with what he thought Congress wanted to do.

It emboldend the Communists to move in hard in Cambodia and in Vietnam, and there was no American re-sponse, and we all know the end of

The same arguments were used: Let us give peace a chance. One of my col-leagues who was in the House with me then made that statement. He said, "Let's give peace a chance in Cambo-dia." He is making the same argument on the Senate floor today: Let us give

on the Senate Hoor looky, Let us give peace a chance in Nicaragua. Of course, we all know what the result was in Cambodia. We gave peace a chance, and 2 million Cambodians

were murdered.

Mr. Arias, from Costa Rica, gets a Nobel Peace Prize, and the battle cry in Congress is, "Let's give peace a chance." Thank heavens, 2 million people have not been killed, but the response is that the Nicaraguan Gov-ernment is now emboldened, now that they have shut off aid to the Contras; they have shut off aid to the Contras, emboldened to invade Honduras, thinking the United States will do nothing and make no response.

It is interesting to note that at the contrast the investor takes place

same day the invasion takes place from Nicaragua into Honduras we have a special prosecutor handing out indictments to great patriots like Oliver North and John Poindexter and others who were doing what they thought the Commander in Chief had wanted done. And that is only my opinion. In my view, they were doing what it was that they believed was in the best interest of the United States as well as what the administration wanted done.

In fact, today I have sent a letter to the President urging him to pardon Lieutenant Colonel North and Admiral Poindexter. I ask unanimous co sent it be printed in the RECORD at this

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

U.S. SENATE, Washington, DC, March 17, 1988. THE PRESIDENT,
The White House,

The write House, Washington, DC.

DEAR MR. PRESIDENT: on March 16, under the direction of independent counsel Lawrence E. Walsh, a federal grand jury indicted former National Security Advisor John M. Polndexter and former White House

Aide, Lt. Colonel Oliver L. North for their role in the so-called "Iran-Contra Affair." Mr. President, It deeply saddens me that two "American Heroes are being prosecuted for their attempts to promote democracy in for their attempts to promote democracy in the oppressive and tyrannical country of Nicaragua. Moreover, it is extremely ironic that a grand jury indicated these individuals the same day the Marxist-Leninist Sandinistas launched their largest offensive against the Contra freedom fighters. This offensive seeks to extinguish the last bastion of hope to be the about a mean shifting democratic to bring about a more civilized, democratic

government.
Mr. President, I urge you to demonstrate your commitment to the freedom fighters and to those who strive to promote democracy by immediately pardoning Admiral John M. Poindexter and Lt. Colonel Oliver

While Congress' policy towards the Contra freedom fighters has been erratic at , the courage, patriotism, and commit-t of Admiral Poindexter and Colonel ment of Admiral Poindexter and Colonel North are to be commended and admired by all freedom-loving Americans. They have suffered publicly through months of investi-gations and hearings, and their private lives have been shattered by the media. And why—because they tried to assist Nicara-guan citizens who long for the rights and liberties we Americans enjoy but so often take for granted, and they tried to implement your policy to stop the expansion of the communist empire.

Mr. President, I believe it would be a tragic mistake to allow these individuals to undergo prosecution, and I strongly urge you to grant a full and immediate pardon. If you to grant a tun and immediate parcon, it the independent counsel is allowed to con-tinue this injustice, the ideals of free men will be abused and those who fight for freedom, here and around the world, will suffer a symbolic and substantive defeat.

Sincerely,

STEVE SYMMS

Mr. SYMMS. Mr. President, Colonel North believed in fighting the Com-munists in Nicaragua instead of on the Rio Grande River or the Snake River, wherever it happens to be. And I have had this discussion in my own State, I would say to the distinguished Presidwould say to the distinguished Fresia-ing Officer, with some of my constitu-ents who have a different point of view than me. I have asked them the question "Where do you want to fight these people? Do you want to wait until they cross the Snake River? Do you want to wait until they cross the Rio Grande River or the Missouri River? Just where is it that we should have the line drawn?'

In my judgment, it has been very, very clear that Daniel Ortega never, very clear that Daniel Ortega never, never intended to abide by the Arias peace plan. I said so on December 10 on the Senate floor. I made the point that it was absolute farce; that they had no intention of ever complying with that peace accord. I think that today's and yesterday's action and the buildup that has taken place is enough evidence. Our intelligence records have evidence. Our intelligence people have known that there was a buildup, that there were preparations being made for an invasion and now it has taken place.

So at this point I think that the President, because he has not been able to get the support out of the Con-

gress, must act as Commander in Chief and clearly define what the issues are in this instance. The President must clearly state the position of United States Government that our goal is to overthrow the Commu-nist dictatorship of Nicaragua and help the freedom fighters in Nicaragua replace that government with one that will allow the people an opportunity to govern themselves and to have free elections, to own property, to have the right to assemble, to have freedom of religion, freedom of the press, and the other freedoms that we e for granted.

Mr. President, I think the only way the President will be able to do that is he must use his authority as Commander in Chief of our Armed Forces and Commander in Chief of our diplomatic corps and break diplomatic relathe Nicaraguan Government. I have urged the President to do that for the last 5 years to no avail. But I still would say it again, that we should have a clear understanding so the people in this country know which side we are on.

They always say that if no one will sound the bugle, there will be very few people who will follow. I think in this case it is going to demand Presidential leadership. It is very obvious that he is not going to get the support and the leadership from the Speaker of the House and the more liberal point of view that they have in the other body. They seem to see no threat from the left. They seem to see no threat from anyplace where there happens to be a Marxist-Leninist govenment; that it is all some kind of a love-in.

I think what the President is going to have to do is break diplomatic rela-tions, and he should do it now. I sent same message to the House. It is high time we break diplomatic relations with the Nicaraguan Government and we recognize the Contras as a ligitimate Government of Nicaragua and give them the support that is necessary so that we can see freedom prevail in this hemisphere in Central America. The sooner we get on with this the better it will be. The longer we put it off, the more likely it will be that American troops, troops, will be involved.

We have brave young Nicaraguans fighting down there now. They are running short of ammunitions. They are short of medical supplies. They do not have air support that they badly need in this situation. It is high time that the United States of America gets them the necessary support-and I think it has already gotten to the point that probably American naval and air power will be necessary to secure freedom in Central America and avoid a great problem in the future.

Mr. President, I would appeal to this administration that they get on with it and stop trying to have it both ways. That is why I think that we lost those votes in the Congress in the first

place. The administration never made it clear. If you go back through the history when the Boland amendment was passed in the first place, it should have been vetoed. We should have had a political confrontation over it. Then we would not have had all the problems that brought on the Iran-Contra issue. We would not have had those problems because the people such as the late great William Casey. Colonel North, Poindexter, McFarlane, those people certainly would not have been put in a position to try to raise private funds or get moneys from other sources to help the freedom fighters in an effort that they believed their Commander in Chief wanted.

No. Mr. President, it is no surprise to this Senator that the actions that are taking place in Central America are actually taking place. I have been saying it on this floor for the past 6 years. In fact, starting back in 1981, when I first offered the Cuban amend ment which would allow use of miliolution from spreading from Cuba to the mainland of the Americas. That was what that resolution said. We voted for it. The House of Representavoted for it. The House of Representa-tives voted for it. But the administra-tion would never take that issue and use it as a lever. I felt that they should have used the Cuban resolution to have the Congress we recognize that the communization of Central America was threatening the security of the United States of America and the free people all over the world.

Now what we have are riots in Panama. We have drug dealers running Panama. We have Communist dictators running Nicaragua. We have them invading their neighboring country of Mondayre. try of Honduras where they have much, much stronger military power than Honduras or any of the sur-rounding countries.

Ultimately, the responsibility to protect the freedom in this hemisphere, since we will not provide the Nicaraguan people the meager support that they have asked for, will probably end up falling on the shoulders of young United States troops, However, I think could be avoided and still can be avoided if we move now in a bold, decisive action

So I would appeal to my colleagues to encourage the White House to declare themselves clearly that they are not going to tolerate this kind of be-havior in this hemisphere. We will not be able to tolerate this invasion into the neighboring Honduras, and that we cannot in fact go on and allow the drug dealers and the thugs to run Panama at the expense of civil rights for people in Panama. So I think that the administration is moving to do the right thing in Panama now but very soon that situation will be out of hand also.

Mr. President, I do not take this floor to sound like an alarmist, but I think the facts are the facts. If we do not move decisively and take very bold

action and take the responsibility that a superpower has in our own back yard, we will rue the day that we did not do it. We will rue the day that we not do it. We will rue the day that we are using and committing American troops to do something that could have been done by people native to the area, that want to fight for their own freedom. I think that the President could solve this problem very rapidly by simply recognizing a govern-ment that was supportive of us in Nicaragua and not recognizing the dictatorship that is now in power.

If he would do this, we could give them what support was necessary and sec a culmination of this very fast, and run Daniel Ortega and his cronics out of Nicaragua in a hurry. And, as far as am concerned, that can be worked out by Nicaraguans, whether they stay there and become civilized again or whether they go to Cuba with their friend Fidel Castro and want to stay there in exile from Nicaragua or they want to go on to the Soviet Union and live there.

But we do not need to have them continue to be barbarians in this hemisphere by violating the civil rights and the trust of their neighbors.

CIVII, RIGHTS RESTORATION ACT (GROVE CITY)—VETO

The Senate continued with the consideration of the veto message of the President on S. 557. Mr. SYMMS. Today, Mr. President,

the Senate has started consideration of the President's veto of S. 557, the so-called Civil Rights Restoration Act of 1987. I think more properly named by the distingished Senator from Nebraska, the "Government Intrusion Act of 1987," the latest version of leg-Government Intrusion islation to address the Supreme Court decision in the case of Grove City versus Bell decided in 1984. For more than 3 years now, we have heard the clamor from House and Senate Meinbers and the civil rights community demanding reversal of this decision.

"Restore the law to its pre-Grove City state", has been the cry. However, if anything has become clear in the last 3 years, it is that there is wide dis-agreement on what the state of the law was in this area before that deci-

The sponsors of S. 557 state that they want to restore the broad, institutionwide coverage of title IX and the other statutes addressed in their bill. However, there is strong evidence that coverage prior to Grove City was not institutionwide, but program specific, as the language of the statutes

appears to mandate.

Mr. President, the controversy sur-rounding Grove City-related legisla-tion has been improperly focused from the start. In my opinion, the question is not whether Federal financial assistance should be allowed to fund dis-criminatory activities. Indeed, I believe that Americans support the continued

prohibition of such use of Federal funds. I have heard no one argue oth-

However, the sponsors of S. 557 have chosen to distort this debate by posing the question of simplistic terms undo which one is either for their bill or for federal subsidized discrimination. I do believe that to be the case but that is the way it has been framed. It is a tactic that has served them well on this and other legislation which, regardless of merit, has been touted as critical to the future of civil liberty in our Nation.

The true controversy underlying this legislation is based upon complex, yet subtle questions which arise in the implementation of the accepted policy goal that Federal dollars should not subsidize discrimination. It is here that a number of significant disagree-ments exist: What breadth of coverage should be invoked as the result of reentity? For example should the entire multisited corporation be covered under the civil rights statutes when only one part of one of its plants receives Federal assistance? Should certain types of organizations be singled out for especially expansive coverage for no apparent reason—as they are under S. 5572

It is appropriate that we expand covcrage under the civil rights statutes to cover, as S. 557 would, all the operations of a church or synagogue merely because it assists the elderly or the needy with the use of Federal dollars? I do not think that should be the Coverage prior to Grove City would have extended only to the federally assisted program within the church or synagogue. Although the sponsors of S. 557 have argued vigorously in defense of the expansive coverage of churches which would result under the bill, they have presented no evidence of discrimination to warrant such new coverage. Should we not at least have a reason for discarding first amendment religious freedoms?

think we should have do not believe that Mr. President, and I do not believe that the proper reason has been presented. There is no evidence of discrimination to warrant oence of discrimination to warrant such new coverage. Yet, it is in this bill. As the distinguished Scnator from Nebraska pointed out, this bill should be called the Government Intervention Act of 1987, the Government Interven-trusion Act of 1987, the Excuse for Bigger and More Government Act of 1987. This will be an absolute lawyer's dream, and I do not believe that is what the U.S. Senate or the Congress of the United States is set up to do

I believe that our purpose should be to try to logislate fairly, equitably, and protect the freedoms and civil rights of all people in this country, certainly, but not to set up intrusive measured but not to set up intrusive measures that interfere with the simple oper-ations, such as food distribution or church programs, that will completely disrupt and be a disincentive, as a matter of fact, for private entities to carry out programs that might in some way have some Federal funds available

Mr. President, like several of my col leagues, I have serious problems with the proposed legislation.

The bill insufficiently protects religious values under title IX. As well, this legislation represents a massive expansion of Federal power. This massive Federal expansion into State and local governments: businesses, including small businesses such as stores: farming; and private education has many consequences.

The phones have been ringing off the hook in my office ever since the President first started talking of vetoing this bill because small businesses, private schools, public schools, churches, county commissioners, mayors, ev eryone that in any way has anything to do with the Federal Government in my State are very concerned about

The farmers are upset about it. As ne distinguished Senator from Nebraska pointed out many of these farmers will be under some kind of requirement to fill out great numbers of forms if they in any way have any thing to do with the Federal Govern-ment, whether it is Federal loans, Pederal farm payments, Farm Credit System—it is so intrusive, and I think it is unnecessary that we have legisla-tion that goes that far.

In addition, if this bill becomes law,

e sectors of American society, both public and private, will be subject to: increased Federal paperwork burdens; random, onsite, and costly Federal compliance reviews even in the ab-sence of an allegation of discrimination; numerous and burdensome Federal regulations containing thousands of words, including expensive accessibility requirements under section 504 that can require structural and equipment modifications, job restructuring. modifications of work schedules, and provision of auxiliary aid

Mr. President, I might just comment on that as a small businessman myself before I came to the Congress.

People in Washington, DC, often forget how much it costs for small businesses to fill out all these forms for the Federal Government. It costs them a great deal of time, effort, money, wages, and causes inefficiencles in production. Then we wonder why we have a hard time competing with some of our competitors from West German. from Britain, France, from Japan, and the Pacific

We pass laws like this, Mr. President. It makes this country less competitive. Then what is the answer to that? Then Congress comes up with an idea and says: "Let's pass another law. We will have a protectionist law and we will keep all the foreign goods out of the country because we cannot com-pete with them." Maybe if we will pay attention to what it is we are passing and imposing on people, we will find out we would be more competitive and that our businesses would be able to be more efficient and think about spending their time and their efforts spending their time and tests at a lower price rather than filling out all these forms to comply with some law that Congress passed because Congress wants to be for civil rights

We all want to be for civil rights. I do not think there is a Member of this Senate that does not think that we should be against discrimination and in favor of equality and opportunity for all people, no matter what their background. I certainly favor that. But I do not favor imposing on the American people an unnecessary burden of paperwork requirements and so forth

The equality-of-result rather than equality-of-opportunity standards can lead to quotas and proportionality requirements; the need to attempt to accommodate infectious persons; in-creased exposure to costly private lawsuits; and increased exposure to the judgment of Federal courts.

The Civil Rights Restoration represents a vast expansion of Federal power over State and local governments and the private sector, includ-ing churches and synagogues, farmers, businesses, voluntary associations, and private and religious schools. This expansion goes well beyond the scope of power exercised by the Federal Gov-ernment before Grove City. Without

being exhaustive, some examples are:
An entire church or synagogue will be covered under at least three of these statutes if it operates one federally assisted program or activity.

Every school in a religious school system will be covered in its entirety if one school within the school system receives even one dollar of Federal financial assistance.

Grocery stores and supermarkets participating in the Food Stamp Program could be subject to coverage solely by virtue of their participation in that program.

Mr. President, think about this for a minute. I do not believe there is a single Senator who would want people who are of the lower income category, who are disadvantaged for one reason or another and are on Federal food stamps, to find out that there were some stores who just did not want to put up with the paperwork so they say, "We will refuse to take food stamps because we do not want to have to go through all of the red tape."

I do not know that that would happen, but there would certainly be an incentive for that to happen, and that would be another kind of discrimination.

Farmers receiving crop subsidies. price supports, or similar Federal sup-

port may be subject to coverage.

Every division, plant, facility, store and subsidiary of a corporation or

other private organization principally engaged in the business or providing education, health care, housing, social services, or parks or recreation will be covered in their entirety whenever one portion of one division, plant, facility, store, or subsidiary, receives any Fed-

Thus, if one program at one nursing home or hospital in a chain receives Federal aid, not only is the entire nursing home or hospital covered, but all other nursing homes or hospitals in the chain are automatically covered in their entirety even if they don't re-

ceive Federal aid.

Further, if the tenant of one unit in one apartment building owned by an entity principally engaged in providing housing receives Federal housing aid, not only is the entire apartment building covered, but all other apartment buildings, all other housing operations, and all other nonhousing businesses of the owner are covered even though they receive no direct or even indirect Federal aid

If a home developer or builder constructs one project with Federal aid. all other homebuilding activities and nonhousing activities of the developer

or builder are covered.

The entire plant or separate facility of all other corporations and private organizations not principally engaged in one of the five specified activities would be covered if one portion of, or one program at, the plant or facility receives any Federal aid. This includes all other plants or facilities in the same locality as the facility which receives Federal aid for one of its pro-

A private, national social service organization will be covered in its entire-ty, together with all of its local chapters, councils, or lodges, as well as its national headquarters if one local chapter, council, or lodge receives any Federal financial assistance. Converse if one program at the national headquarters of such an organization received Federal aid, not only is every thing done by the national headquarters completely covered, so are all of the activities of all State and local

A State, county, or local government department or agency will be covered in its entirety, whenever one of its programs receives Federal aid. Thus, if a State health clinic is built with Federal funds in one town, not only is the clinic covered, but all activities of the State's health department in all parts of the State are also covered.

I would appeal to my colleagues, think about that one. Think about your States and think about the reper cussions that you are going to have in your States when the bureaucracy recognizes how much additional work is necessary to dispense health services and how much it will interfere with the delivery of public health services to people in your States.

I say to my colleagues, that, in itself, is enough reason for the President to have vetoed this legislation.

have vetoed this legislation.

All of the commercial, noneducational activities of a school, college, or university, including rental of commercial office space and housing to those other than students or faculty, as well as investment and endowment policies, will be covered if the institution receives even \$1 of Federal education assistance. tion assistance.

tion assistance.

A vague, catch-all provision creates additional coverage.

I have mentioned, in general, the burdens of Federal regulations. Specifically, let me note that the requirements under just section 504 of Department of Agriculture regulations alone for covered entities are significant. The regulations cover all entities cant. The regulations cover all entities deemed recipients, even ones with fewer than 15 employees. The regulations, however, provide for slightly duced compliance burdens in just a few instances for a recipient with fewer than 15 employees. Therefore, if the Civil Rights Restoration Act is acted, the Government Intrusion Act. as renamed this afternoon, all grocers, for example, including small ones, will have to comply with all but a few of the Department of Agriculture's ex-tensive section 504 regulations. Among the regulations applicable even to the smallest grocery store are:

A requirement to consult with dis-abled persons or disability rights groups and to make a record of such

consultation;

Extensive employment regulations, including equipment modifications, job restructuring and modifications of

vork schedules.

Mr. President, that is going to mean groceries are going to cost your constituents more. Someone has to pay for this added burden of paperwork. What it will amount to is that consumers out there, the very people we say we are trying to help with the passage of this legislation, will end up paying more money to buy their groceries if the grocer has to comply with all this redtape and interference.

The need to attempt to accommodate persons, including employees, with infectious diseases, such as tuber-culosis and AIDS, under the review of Federal bureaucrats and

courts:

Regulations applicable to new con-struction or alteration of an existing building

A requirement to "take appropriate steps" to guarantee that communica-tions with hearing-impaired and vision-impaired applicants, employees, and customers can be understood:

A requirement to undertake home deliveries or install wheelchair ramps;

A requirement to make significant structural alterations if alternative means are not available to provide services.

Moreover, grocers or supermarkets with 15 or more employees-which include numerous small businesses have added burdens under the regulations, such as:

The requirement of adopting grievance procedures that incorporate appropriate due process standards;

The requirement of providing auxiliary aids for hearing-impaired and vision-impaired persons if necessary for them to work or shop at the store.

Mr. President, these are some of the issues which make the proposed act that the President, in my opinion correctly, vetoed unacceptable.

They do not center on the question of whether Federal funds should be allowed to subsidize discrimination. That is a moot question. No one is arguing that point. I think that all Sena-tors agree that Federal funds should not be allowed to subsidize discrimina

They center on the need for a careful balancing of constitutionally guaranteed freedoms and rights and the relationship to important public policy

objectives

Mr. President, I would urge my colleagues to sustain the President's veto.

Mr. President, I would also at this point like to insert into the Recond the Wall Street Journal editorial enti-tled "Above the Law," which was in the Wall Street Journal of February 8,

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

ABOVE THE LAW

A major fight is brewing over legislation A major fight is brewing over legislation to overturn the Supreme Court's Grove City decision, which limited the reach of federal laws on discrimination against women, the handicaped and the clderly. The court ruled that such laws apply only to specific programs receiving federal aid, not to whole institutions such as schools, companies, hospitals or state and local governments. A bill to overturn the decision breezed through the overturn the decision breezed through the Senate by a 75-14 vote, and now goes to the House, though private and public employers fear increased disruption, and the Reagan administration threatens a veto.

No one seems to notice that one major in-

administration threatens a veto.

No one seems to notice that one major institution has managed to avoid the impact of the laws in question. A Fortune 500 size employer, with a payroll of 38,000 and an annual budget of \$1.75 billion, has successfully lobbied itself an exemption, putting itself above the law. Dear reader, quiz: The name of this miscreant civil-rights evader is (a) Octopus Industries Inc. (b) The Ku Klux Klan (c) the CIA (d) the University of Texas Athletic Department (e) the United States Congress?

Anyone miss that one? In fact, Congress routinely excludes itself from all the regulatory laws it passes, Indeed, back in 1984 the House defeated an amendment to extend the civil-rights laws to Congress by a vote of 277-125. The nearby box lists some of the landmark laws everyone in America must obey—except Congress. Congressional employees are denied many of the rights—health and safety protections, anti-discrimination laws, collective-bargalning rights—that Congress has mandated for workers in both the private sector and the executive branch. both the private sector and the executive

branch.

Not that Congress doesn't consider itself above the law even without benefit of specific exemptions. By oversight, it neglected

to exempt itself from the Clean Air Act it passed in 1970. Several years ago an air-quality inspector tried to serve Congress's Capitol power plant with a violation notice. The manager of the plant sent the inspector packing, asserting—incorrectly but under-standably—that Congress was exempt from

the Clean Air Act anyway.

Members defend such exemptions by arguing that Congress has the right to manage its internal affairs and that they must be given complete freedom in hiring and firing employees. No one questions that a Member has to be able to hire a staff that is both loyal and compatible. But why should voters have to accept the blanket hy-pocrisy of a legislative body saddling private citizens and businesses with burdensome regulations it itself is exempted from?

By now, of course, congressional high-handedness is taken for granted, as the divine right of kings once was. Congressmen divine right of kings once was. Congressmen feel free to write their whims into continuing resolutions, or to pass an Ethies in Government Act that sets up special prosecutors to try executive-branch officials such as Michael Deaver and Lyn Nofziger for the dread offense of lobbying. But heaven forbid that the procedures and standards Congress tegislates for others ever be applied to Congress or its Members.

Republican Services Steam Thurmand and

Congress regulates for outers ever be applied to Congress or its Members.

Republican Senator Strom Thurmond and Democratic Rep. Howard Wolpe of Michigan have sponsored bills that would place bubbying restrictions on former Members of Congress. Hearings on the Wolpe bill are due this month, but a recent survey by the Center for Responsive Politics found that 63% of the 114 responding Members opnosed lobbying restrictions on former Members. "There's a set of unstated rules that ex-members live by," former GOP Rep. W. Henson Moore recently told Roll Call magazine. "We watch the rules, even if no one's watching us. The rules I stand by go beyond what Senator Thurmond is trying to do." Imagine some private-sector or executive-branch figure telling that to a congressional investigating committee.

investigating committee.
In the Federalist Papers, James Madison answered those who worded about how Congress could be restrained. Congressmen Congress could be restrained. Congressmen voting on oppressive measures would know, he argued, "There can be no law which will not have its full operation on themselves and their friends, as well as on the great mass of society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together." In writing itself exemptions Madison never imagined, Congress has undermined its moral authority to legislate rules for the rest of society. late rules for the rest of society.

Mr. SYMMS. Mr. President. I will read a few paragraphs from this editorial because I think it is so significant to the discussion that we are having here today.

A major fight is brewing over the legislaa major light is brewing over the legisla-tion to overturn the Supreme Court's Grove City decision which limited the reach of Pederal laws on discrimination against women, the handicapped, and the elderly. The Court ruled that such laws apply only to specific programs receiving Federal aid, not to whole institutions such as schools, companies, hospitals or State and local gov-ernments.

ernments.

This is exactly the point I have been trying to make. I want to repeat that "the Court ruled that such laws apply only to specific programs receiving Federal aid, not to whole institutions such as schools, companies, hospitals, or State and local government. A bill

to overturn the decision breezed through the Senate by a 75-to-14

Someone asked me off the floor ear lier, "Why did the bill pass by a 75-to-14 vote?" It is simple. Who wants to be cast as being against civil rights? No one wants to be against civil rights. No one likes to be labeled as being against civil rights.

This bill, as a matter of fact, speaks to hearing impaired people. I have two fine young people in my office who both have hearing impairments. They are both graduates of Gallaudet College, and they do an excellent job: Jim and Chas Grant. I do not want to be cast in the position of somehow I am not in favor of them having every op-

portunity.

That is why the bill passed by a vote That is why the bill passed by a vote of 75 to 14. It is reported in the news you are either for civil rights or against civil rights, with no room in between. President Reagan does not like to be criticized and called as being against civil rights. To call him against civil rights is an injustice to fairness.

Certainly, I think he is right by vetoing this bill because this bill goes way beyond what it is we are supposed to be correcting with respect to Grove City decision.

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threatens a veto.

No one seems to notice that one major in-situation has managed to avoid the impact of the laws in question. A Fortume Soo-size employer, with a payroll of 38,000 and an annual budget of \$1.75 billion, has success-fully lobbied itself an exemption to put itself above the law. Dear Reader, quiz. The name of this miscreant civil rights evader is (a) the Klu Klux Klan, (c) the CIA, (d) the University of Texas Athletic Department, (c) the United States Congress?

What is the answer Mr. President?

What is the answer, Mr. President? Guess who got it done?

Anyone miss that one? In fact, routinely excludes lise!! from all the regula-tory laws it passes. Indeed, back in 1984, the House defeated an attempt to extend the civil rights laws to Congress by a vote of 277 to 125. Here is a list of some of the land-mark laws everyone in America must obeyexcept Congress.

The Civil Rights Act, Equal Employment Opportunity Act, the Equal Pay Act, the Fair Labor Standards Act, the National Labor Relations Act, the October 1981 Coffee and Health Act cupational Safety and Health Act, Freedom of Information Act, and the Privacy Act, Congress is excluded from all of those. Most Americans do not re-alize that, but your constituents will alize that, but your conscious and call today, because people in America recognize that this bill is going to be recognize that this bill is going to be recognize that this bill is going to be very intrusive into their lives. When they do get the message, they are going to be very pleased with President Reagan's veto and very frustrated if his veto is not sustained. They are going to be very upset if his veto is overridden, because then they will be forced to do more and more paperwork and answer more and more paperwork. and answer more and more questions.

Not that Congress doesn't consider itself above the law even without the benefit of

specific exemptions. By oversight it neglectspecific exemptions. By oversight it neglected to exempt itself from the Clean Air Act it passed in 1970. Several years ago, an airquality inspector tried to serve Congress' Capitol power plant with a violation notice. The manager of the plant sent the inspector packing, asserting—incorrectly but understandably—that Congress was exempt from the Clean Air Act anyway.

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entiners octen such exemptions by arguing that Congress has the right to manage its internal affairs and they must be given complete freedom in hiring and firing employees. No one questions that a Member has to be able to his constant. has to be able to hire a staff that is both loyal and compatible. But why should voters have to accept the blanket hypocrisy of a legislative body saddling private citizens and businesses with burdensome regulations itself is exempted from?

By now, of course, congressional high-handedness is taken for granted, as the divine right of kings once was. Congressmen divine right of kings once was. Congressmen feel free to write their names into continuing resolutions, or to pass an Ethics in Government Act that sets up special prosecutors to try executive branch officials, such as Michael Deaver and Lyn Nofziger, for the dread offense of lobbying. But Heaven forbid that the procedures and standards Congress legislates for others ever be applied to Congress or its Members.

Mr. President, I will not read the rest of this editorial, but I do think there is one point that needs to be mentioned as the Wall Street Journal correctly mentions. That in the Federalist Papers, James Madison answered those who worried about how Congress could be restrained.

Congressmen voting on oppressive measures would know,

he argued.

that there can be no law which will not have its full operation on themselves and their friends as well as on the great mass of society.

James Madison really expected though, that the Congressmen would come to Washington and spend about 4 months here and then return s or 4 months here and then return back home to their business, and they would make their living doing some-thing else. What has happened, as Government has become bigger and bigger over the years, becoming a Member of Congress has become a full-time occupation.

It still comes back to the point that this legislation, which the President correctly vetoed, is one of the most in-trustive pieces of legislation to pass this body in many years, and one of these battles has reached us; it is here before us. It is an issue which we absolutely must recognize is before us, and

we have to make a decision on it.

I have a few letters here, and I would like to read into the Record one of those. This is just one of hundreds of letters of opposition which have come in from my State. This is from Gail B. Thomas, in Filer, ID:

Gail B. Thomas, in Filer, 112:
Dear Senator Symms, in my opinion, the
Civil Rights Restoration Act would have disasterous repercusions. As I understand it,
this act would not allow private school systems, private corporations, or hospitals to
discriminate against alcoholics, drug addicts, and persons with contaglous diseases.

The Danforth amendment handles the abortion issue well enough, and the Hatch amendment protects religious organizations. What about all the other hospitals and prirate corporations?

anyone support an act that opens the door for such far-reaching and ir-responsible levels of Federal control? I strongly request that you send this one back to the drawing board. Please do not support

This is typical of the letters I have received from my State with respect to this, and I think it is important that we recognize the Grove City case only dealt explicitly with sex discrimination provisions in title IX. Three other civil rights statutes contain comparable language: Title VI of the Civil Rights Act of 1964 prohibits discrimination with respect to race, color, or national origin under any program or activity receiving Federal financial assistance. Section 504 of the Rehabilitation Act of 1973 outlaws discrimination on the basis of handicap under any program basis of institucing under any program or any activity receiving Federal finan-cial assistance. And finally, the Age Discrimination Act of 1978 bans dis-crimination on the basis of age in connection with any program or activity receiving Federal financial assistance.

Fearing that these three statutes would be interpreted in the same limited way as title IX, the Congress has introduced companion legislation to broaden the coverage of the four underlying statutes to bring the entire institution receiving indirect assist-ance within Federal purview. This is exactly the point I have been trying to make that this is so intrusive. If one part of any entity is involved, it will certainly be intrusive into the lives of people.

So I urge my colleagues to support the veto of the President. Moreover, I hope then that the President's substitute legislation that has been sent down and introduced by Senator HATCH, could then be addressed by the committee, then come back with a piece of legislation that the American people would support.

So I think it is important that this veto is sustained. The Supreme Court decision of Grove City College versus Bell placed limitations on the applications of civil rights statutes to edcua-tional institutions receiving Federal funds. The legislative proposals overturn this decision have been much broader in scope and impact and significantly would affect the business community. State and local governments and private schools by subjective these institutions to see Theorem. ing these institutions to new Federal civil rights jurisdictions and requirements.
Mr. President, I ask unanimous con-

sent to have printed in the Recogn a letter dated March 1987, by Michael E. Hammond.

There being no objection, the letter was ordered to be printed in the Record, as follows: WASHINGTON, DC, March, 1987. GROVE CITY

(By Michael E. Hammond)

CHY SMERIAGE E. HARIMOND)
One of the central battles of the 100th
Congress is almost sure to be over an esoteric piece of legislation known as the "Grove
City Bill." Although its provisions are a bit
arcane, this legislation would fundamentally
enhance the reach of the federal govern-

The basic issue is this: Pederal law cur-The basic issue is this: Pederal law cur-rently prohibits any "program or activity" which is a recipient of federal funds from engaging in discrimination against any person on the basis of race, sex, age, or

person on the mass of race, acx, age, or handicap.

In 1984, the Supreme Court held that a college or university is a "recipient" of federal funds if it enrolls students receiving financial aid from the federal government, either through federal grants or federally guaranteed student loans. At the same time, the court narrowly defined the term "program or activity." holding that an entire college or university was not a "program or activity" receiving federal funds merely as a result of enrolling students receiving federal assistance. Rather, it was the financial aid department of the college or university which constituted the "program or activity" receiving federal funds.

In the 98th and 99th Congress, and now in the 100th Congress, legislation has been

the 100th Congress, legislation has been proposed to define "program or activity" to ude an entire institution (such as a versity, corporation, or local governmental department), if any person or segment of that institution received either direct or indirect assistance from the federal

The implications of such legislation are The implications of such legislation are far-reaching. If a university is a federal "recipient" because one of its students receives financial sid, it would appear to be the case that a grocery store is a "recipient" if it accepts food stamps, a nursing home or hospital if it treats Medicare patients, or a bank if it deposits a Social Security check.

This would be less controversal if federal

it it treats Medicare patients, or a bank if it deposits a Social Security check.

This would be less controversial if federal anti-discrimination laws had not been judicially and administratively interpreted in such expansive and unusual ways. Regulations governing sex discrimination laws, for example, require colleges to fund abortion to the same extent as other "medical procedures." The Federal District Court for the District of Columbia has held that transvestitism is a "handleap" for the purpose of the Rehabilitation Act, making discrimination against a transvestite unlawful. And, in a number of jurisdictions, AIDS patients are also being defined as "handleapped," thereby requiring that they also be employed on a non-discriminatory basis, even if that employment may raise some questions of health and safety.

It is against this background that Con-

It is against this background that Con-gress will "face off" within the next six months to determine whether this major expansion of federal jurisdiction will be pedited or stymied.

BACKGROUND

Grove City College is a small coeducation Grove City College is a small coeducational college in Pennsylvania. Although it has never discriminated on the basis of race, religion, sex, or handicap, Grove City's fierce independence has led it to refuse all federal funding, thereby exempting itself from the types of regulations which would accompany such monies. Because it did not deem itself to be a recipient of federal funds, Grove City refused to sign a statement required of federal recipients, verifying that it would not discriminate on the basis of sex. In 1977, the Carter Administration's Department of Health, Education and Welfare

initiated proceedings against Grove City College on the grounds that although it did not receive any federal funds directly, it did admit students who received federal grants federally guaranteed student loans

and recersily guaranteed student roans and was therefore an indirect "recipient" of fed-eral funds and subject to federal regulation. The particular statute in question was Title IX of the Education Amendments of 1972. which provides

non program.

In inancial assistance...

Title LX specifically excludes:

(1) Admissions policies of elementary and econdary schools;

(2) Practices contrary to the religious and colleges "controlled by" religious tenets of colleges "controlled by Organizations

(3) Admissions practices of private under-

radiusts schools and traditionally sex-sex-regated public undergraduate schools:

(4) Fraternities, sorroities, the YMCA, the YWCA, the Boy Scouts, the Girl Scouts, the Camp Fire Girls, and similar youth service organizations and boys' and girls' confer-ences:

(5) Pather-son and mother-daughter acs: and

tivilies; and
(6) Beauty pageants.
Title IV does, however, apply to such controversial areas as
(1) College sports, even when men's sports produce millions of dollars of revenue and women's sports produce none:
(2) Practices contrary to the religious tenets of colleges which are affiliated with, but not necessarily "controlled by" religious organizations; and
(3) Abortion.

organizations; and
(3) Abortion. Abortion, federal regula(3) Abortion. With respect to abortion, federal regulations promulgated in 1975 to implement
Title IX specifically provide that abortion
must be treated on the same basis as other
"temporary disabilities" with respect to
"any medical or hospital benefit, service,
plan or policy tavallable to students!" and
with respect to "all job-related purposes
tapplicable to employees)." This raises the
specter of federally mandated abortions in specter of federally mandated abortions in university hospitals and federally required abortion coverage by college employee and student health plans.

Against this backdrop, the Supreme Court handed down its decision in Grove City Col-lege v. Bell on February 28, 1984. That deci-sion had two prongs:

The first prong held that Grove City Col-The first prong held that Grove City College did "received Federal financial assistance" by virtue of its acceptance of students receiving federal grants and federally guaranteed student loans. Although it tried to distinguish comparable cases in a footnote, it is hard to understand how the court can avoid the conclusion in future cases that other indirect recipients are also federal funding "recipients." This means that any person or business who receives money from the federal government runs the risk of being classified as a recipient of federal funds.

Before this decision, few people would have considered grocery stores accepting food stamps, hospitals and nursing homes food stamps, hospitals and nursing homes treating Medicare patients, or banks depositing Social Security checks as recipients of federal financial assistance. Notwithstanding the far-reaching implications of such coverage, it was not the grocery stores, hospitals, nursing homes, and banks which raised the primary objections to the Supreme Court's holding in the Grove City case. Rather, those outcries arose from groups concerned that the court's coverage was not sufficiently board

was not sufficiently board.
This is because, while the first prong of the decision extended civil rights coverage to indirect recipients of federal funds, the second prong limited that coverage to the specific "program or activity" within the university or other institution which actually benefited from the funds. It would not shock most observers to learn that a statute which on the federal properties of the form the statute which on the federal properties of the statute. shock most observers to learn that a statute which, on its face, applied only to the "program or activity receiving Federal financial assistance" was interpreted as applying only to a particular "program of activity," rather than an entire institution, which proceeded to make reversal of the second prong of the Grove City decision its primary legislative goal in the 98th Congress.

LEGISLATIVE ARMAGEDDON

Although the Grove City case only dealt explicitly with the sex discrimination provisions in Title IX, three other civil rights

sions in Title 1x, three other civil rights statutes contained comparable language. Title VI of the Civil Rights Act of 1964 prohibits discrimination with respect to race, color, or national origin "under any program or activity receiving Federal finan-cial assignator." cial assistance

ection 504 of the Rehabilitation Act of 3 outlaws discrimination on the basis of

1913 outlaws discrimination on the basis of handleap "under any program or activity receiving Pederal financial assistance."
And, finally, the Age Discrimination Act of 1978 bans discrimination on the basis of age in connection with any "program or activity receiving Federal financial assistance."

Fearing that these three statutes would be interpreted in the same limited way as Title IX, congressional liberals, led by Senators Edward M. Kennedy (D.-Mass.) and Robert Packwood (R.-Ore.) in the Senate and Congressman Paul Simon (D.-III.) in the House, introduced companion legislation (H.R. 5490 and 8, 2568) to broaden the coverage of the four underlying statutes to bring the entire institution receiving indirect assistance within federal purview.

Although S. 2568 had 62 Senate cosponsors and 92 senators voted to shut off a conservative fillibuster of that legislation, it was ultimately tabled by its own sponsors when the procedural tactics employed to achieve its passage back(fired. caring that these three statutes would be

the procedural decide employed to achieve lis passage backlired.

The Grove City agenda was reintroduced in a slightly different form in the 99th Congress as "The Civil Rights Restoration Act."
But this bill suffered a similar fate—this time in the House—when its supporters proved unwilling to accept an amendment preventing institutions from being required to perform abortions and provide

preventing institutions from being required to perform abortions and provide abortion insurance coverage.

Now comes the so-called "Civil Rights Restoration Act of 1987," alated to be one of the two or three major items on the feminist agenda this year. Introduced on Pebruary 19, 1987 with 51 Senate cosponsors, this bill, S. 557, would broaden federal jurisdiction to cover an entire institution if a single part of that institution receives direct or indirect funding from the federal government, including federally insured student loans or federal student grants. S. 557 specifically mentions institution-wide coverage for state and municipal departments and agencies; institutions and systems of elementary, secondary, and higher education; corporations, parinerships, and "other private organizationia"; and any combination of these institutions. Introduction of an almost identical House counterpart is expected soon.

With rapid action promised on this legisla-

With rapid action promised on this legislation in both the House and the Senate, the bill could be on the Senate floor later this spring. If the House counterpart, as expected, again gets hung up on the question of abortion. Senate sponsors may attempt to circumvent the House entirely by appending the Senate version to a House-passed bill, such as the Fair Housing Bill.

SO WHAT'S WRONG WITH THAT

The desirability of bringing an entire edu-cational institution within federal jurisdic-tion—and risking institution-wide coverage for cities, states, corporations, and other in-direct recipients of federal benefits—de-pends on what sort of impositions the feder-al government intends to make on the insti-

There is close to a consensus in the United States that discrimination against persons merely because of their race, religion, sex, age, or handicapped status is improper and should be prohibited by federal law. The problem is that statutes purporting to achieve non-discrimination have been judicially and bureaucratically interpreted to go far beyond their original purposes. Among some of the more far-reaching implications

are the following:
Non-discrimination against drug addicts Non-discrimination against drug addicts and alcoholics. Shortly after the adoption of section 504, the Department of Health, Education and Welfare promulgated regulations to extend the definition of the term "handicapped" to alcoholics and drug addicts. What this meant was that employers receiving any form of assistance from the federal government were forbidden, as a matter of federal law from between the receivers. ing any form of assistance from the federal government were forbildden, as a matter of federal law, from refusing to hire persons because of their use of or addiction to alcohol or dangerous drugs. Following two highly celebrated cases on these issues (Whitaker v. Board of Higher Education of the City of New York, 461 FSupp. 99 (E.D.NY., 1978) talcoholies], and Davis u. Bucher, 451 FSupp. 791 (E.D.Pa., 1978) in the law to allow an employer to refuse to hire an alcoholie or drug addict if and only if "current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to the property or safety of others." Note, however, what this amendment would not do:

It would not prevent the federal government from foreing a school to admit an alcoholic or drug addict, since the amendment applies only to employment practices.

It would not prevent the federal government from foreing a school to hire an alcoholic or drug addict unless the school could demonstrate that the alcoholism or drug addiction interfered with the performance of

demonstrate that the alcoholism or drug ad-diction interfered with the performance of

diction interfered with the performance of the job.

Non discrimination against AIDS patients. On March 3 of this year the United States Supreme Court, in the case of School Board of Nassau County v. Artine, U.S. (1987), ruled that a communicable disease is a "handleap" within the meaning of that term in Section 504 of the Rehabilitation Act. Persons with such a "handleap" may not be discriminated against in employment. While the specific case dealt with a teacher who had tuberculoals, the principle the Court invoked would presumably also apply to persons with AIDS. In states with handleap provisions comparable to section 504, there has been a decided tendency for courts and administrative agencies to extend the law to prohibit discrimination against AIDS patients. Although most, if not all cases of AIDS in the United States have been attributed to the transmission of bodily fluids through sexual intercourse, the sharing of needles by intravenous drug users, and the like, our knowledge of mechanisms for transmitting the disease is hardly complete enough to make us sanguine about

the prospect of federally forced hiring of AIDS patients by university cafeterias and

Non-discrimination against transvestites. Moving from the sublime to the rediculous a large amount of recent litigation attempting to extend (ederal sex and handicap nondiscrimination provisions to homosexuals and transvestites has sidetracked the lofty purposes of these statutes. Although these suits have generally been unsuccessful, the United States District Court for the District United States District Court for the District of Columbia held, in Blackwell V. United States Department of the Treasury, 639 F.Supp, 289 (D.C. 1986), that a transvestile who was not rehitred by the Treasury Department because of his/her condition had a cause of action under the Rehabilitation

Non-discrimination against non-revenue raising sports. Among the more controver-sial aspects of the regulations published by HEW to implement Title 1X was the re-quirement that a college or university with a football and basketball team which proa football and basketball team which pro-duced large amounts of income for that col-lege spend a comparable per capita amount of money on women's athletic activities which did not produce comparable amounts

Non-discrimination on account of danger. Except in the case of alcoholics and drug addicts, there is no guarantee that the fed-eral government will not use section 504 to crail government will not use section 504 to force handicapped persons into situations where they present a danger to themselves and ethers. When the Supreme Court found in 1986, for example, that sirilines were not required by federal law to allow blind persons to sit by airplane emergency exits, Congress explicitly reversed its decision. In another ese, the federal government used section 504 to force a construction company to hire an epileptic whose condition was in remission, with the result that an epileptic relapse caused the death of that individual. Non-discrimination on account of cost. There is also no provision in federal law to limit the amount of money which a university or other institution may be forced to pay in order to make its facilities accessible to the handicapped. In the Northeast, the tab for "retrofitting" urban mass transit aystens is expected to run well over \$10 billy over \$10 bil

tab for "retrofitting" urban mass transit aystems is expected to run well over \$10 bill llon. In at least some cases, it would have been cheaper to provide all handicapped persons desiring to use the system with chauffeur-driven ilmousines. Furthermore, in the case of retrofitting of facilities in small towns, the government has frequently required extensive expenditures, even when there were no actual handicapped persons desiring to use the facilities.

there were no actual handicapped persons desiring to use the facilities.

In most of these cases, including those prohibiting discrimination against drug addicts, alcoholics, AIDS carriers, and transvestites, the cause of action is under section 504 ("handicap" discrimination), rather than Title IX (sex discrimination). What this means is that the "religious tagets are than Title IX (sex discrimination). What this means is that the "religious tenets ex-emption" proposed for Title IX would not be applicable to these cases at all. A church or a church school or a small private school receiving indirect federal assistance might find itself with little recourse against these interpretations. interpretations

CONCLUSION

CONCLUSION

For organizations receiving their funds from a combination of direct federal aid, indirect federal aid, and private sources, the question "What part is federal assistance and what part is private money?" represents perhaps the central question of their existence. For example, Planned Parenthood receives a substantial proportion of its funds from the federal government (\$29 million

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per year); it is illegal to use federal funds
for abortion; Plauned Parenthood is the nation's largest abortion provider. The ability,
therefore, of Planned Parenthood to continue its operations rests on its ability to segregate conceptually its direct federal funds
from its other sources of revenue. Similarly,
the ability of Legal Services grantees to
lobby, Federal Combined Campaign beneficiaries to propagandize, and foreign aid recipients to perform forced abortions and
sterilizations depends on their ability to say
"We are receiving this money—and only this
money—from the United States government, and so our other activities are beyond
federal jurisdiction."

The Grove City Bill will break down this
distinction between federal funding and

The Grove City Bill will break down this distinction between federal funding and non-federal funding, but with respect to only one purpose. It gives to the principle of non-discrimination, very broadly interpreted, a position paramount to any other consideration. Yet other types of proscription on the use of federal funds will remain limited to a program-specific interpretation, rather than binding non-federally funded activities.

activities.

Even if foolish consistency may be called the hobgobin of little minds, a complete lack of consistency is a deficiency as well. Under the Grove City Bill, even a small amount of indirect federal funding will bring entire universities, churches and other organizations within the scope of federal anti-discrimination regulations. Yet it will leave other large prejients of direct federal leave other large prejients of direct federal leave other large recipients of direct federal funding free to escape such oversight, with respect to a wide range of regulatory provisions, through casuistical distinctions between federal and non-federal funds.

Mr. SYMMS. Mr. President, I yield o the distinguished Senator from Utah.

The PRESIDING OFFICER, (Mr.

BOREN). The Senator from Utah.

Mr. HATCH. Mr. President, the Department of Justice strongly recommends the veto that the President has given to this bill, S. 557, the Civil Rights Restoration Act of 1987.

Now, they feel that this bill will sig-

nificantly amend four civil rights stat-utes which may ban discrimination on various bases in programs or activities receiving Federal financial assistance: Title VI of the Civil Rights Act of 1964 regarding race, color, national origin; title IX of the Education Amendments of 1972, sex. limited to education; section 504 of the Rehabilitation Act of 1973, for the handicapped; and the 1973, for the handicapped; and the Age Discrimination Act of 1975 regard-

After passage by the Senate, the House of Representatives took up con-sideration of S. 557 under a modified closed rule. Now, I deplore this action because they called this the most im-portant civil rights bill in many, many years, and yet, under their modified closed rule, they permitted only one Republican alternative bill to be considered with a total of 2 hours for debate on the whole bill. There have been no committee hearings, and no committee markup of the bill, as I understand it, in the House

The two House committees with ju-risdiction over the bill were the Education and Labor Committee and the Judiciary Committee. They held no hearings on the legislation in the 100th

CONGRESSIONAL RECORD — SENATE Congress, nor did they undertake any previous consideration of this measure in this Congress

Now, as the Justice Department has row, as the Justice Department has consistently made clear in testimony and written analyses, S. 557 really does remain one of the most sweeping expansions of Federal jurisdiction in the post-World War II era. Neither the Senate nor the House saw fit to address a charles are the same to the same first to address a charle same first to address a charles are the same first to a same first address a single concern raised by the administration concerning the scope of this legislation and its particular as-sault on religious liberty

In labeling this measure The Civil Rights Restoration Act of 1987, proponents of S. 557 seek to create the impression that this bill does no more than return the referenced civil rights statutes to the institution-wide status they enjoyed prior to the Grove City decision by the Supreme Court.

The Justice Department goes on to say that there is no truth to this asser-

tion. As the Supreme Court's majority opinion spelled out, the plain language and legislative histories of the four statutes amended by S. 557 reflect constatutes amended by S. 557 reflect con-gressional intent that they have a pro-gram-specific scope. Federal court of appeals' decisions prior to Grove City reached a similar conclusion. You could find that in Hillsdale College versus Department of Health, Educa-tion and Welfare, Grove City College versus Bell, Dougherty County High School System versus Bell [19] progression. School System versus Bell, Rice versus President and Pellows of Harvard College, Brown versus Sibley, Simpson versus Reynolds Metal Co., Bachman versus American Society of Clinical Pathologists, and University of Rich-mond versus Bell, all of which are very important cases.

Nonetheless, S. 557 moved through Congress under the false label of a "restoration" measure only, and for the first time engrafted institution-wide coverage onto the four statutes in a manner calculated to cause far more confusion than clarification. For exconfusion than clarification. For example, the Senate committee report states that S. 557 defines the term "program or activity." rather than replacing it with the term "recipient." That is found at page 4 of the Senate committee report. Yet, S. 557 effectively defines the concept of "recipient" as well as the term "program or activity," and it does so in the most sweeping and imprecise terms.

No case has been made for the ex-travagant enlargement of Federal authority over State and local govern-ments and the private sector repre-sented by S. 557.

The Grove City decision has not even remotely the dire impact suggested by the proponents of S. 557. The Senate committee report cites hardly any examples of curtailment of civil rights outside of the education con-text. Except for the Department of Education, no agency has indicated to us that Gove City has had much, if any, impact on it. Outside of educa-tion, the Senate Committee on Labor and Human Resource's hearings pro-

duced hardly any evidence to support the dire predictions of civil rights re-trenchment that followed the Grove City decision. This is due in part to agency practice comporting with the scope of these laws prior to Grove City, and the significant jurisdiction that exists today in light of the vast outlay of Federal financial assistance.

For example, the Department of Labor reported that all 47 of its complaint investigations initiated since March 26, 1965 were unaffected by the Grove City decision. No investigation was narrowed in scope as a result of was narrowed in scope as a result of Grove City, and no investigation was found to be beyond the Department's jurisdiction as a result of Grove City. That in a letter from William J. Harris, Director, Directorate of Civil Rights, U.S. Department of Labor, to Susan J. Prado, Acting Staff Director, U.S. Commission on Civil Rights U.S. Commission on Civil Rights, De-cember 9, 1986. Indeed, former Secre-tary of Labor Brock advised Senator KENNERY on April 2, 1987, that no De-partment of Labor enforcement or in-vestigative activity has been curtailed s a result of the Grove City decision, addine:

The Department has traditionally inter-preted the phrase "program or activity" cansistently with the interpretation set forth by the Supreme Court in Grove City.

That is a letter from Secretary of Labor William E. Brock to Senator Edward M. Kennedy, April 2, 1987.

The Veterans' Administration reported that its complaint investigation process had not been affected by Grove City, no compliance reviews were dropped, narrowed, or "put on bald" as a result of Grove City and hold" as a result of Grove City, and the Department's procedures for hanthe Department's procedures for handling complaints and compliance reviews had not been changed. This is found in a letter from James R. Yancey, Director, Office of Equal Opportunity, Veterans' Administration, to Susan J. Frado, Acting Staff Director, U.S. Commission on Civil Rights, February 27, 1987.

Thus, with respect to the vast bulk of Federal agency activity, there has

Thus, with respect to the vast bulk of Federal agency activity, there has been no showing by sponsors of S. 557 that the effectiveness and vitality of these four cross-cutting clyl rights statutes has been impaired, and reports from a number of agencies demonstrate to the contrary. Moreover, of the 674 complaints closed in whole or in parts of the first parts of the first parts. in part or suspended by the Depart-ment of Education in fiscal years 1984 through 1986, 468 concern abortion and were filed by one individual. It is not surprising that Grove City

has not had a greater impact: First there are many more Federal and State laws in existence today than in 1964 when the first of these four civil rights statutes was enacted, and second much more Federal aid is dis-pensed today than in 1964. In fiscal year 1963, less than \$11 billion of Federal aid was dispensed through less than 200 programs in contrast to more

than \$200 billion in Federal aid dispensed under nearly 1,400 programs in fiscal year 1985, thus yielding signifi-cant coverage today under the program-specific language of these four statutes.

To the extent complaints have not been satisfactorily addressed in the education context, the administrationsupported measure, the "Civil Rights Act of 1987," H.R. 1881, adequately deals with that concern. If there are discrete areas outside of education where civil rights problems exist, they ought to be addressed by appropriate ly tailored legislation. For example, we supported the Air Carrier Access Act 1986-Public Law 99-435-which prohibits discrimination by airlines against qualified handicapped individuals, but avoids the overbroad and unnecessarily intrusive approach of S.

I stated before that it is not surprising that Grove City has not had greater impact because there are many more Federal and State laws in exis ence today than in 1964, when the first of these civil rights statutes was enacted.

For example, title II of the Civil Rights Act of 1964 forbids discrimination in public accommodations. Title of that act authorizes the United States to bring a school desegregation case where private parties are unable to do so. Title VII forbids discrimina-tion in employment. The Fair Housing Act of 1968 forbids discrimination in housing. The Age Discrimination in Employment Act of 1967 forbids discrimination on the basis of age in em-ployment. Section 503 of the Rehabili-tation Act of 1973 requires affirmative action in employment by Federal contractors for persons with handicaps, Executive Order 11246 forbids discrimination by Federal contractors on the basis of race, color, national origin, sex, or religion. The Voting Rights Act of 1965 prohibits discrimination in the exercise of the franchise. Other Feder. al protections exist. Sections 1981 and 1983 of title 42 of the United States Code provide, in part, that all persons in the United States have the same rights as whites to make and enforce contracts, and that civil rights viola-tions that occur under color of State law are prohibited under Federal law, The fifth amendment's due process clause requires the Federal Government to treat citizens equally under the law. The 14th amendment compels State governments and local governments to adhere to the principle of equal protection of the laws.

Among the burdens that result from xpanded Federal jurisdiction under these four statutes are:

Increased Federal paperwork;

Exposure to Federal bureaucratic compliance reviews and onsite reviews even in the absence of an allegation of discrimination;

Thousands of words of Federal regu-

The need to adhere, not to an equality-of-opportunity standard, but an equality-of-result standard under Federal regulations which forbid con-duct-including admission standards not adopted for a discriminatory purpose-just because it falls with portionate impact on particular groups:

The need to adhere to accessibility requirements under section 504, in-cluding structural requirements, and the need for job restructuring, modification of work schedules, and provi-sion of auxiliary aids;

The requirement to attempt to accommodate persons with infectious diseases such as tuberculosis and diseases such AIDS.

ased exposure to costly private lawsuits.

As Justice Powell, joined by Chief Justice Burger and Justice O'Connor. stated in an opinion concurring in the result in Grove City.

[W]ith acceptance of [Federal financial] system acceptance of frederia financiary sessistance one surrenders a certain measure of freedom that Americans always have cherished, 465 U.S. at 577,

Thus, if there is no demonstrated, compelling need for Federal regulation—and the concomitant exposure to expensive private litigation under these statutes—it ill behooves Con-gress to impose the costs and burdens of such regulation and litigation on new sectors of the American economy covered prior to the Grove City cision. The expansion of Federal juris diction in any field, including civil rights, is not without costs—costs which should not be imposed unless shown to be necessary.

One example illustrates the importance of this concern. As explained below, S. 557, for the first time, will subject grocery stores and supermar-kels participating in the Food Stamp Program to coverage under at least three of these four statutes. Yet, in nearly 4 years of hearings on Grove City legislation, no evidence of a discrimination problem in the Nation's food stores has been presented to Con-gress. The National Grocers Association testified before Congress on March 27, 1985, that its members' profit margin is one penny on the dollar. Civil Rights Restoration Act of before the House Committee on Education and Labor and the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary, 99th Congress, 1st session-27, 1985-statement of Thomas F. Wenning, Under S. 557, grocers will be required to spend a portion of their penny-on-the-dollar profit to comply with new Federal requirements when no basis for the imposition of such requirements has been shown to exist

quirements has been snown to exist.
What are some of the expansions of pre-Grove City coverage?
I mention just in this regard the Grove City College is a little Presbyterian college. It is very ironic that they had to fight this matter all the way to

the Supreme Court and win, only then to lose. Now they will lose completely if this bill passes because they have not discriminated, they have ne criminated against anyone. They deplore discrimination of any They have fought for every public citizen, every private citizen, every business, every corporation, every nonprofit corporation, every church, every synagogue to have some rights under

It is amazing to me and somewhat ironic that they are going to lose their rights after they had litigated for so many years, costing probably hun-dreds of thousands of dollars, and in the process were vindicated at least in one respect by losing on the point of Indirect Federal funding but winning on the point that it applies only that program or activity toward which the funding goes

Let's talk about some of the concessions here. We have had so much rhetoric now for 4 years that this is just a simple overrule, that it was the pre-Grove City condition of the laws that existed 1 day before the Grove City decision came down. The fact of the matter is that was back in 1984 when we defeated what was then even more heinous legislation than this legislation. It is hard to believe it could be more heinous but nevertheless it was. It was sold. Everybody said just buy it because it had the words "civil rights" on it. It was sold as a mere overrule of the Grove City case, as a mere reaffirmation of the laws that existed 1 day

prior to Grove City.

Well, if that was so, why did they have to amend it to make at least some of the concessions that they have made in this bill today? There are a number of concessions that were made to show that they really had gone way beyond where they should have been.

I am telling you right here and now, this bill goes way beyond where it should go. It is an intrusive Federal Government oppression, and will be an intrusive Federal Government oppression to the American people as it is litigated in the courts, as it is imposed upon various groups and organizations by Federal Government bureaucrats and, of course, as it is constantly applied in all of our lives in almost every degree possible in future years, if it is enacted even with the President's suggested seven amendments.

Here we have a President who save OR, you have won. I still think it is a precedent, but I will support it, and I will sign it into law If you will add these seven amendments. All you have to do is give me that little courtesy.

The key provisions of what he is stating in this proposal are as follows: First, he wants language which guarantees that if a church or a synagogue operated a federally assisted program in its basement, only that program is subject to Federal regulation. That is going quite a way, because, if there is

a food program in the basement of the local Catholic, Bapist, or Lutheran Church or Jewish synagogue, literally, that whole program becomes subject to all four of these laws, rules, and regulations. It really does. But he does not think every other aspect of that church should become regulated, such as prayer rooms, church facilities, and other congregations that do not participate in that single food program.

I agree with that. I think that is only right. I think that is protecting the rights of churchs and synagogues to be free of Federal Government intrusion and violation of the first amendment of the Constitution, where these religious freedoms are first and

foremost mentioned.

Second, the President would like to have language which ensures that religious schools that are closely identi-fied with the religious organizations— such as Notre Dame, such as George-town—are protected where specific Federal regulation under title IX conflicts with one of that particular church's religious tenents.

What is so wrong with that? Why should we let Federal workers in Washington start dictating to Notre Dame that they have to meet Federal standards in all ways, some of which are unnecessarily ridiculous? Why can we not protect the religious beliefs of various churches that exist in this land, regardless of the denomination?

Third, he would like language which states that, when a religious secondary or elementary school receives aid, only that particular school is covered, not the entire system to which it belongs, if, in fact, that school or that organization commits acts that are discrimi-

natory to another person.

I agree with that. I would probably go broader than the President on that and apply it to the whole system. It is not an unreasonable request. It is one that would stamp out violations of civil rights. It is good, It is a reasonable request

This is the President of the United States. This is our coequal branch of Government. This is the man who has taken the time to veto this because these provisons are throttled by this

Fourth, he would like language to preserve the independence of State and local governments by limiting Federal regulation to the particular part of the State and local entity that receives or distributes Federal assist-

That is not an untoward request. This is the President. It is not an un-reasonable request. He says: "If you do these four plus three others, I will sign the bill into law." It is a reasonable request.

It is one that our Chief Executive has asked this body to do. He said he will sign it into law, and I will lead the fight to sign it into law.

Fifth, he would like language to make clear that Federal regulation covers only the facility that partici-

pates in the federally funded program when a corporation is involved. In other words, if a particular corpora-tion gets that funding, it should be subject. If it discriminates, it should pay the consequences. Why have every other subsidiary and every other aspect of the corporation have to come under the onerous hand of the Federal Government?

Sixth, he would like language to make clear that farmers who receive Federal aid, such as crop supports, are

not covered.

I do not care what anybody says, you read the language of this bill, and they are covered by this bill. I hate to tell these farm State Senators who have voted for this bill, but when the heavy hand of the Federal Government starts coming down on them because farmers have accepted farm subsidies, farmers will find themselves in Federal courts, like the two immigrants I had to defend, at my own expense, to win their cases for them. They were oppressed by the Federal Government, by bureaucrats who thought they should be yanked into court and made to pay the price. Wait until farmers start getting yanked in, under this bill.

The President wants to make it clear. If it were clear, the language would be clear. As a matter of fact, I think the language lends credence and great authority to the fact that farmers will be covered. They are going to find themselves in court, when they should be out planting crops and helping our country in that way.

Seventh, the President would like language that says that groceries and supermarkets that receive or accept food stamps will not be subject to Federal regulation by virtue of accepting food stamps. What is so bad about that?

Those are seven simple requests by the President, who is concerned about constitutional issues. Who is with us on civil rights in every way, but who wants to clarify these matters to make sure that there will be no Federal Gov ernment oppression as a result of this

I do not think that is out of line, and I think it is something we ought to consider doing. However, as you know, those who think they have an advantage now will pursue it in every way they possibly can.8 Let us talk about the expansions of

the pre-Grove City coverage. I might say that what I am going to talk about say that what I am going to tak about represents just a partial list of the areas in which S. 557 expands cover-age under the civil rights statutes it

First, an entire church or synagogue will be covered under title VI, section 504, in the Age Discrimination Act, if that church or synagogue operates one federally assisted program or acone rederany assisted program of a tivity. They will also be covered under title IX if the church or synagogue conducts an educational program or activity, with exceptions under title IX in those instances where title IX requirements conflict with religious tenets, as long as that church or synagogue is owned by the church or synagogue. But if it is a university not owned or run by the church, with a lay board of directors, that church becomes subject to bureaucratic whims in Washington, even if they conflict with the tenets of that organization's beliefs.

Why do you think people voted for the abortion amendment in this bill? Because they were afraid of having abortion imposed upon the religious institutions of this country. If we were afraid of having abortion imposed, can you imagine the fear of these church-related schools that do not have a complete church ownership, and their fear with regard to a whole raft of other issues that the Federal Govern-ment can impose upon them, ranging from educational issues to health issues—things that they may totally disagree with and which may totally conflict with their religious beliefs, and which they will have to be subjected to? It is pathetic.

We have had people say:

It really won't be used that way. It really won't apply.

Subparagraph (3)(B) of the bill's operative sections cover "all of the operations of ... (a) private organization" which is a "geographically separate facility" comparahe to a plant and not otherwise covered by subparagraph (3)(A), "any part of which is extended Federal financial assistance..." (Italic added). Churches and synagogues obviously are such private organizations. Accordingly, any federally-assisted program at a church or synagogue would render the entire synagogue or church covered.

I cannot begin to tell you what that

Sponsors acknowledged such coversponsors acknowledged such coverage of religious institutions at the committee markup. They acknowledged it and now we have people who want to vote for that particular amendment here, people who blitchey think there is no problem.

Look at the committee report on pages 19 and 20 implicitly acknowledging such church coverage under sub-paragraph 3(B).

partigraph 3(13).

No one should be misled by comments in the Senate Committee Report regarding coverage of religious organizations under other provisions of S. 557. In discussing the separate coverage of the private sector when aid is provided to an entity "as a whole" under subparagraph (3)A(1) of the bill's operative sections, the Senate Committee Report notes: "A grant to a religious organization to enable it to extend assistance to refugees would not be assistance to the ganization to enable it to extend assistance to the religious organization as a whole if that is only one annong a number of activities of the organization." Senate Committee Report at 17. Similarly, the Senate Committee Report disclaims coverage of entire churches or synagogues under subparagraph (3)A(ii) because these entities are engaged in religious activities, rather than any of the activities listed in subparagraph. of the activities listed in subparagraph
(3)A(ii). Senate Committee Report at 18.
Of course, the coverage of entire churches

and synagogues occurs as a result of sub-paragraph (3)(B), as mentioned in the text of this letter: it is subparagraph (3)(B)'s cov-

erage of an entire geographically separate private facility (including several facilities in the same city or even region), any part of which receives Federal financial assistance. which receives rederal mancial assistance, that triggers coverage of the entire church or synagogue in these examples cited in the Senate Committee Report.

The Senate rejected an amendment to limit coverage of churches and synagogues to their federally assisted programs, 56-36.

Now, that is something you have to think about.

Thus, if a church or synagogue operates a federally assisted surplus food program, or a federally assisted program for the homeless or to help ille gal immigrants apply for amnesty, not only are those assisted programs cov-ered as before Grove City, all of the activities of the church or synagogue will be covered including their religious components and prayer rooms

I do not know about others in this body, but that horrifles me as some-body who stands up for religious rights and freedoms in this body. I think they are certainly equal in im portance since they are mentioned specifically in the famous first amendment of the Constitution and mentioned first in any and all civil rights.

Since "all of the operations" of a fa-cility, any part of which receives Federal aid, are covered under subpara-graph (3)(B), if a church or group of churches operates a summer camp in a different locality open to youngsters of all faiths, and the camp receives free use of surplus Federal property, not only is the camp covered, but so is the church or group of churches.

Moreover, if the church or synagogue operating one federally assisted estimits also computer adjustional.

activity also operates educational classes or a school, those classes or school, at a minimum, will also be cov-ered not only under title VI, section 504, and the Age Discrimination Act, but also under title IX, even when the educational classes receive no Federal

(Mr. FOWLER assumed the chair.) Mr. HATCH, I do not know if the

people really understand what that means. But it means the Federal impo-sition of Federal rules and regulations with regard to education on that church, against its own doctrinal beliefs and tenets.

Indeed, title IX will cover the entire church or synagogue in this instance, contrary to pre-Grove City coverage. Conversely, if a church school or synagogue school alone receives any Federgogue school alone receives any reacr-al aid, not only is the entire school covered, the church or synagogue itself will be covered in its entirety under all four statutes, even if the school is in a separate building and the church or synagogue itself receives no Federal aid.

The Senate committee report creates another expanded avenue of coverage under this section. The Senate committee report makes clear that:

A "geographically separate facility" in-cludes more than one building: the phrase "refers to facilities located in different local-ities or regions. Two facilities that are part

of a complex or that are proximate to each other in the same city would not be considered geographically separate." Senate Committee Report at 18 (emphasis added).

A number of churches and synagogues op-erate housing projects for elderly persons, wincome persons, and persons wandicaps. The church or synagogue n handicans. receive HUD development financing for the project or tenants in the project may receive Federal housing aid. Under subparaceive Federal housing aid. Under subparagraph (3)(B), if the church or synagogue receives Federal development financing for the project or just one tenant at such a project receives Federal housing aid, not only is the entire housing project covered, but so is the church or synagogue. This result occurs under the bill in two ways. First, the housing project, like the summer camp mentioned earlier, is one "of the operations of" the "facility." i.e., the church or synagogue. This alone triggers coverage of the church or synagogue Second, if the church or synagogue operates such a housing project or complex in the same neighborhood, locality, or region as the church or the church or synagogue second, is the church or synagogue operates such a housing project or complex in the same neighborhood, locality, or region as the church or borhood, locality, or region as the church or synagogue itself, the entire church or syna-gogue is also covered under this bill's ungogue is also covered under this bill's un-precedented scope since the church or syna-gogue is not considered "geographically sep-arate" from the housing project. Senate Committee Report at 18. This is a version of the old "trickle-around" theory of the bill's predecessor in the 98th Congress, more clev-erly camouflaged in this version. Indeed, some churches and synagogues operate nursing homes and hospitals and they will be covered in their entirety if those health facilities receive any federal aid, even if the church or synagogue does not receive such church or synagogue does not receive such federal aid.

It is also clear that an entire Catholic dio-It is also clear that an entire Catholic clo-cese risks coverage under subparagraph (3MB). A diocese is a private organization— identified as such by the Committee Report at 18. If a particular Catholic diocese re-ceives Federal financial assistance for just one program operated or administered out of its headquarters, the language and logic of sweeping coverage under this bill would subject to coverage all other diocesan pro-grams operated or administered out of this grams operated or administered out of this "geographically separate facility"—even if they are conducted outside of the headquarters. That is, as mentioned earlier, subparagraph (3MB) covers "all of the operations of" the covered facility even when not conducted in the facility.

Indeed, if the diocese has more than one building in a city, Federal aid to one process its one building that the country is the covered facility.

gram in one building will result not only in coverage of all programs conducted from that building, but also in coverage of all programs in the other buildings under the Committee Report's interpretation that "geographically separate facility" really means all facilities of the entity in the same city or even region. Senate Committee city or even region. Senate Committee Report at 18.º Further, a Catholic diocese, or at least its activities in a particular locality or region, might be covered if one program at one church in the diocese receives Pederal aid, since separate churches in the same locality are not regarded as geographi-

cally separate under subparagraph (3)(B).

cally separate under subparagraph (3)(B).* Senate Committee Report at 18. Sponsors of S. 557 have provided no evidence that any of this coverage existed prior to Grore City under the language of these statutes and case law construing coverage thereunder in the private sector. Nor have they demonstrated a present need for such distrustful treatment of our Nation's religious petituities. The cests of Enderel such distrustful treatment of our Nation's religious institutions. The costs of Federal regulation may deter some churches and synagogues from further participation in social welfare programs if receipt of Federal aid triggers such broad, new coverage, as reflected in S. 557. Such pervasive coverage of religious institutions, based on federal aid going directly or indirectly to a discrete activity of a religious institution, raises grave First Amendment concerns.

tivity of a religious institution, raises grave First Amendment concerns.

2. Every school in a private or religious elementary or secondary school system will be covered in its entirely if any one school within the school system receives even one dollar of Federal financial assistance.

dollar of rederal financial assistance. Explanation.—This coverage results under subparagraph (2/18) of the bill. Subparagraph (2/18) of the operative provisions of S. 557 covers "all of the operations of . . . a local educational agency (as defined in section 198(ax10) of the Elementary and Elementary and Elementary and Ele ondary Education Act of 1965), system of vocational education, or other school system . . . any part of which is extended Pederal (inancial assistance " (empha-

sis added).

A local educational agency as defined in section 198(a)10) of the Elementary and Secondary Education Act of 1985 is a public school system. Once all public school systems and systems of vocational education are identified as covered, the only school systems left to be covered by the bill's phrase "other school system" are private elementary and secondary school systems, including religious school systems. Thus, for example, if one elementary school in a diocessan school system or system of Jewish Yesan school system or system or system of Jewish Yesan school system or system of Jewish Yesan school system or system o esan school system or system of Jewish Ye-ahiyas receives any Federal financial assistance, not only is the entire school covered, but so is every other school in the diocesan

or Yeshiva school system.

In contrast to this expansion of pre-Grove City coverage, compare the Department of Education's definition of "educational insti-

Education is orientation of contrational insti-tution" in its title IX regulation, which does not include private elementary or secondary school systems:

"Educational institution" means a local educational agency (LEA) as defined by sec-tion 1001(1) of the Elementary and Second-ary Education Act of 1965 (20 U.S.C. 3381),

tion 1001(f) of the Elementary and Secondary Education Act of 1965 (20 US.C. 3381), a preschool, a private elementary or secondary school, or an applicant or recipient of the type defined by paragraph (k). (l), (m), or (n) of this section. 34 C.P.R. § 106.2(f) temphasis added).

The local educational agency described in this definition is a public school system. The institutions referred to in paragraphs (k), (f), (m), or (n) are individual schools or institutiona. Nowhere in this definition is a private or religious elementary or secondary school system covered. Indeed, while an entire individual private elementary or secondary school receiving some Federal aid may be covered under this definition, the phrase "other school system" or "religious school system" is conspicuously absent. No evidence of broader coverage was ever presented in hearings before the 100th Congress.

The Senate Committee Report's cryptic reference to four Catholic diocrees in Louisiana submitting system-wides desegrega-

The Senate Committee Report at 19-20 assertathat paragraph (4) of the operative provisions of the bill, i.e., the varue, new catch-all provision discussed at pages 33-38, (s/rs, does not cover an entire diocese where three parishes receive Pederal add. Whatever the validity of this assertion regarding paragraph (4) may be, it has no reterance to the scope of subparagraph (3)KB). Moreover, the Senate Committee Report's example does not over a circumstance in which the diocese itself receives Pederal add for a program or receives a part of a Pederal grant given to a parish.

."-and only "if

tion plans to HEW in 1969 is not to the contrary. Senate Committee Report at 26. No mention of this "example" was made during hearings on the bill. The facts pertaining to this "example" are nowhere discussed—it may well be that every school in these systems received Federal aid or that the example is otherwise inapt. In any event, this expie is otherwise inapt. In any event, this example, whatever its source or validity, predates by six years the Department of Education's title IX regulation mentioned earlier, which clearly defines "education institution" as not including an entire private or religious elementary or secondary school system, and which had been followed by that Department.

Moreover, the Senate Committee Report's Moreover, the Senate Committee Report's statement that an amendment providing for coverage of Just private elementary and secondary educational institutions "would have established, for the first time, a different standard of civil rights protection for public and private schools," id. at 26, is belied not only by the long-standing regulatory definition, but by S. 557 liself: the bill establishes coverage of entire public systems of higher tion, but by S. 557 itself: the bill establishes coverage of entire public systems of higher education but only covers individual private institutions of higher education (sub-paragraph (2)(A)). Thus, this allegedly "unprecedented" distinction between the public and private education systems extensive and publication systems. and private education sectors actually occurs in S. 557. We believe the same treatoccurs in S. 557. We believe the same treatment of private education institutions should also be applied in the elementary and secondary contexts. We also note that S. 557 itself also creates a double-standard of coverage in the private sector generally. See pages 18-26, inf/ra.

3. Grocery stores and supermarkets par-ticipating in the food stamp program will be subject to coverage solely by virtue of their participation in that program.

Explanation.-The operative provisions of 8.557 cover: all of the operations of—
(3XA) an entire corporation, partnership, or other private organization, or an entire

sale proprietorship

(i) if assistance is extended to such corpo-ration, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation or

tion, or

(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship... any part of which is extended Federal financial assistance...

The language of paragraph (3) of the operative provisions of the bill supports our conclusion that grocers and supermarkets participating in the Food Stamp program are covered.

are covered.

are covered.

Such a grocery store or supermarket can readily be subsumed within the definition of "entire corporation, partnership... or an entire sole proprietorship" receiving Federal financial assistance extended to it "as a that the first partnership of APAAVI it is also financial assistance extended to it "as a whole." Subparagraph (3)(A)(I). It is also covered as a geographically separate facility comparable to a plant. Subparagraph (3)(B). Purther, since green; stone and a subparagraph (3)(B). comparable to a plant. Subparagraph (3MB). Purther, since grocery stores and supermarkets provide food for the needy under the Pood Stamp program, they might also be covered in their entirety as businesses, partnerships, other private organizations or sole proprietorships principally engaged in the business of providing "social services." Subparagraph (3)(A)(II).

Indeed, the Senate Committee Report taction steplies that grocers are subject to cover-

Indeed, the Senate Committee Report ac-itly admits that grocers are subject to cover-age under this bill. Senate Committee Report at 23, 24. Coverage of grocery stores participating in the Food Stamp program has been acknowledged by a principal co-

onsor of this bill's predecessor in the 98th Congress (H.R. 5490, 130 Cong. Rec. H7038 (dailey ed. June 26, 1984) (Statement of Rep. Simon).

espite these theories of coverage delin-Despite these theories of coverage defin-cated under S. 557, coverage of grocery stores participating in the Food Stamp Pro-gram did not exist prior to Grove City. As stated by Daniel Oliver, General Counsel, Department of Agriculture, in a July 1984 letter to Senator Jesse Helms: The Department does not currently treat food stores which redeem food stamps as re-cipients of Federal financial assistance which are subject to the requirements of Federal anti-discrimination laws. There are no regulations or instructions that define

o regulations or instructions that define these stores as recipients and the agreement between the Department and the stores con-cerning their participation in the food stamp program does not contain any reference to the requirements of the anti-dis crimination laws.

crimination laws.
This has been the practice of the Department since 1964 when the original legislation creating a food stamp program and the Civil Rights Act of 1964 were both enacted. Although a review of the Department's records has disclosed no program instruction or legal opinion confirming this position, it is clear from a review of the Department's records concerning enforcement of ment's records concerning enforcement of the Federal anti-discrimination laws and from discussions with numerous program officials that the Department does not treat food stores which redeem food stamps as re-cipients of Federal financial assistance for purposes of the Federal anti-discrimination laws. It is also clear that it has consistently adhered to this position over the last twenty

There is a reference to "small providers" in the Department's regulations concerning nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Pederal financial assistance (7 C.P.R. 15b. 18(c)). That regulation has not been interpreted as referring to grocery stores, but only to the agencies and organizations that distribute food stamps to the ultimate beneficiaries. (Emphasis added.) The bill's provision in subparagraph (4)(c) of the portion of the bill amending section 504 does not exempt any entity from coverage which is otherwise subject to S. 557.' Subparagraph (4)(C) states:
Small providers are not required by sub-

age which is otherwise subject to S. 557. Subparagraph (AIC) states:
Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection. This language in the bill only applies under section 504 (discrimination against persons with handleaps), and does not reduce any compliance burdens under the other statutes amended by S. 557. Even under section 504, only some grocers and supermarkets will benefit from this exemption. Department of Agriculture section 504 regulations (which are referenced by the provision) define "small providers" as entities "with fewer than 15 employees." 7 C.F.R. § 155.18(c). Many grocers and supermarkets employ more than 14 persons.

Morroover, these small providers are only exempted from the most oncrous of section 504 regulatory burdens; the requirement "100 make significant structural alterations to

persons or disability rights groups and to make and retain a record of such consultations (Id. at § 15b.8(c));

tions (Id. at § 15b.8(ct)); Extensive employment regulations, includ-ing the need to create part-time or modified work schedules, restructure Jobs, and ac-quire or modify equipment or devices (Id. at

§ 15b.11-.15); Regulations applicable to new construc-tion or alteration of an existing building (Id. at § 15b.19);

A requirement to "take appropriate steps A requirement to "take appropriate steps" to guarantee that communications with hearing-impaired and vision-impaired applicants, employees, and customers can be understood (Id. at § 15b.4(d)).

For those grocers and supermarkets with 15 or more employees, additional burdens are applicable, including:

are applicable, including:
The requirement of adopting "grievance procedures that incorporate appropriate due process standards" (Id. at § 15b.6(b));
The requirement of providing auxiliary aids for hearing-impaired and vision impaired persons if necessary for them to participate in the entities' activities (Id. at \$15b.37). ticipate § 15b.37).

ticipate in the entitles' activities (1d. at § 15b.37).

4. Every division, plant, subsidiary, store, and facility of a corporation, partnership, or other private organization or an entire sole proprietorship principally engaged in the business of providing education, health care, housing, social services, or parks and recreation will be covered in its entirely whenever one portion of one division, plant, subsidiary, store, or facility receives any Federal financial assistance.

Explanation.—Subparagraph

(3)(ANII) subjects the entire organization principally engaged in these activities to coverage whenever "any part." of it. "is extended Pederal financial assistance." This special overage, singling out the private entities identified in subparagraph (3)(ANII) for especially overbroad treatment, did not exist prior to Grore City.

Grove City.

It should be emphasized that these five

It should be emphasized that these five categories themselves-education, health care, housing, social services, and parks and recreation—are very broad. They include not only the obvious entities such as hospitals, nursing homes, private schools, camprounds, and apartment owners, but also, among others, manufacturers of health products, stellers of health products, visiting nurse associations, doctors, surgeons, and dentists, textbook producers, real estate companies, home builders, amusement parks, chains of bowling alleys, private adoption services, social welfare organizations, and charitable organizations and everything they do, wherever located, and however remote from direct or even indirect Federal sid.

Pederal aid.
Other private entities not falling within these five categories are covered somewhat more narrowly, in theory, creating two-tier coverage of the private sector. Subparagraph (3)(B). Even this latter, somewhat narrower coverage for certain private entities, discussed infra at pages 24-25, exceeds pre-Grove City coverage.

The sponsors admit that S, 557's two-tier coverage of the private sector has no basis in pre-Grove City practice, and erroneously suggest that coverage of corporations was

their existing facilities...."—and only "if alternative means of providing the services are available." Subparagraph (40€) (empha-sis added). A significant structural altersis added). A significant structural alter-ation includes such changes as knocking out a wall. These small providers will still be subject to many requirements including, among others, the following: Paperwork and notice requirements (7 C.F.R. § 15b.7); A requirement to consult with disabled

^{&#}x27;Indeed, the Senate Committee Report twice states that grocery stores are among those entities that can take advantage of this limited exception (Committee Report at 23, 24) which suggests they are covered in the first place.

corporatewide prior to Grove City. Scnate Committee Report at 18. On the contrary, coverage in the private sector was programspecific before Grove City. Simpson v. Revnolds Metals Co., 529 F.2d 1228 (Th. Cir. 1980); Bachman v. American Society of Citrical Pathologists, 577 F. Supp. 1257 (D. N.J. 1983); see Brown v. Sibity. 650 F.2d 766 (Sh. Cir. 1981). All three of these cases pre-date Grove City. Grove City

In Simpson, for example, involving a multi-plant business, the Court of Appeals for the Seventh Circuit, in construing the scope of section 504, said:

scope of section 504, said:

The statute does not, as plaintiff seems to contend, generally forbid discrimination against the handleapped by recipients of federal assistance. Instead, its terms apparently require that the discrimination must have some direct or indirect effect on the handleapped persons in the program or activity receiving federal financial assistance. To be actionable, the discrimination must come in the operation of the program or tivity receiving federal financial assistance. To be actionable, the discrimination must come in the operation of the program or manifest itself in a handicapped individual's exclusion from the program or a diminution of the benefits he would otherwise receive from the program 6.29 F.2d at 1232 (emphasis added). The court went on the note that it could find nothing in other parts of the Act to show "an intent by Congress that section 504 impose a general requirement upon metipients of federal grants not to discriminate against handicapped employees who are not involved in a program or activity receiving such assistance." Id. at 1235 (emphasis added). Thus, in Simpson, the court criving such assistance." Id. at 1233 (enphasis added). Thus, in Simpson, the court ruled that an employee at one of the defendant's plants could not assert a section 594 claim by virtue of a federally-assisted job-training program at the plant because the employee was not a participant in that job training program. Thus, the court did not even deem the entire plant, let alone the entire company, as covered.

the entire company, as covered.
Likewise, in Bachman v. American Society of Crinical Pathologists, the court made an ideatical finding in a section 504 action:
It is not enough . . to show that a person has been discriminated against by a

person has occur distinguished with the person has been distinguished to federal funds. Plaintiff must also show that she was subject to discrimination under the program or activity for which those funds were which those funds received. Bection 504 of the Rehabilitation Act imposes a program-specific requirement limiting claims brought pursuant to this section to those programs or activities which are federally funded. 577 P. Supn. 1252-43 (suphasia saded). Here, a nonprofit medical association received approximately \$450,000 in Pederal aid to conduct three seminars on alcohol abuse and to publish the proceedings of the seminars. The court ruled that such Pederal aid does not subject to coverage the association's Board of Registry, which develops standards and procedures for entry and promotion in medical laboratories and certifies and registers those who meet competency requirements, including the use of an examination. Had the court ruled otherwise, as it would be compelled to do under 8. 557, the standards for certifying clinical pathologists would have been subjected to an equality-of-result rather than equality-of-opportunity analysis by Pederal agencies and courts and the likely debasement of these certifying standards under such an analysis.

In Brown v. Sibley, a case involving a business operated by the State, the Court of Apress operated by the State, the Court o ed. . . Section 504 of the Rehabilita-

and under such an analysis.

In Brown v. Sibler, a case involving a business operated by the State, the Court of Appeals for the Pitth Circuit held:

(Oin the basis of the language of section 504 and its legislative history, and on the strength of analogies to Title VI and Title IX, we hold that it is not sufficient, for purposes of bringing a discrimination claim under section 504, simply to show that some

aspect of the relevant overall entity or enterprise receives or has received some form of input from the federal fise. A private plaintiff in a section 504 case must show that the program or activity with which he or she was envolved, or from which he or she was excluded, itself received or was directly benefited by federal financial assistance, 550 f.2d at 789 (footnote omitted) (emphasis added). The court's footnote at the conclusion of the foregoing passage is highly enlightening and particularly relevant to the Grove City issue. The court noted: aspect of the relevant overall entity or en-

highly enlightening and particularly relevant to the Grove City Issue. The court noted:

This burden should be slight. Contrary to popular belief in certain quarters, federal financial assistance does not materialize out of thin air. Requests in writing must be submitted by the applicant entity to some federal funding authority with respect to a proposed program or activity. If federal financial assistance is approved for the particular program or activity, it cannot be gainsaid that recordkeeping requirements will be imposed on the entity responsible for the expediture of the federal funds. Discovery of the receipt and stilization of those funds with respect to particular programs and activities will be the least of plaintiffs' burdens. Id. at 769 n. 14 (emphasis added). In Brown, the Mississippi Industries for the Rilind received Federal sid for its social services program and for its day care center, but not for its production departments. The court held, therefore, that the production 564.9

Why does the bill provide such extremely

Why does the bill provide such extremely overbroad coverage for some private entitles and slightly less overbroad coverage for these some private entitles and slightly less overbroad coverage for others? The sponsors' reply is yet further indication of the aggrandizing designs of S. 537 and the true "big government" vision of the bill: private entitles principally engaged in the business of providing education, health care, housing, social services, or parks and recreation, are treated so harshly according to the Senate Committee Report, because they provide "a public service." Senate Committee Report at 4 (emphasis added). Indeed, the activities listed in subparsgraph (3)(A/kii) "are traditionally regarded as within the public sector." Id. at 18 (emphasis added). In short, in the words of the Senate Committee Report, "felven private corporations are covered in their entity under Iparagraph (3) If they perform povernmental functions, i.e., are 'principally engaged in the business of providing education, health care, housing, social services, or parks and recreation." Id. at 20 (emphasis added).

Thus, certain activities in the private Why does the bill provide such extremely

Thus, certain activities in the private sector are really public activities according to the rationale of S. 557. A hospital operat to the rationale of S. 557. A hospital operated by the Catholic church, private and religious elementary and secondary schools; private nursing homes; private social welfare groups; private operators of amusement parks and recreational facilities; textbook publishers; doctors; dentists; housing builders; apartment owners and so much more, are regarded as essentially public and subjected to the most wide-ranging and unprecedented coverage ever contemplated under these statutes. Under S. 557, what is regarded as "governmental" and subject to Federal

regulation grows, what is regarded as private and independent dramatically shrinks.

Indeed, this provision of the bill, subparagraph (e)(A)(ii), also has the following un-

precedented results:
5. If one program at one nursing home or 5. If one program at one nursing home or hospital in a chain receives Federal aid, not only is the entire nursing home or hospital covered, but all other nursing homes or hospitals in the chain are automatically covered in their entirely even if they don't receive Federal aid.

Explanation.—The Senate Committee Report at page 18 acknowledges this sweeping coverage. It is an obvious extension even beyond the institution itself where the federally-funded program is. Indeed, it is a

ing coverage. It is an obvious extension even beyond the institution itself where the federally-funded program is. Indeed, it is a subite resurrection of the old, discredited "trickle-up, trickle-down" and "trickle around" theories of this bill's predecessor in the 98th Congress.

It should be reiterated that coverage is not limited to a health institution's health activities, but all other activities, subsidiaries, and investments.

6. If one apartment building owned by an entity principally engaged in providing housing is built with Federal housing aid, not only is the entire apartment building covered, but all other apartment building, all other housing operations, and all other non-housing activities of the owner are covered even though they receive no direct or even indirect Federal aid.
Explanation.—It is clear from the language of subparagraph (3)(ANII) that all housing activities of such an entity would be covered. But subparagraph (3)(ANIII) that all housing activities of such an entity would be covered. But subparagraph (3)(ANIII) that all housing activities of such an entity would be covered. But subparagraph (3)(ANIII) that all housing activities of such an entity would be covered. But subparagraph (3)(ANIII) that all housing activities of such an entity would be covered.

guage of subparagraph (3)(A)(ii) that all housing activities of such an entity would be covered. But subparagraph (3)(A)(ii) scoverage of "all of the operations of . . . an entire corporation, partnership, or other private organization, or an entire sole proprietorship . . which is principally engaged in the business of providing . . housing . . . any part of which is extended Pederal financial assistance . . . 'clearly means that all of the non-housing activities are covered as well. Thus, a privale entity 51% of whose activities, income, or expenditures are in housing would have the other 49% of its operations, however unrelated to housing, covered as well. A separate company that manages the apartment building where this tenant lives will also be covered in its entirety, including its management of housing complexes where there is no receipt of any Pederal ald. Purther, if this private entity owns or operates an office building, it too is covered and the businesses renting space in the office building run the risk of coverage as well.

7. Similarly, if a private originarization principally enouged in home building or development constructs one housing project with any direct or indirect Federal aid, all of the builders' housing projects and other celimites, including non-housing activities, would be covered in their entirety even if

^{*}I should note that two cases, Marable v. Ala-ama Mental health Board, 297 P. Supp. 291 (M.D. borna Mexical Results Bodra, 291 F. Supp. 291 (M.D. Ala, 1869), and Organization of Minority Vendors v. Illinois Central Gulf Railroad, 579 F. Supp. 574 (N.D. Ill. 1883), clied by a witness supporting S. 557, are not to the contrary. The Morable case involves neither the private sector nor the business operations of a recipient. The court in the Illinois Central Railroad case did not consider the "program or activity" issue.

A principal House co-sponsor of this measure ac-nowledged this type of coverage exists under S.

^{557:} Mr. Gordon, Mr. Chairman, in the situation of a hypothetical of corporation A receives (sic) Federal funds to construct and operate a low- and moderate-income apartment complex. Corporation A also owns and operates a luxury apartment rental complex and a candy company. Which components of corporation A are subject to the nondiscrimination layer.

corporation A are subject to the nondiscrimination laws?

Mr. Hawkins, The housing project being constructed using Pederal financial assistance is clearly covered. The luxury apartment rental complex would also be covered under subsection (SJAKIBI Id., as appears to be the case, the corporation is principally engaged in the business of providing housing. In that circumstance, the entire corporation, including the Candy Co., would be under an obligation to comply with the several laws amended by S. 557, 134 Cong. Rec. H. 558 (Daily ed. March 2, 1988).

they receive no direct or indirect Federal

Explanation.—This coverage results from subparagraph (3KA)(ii) as described in the previous example.

All of this coverage under subparage (3xAxii) is a vast expansion from pre-Grove City coverage.

8. If a private organization principally

City coverage.

8. If a private organization principally engoged in one of these five broad activities employs part-time a student receiving Federal sork-study aid in one program at one facility, not only is that facility covered in its entirely, all aspects of the entire organization—all of its plants, facilities, local offices and all of its paints, facilities, local offices and all of its activities unrelated to its principal business—are covered.

Explanation.—Such expansive coverage occurs for entities principally engaged in any of these five activities when they use such students. This was not pre-Grove City practice. See also Rice v. President and Fellows of Harvard College, 663 F.2d 336 (tst. Cir. 1981), cert. denied, 458 U.S. 928 (1982) (grading system at Harvard Law School not subject to title IX merely because students at the law school participate in the federally-assisted work study program).

9. Further, if an entity conducting one or more educational programs received Federal financial assistance to any part of the entity, whether or not that part is educational, then all four statutes, including title IX's ban on sex alserimination, apply to the entity entity, including non-educational entitits. Explanation.—This represents another

tivilies

Explanation.—This represents another dramatic expansion of coverage under S. 557. Prior to Grove City, title 1X applied 557. Prior to Grore City, title IX applied only to educational activities—and only when such activities were federally-assisted themselves. This expansion results from the definition of "program or activity" and program "as including "all of the operations of" entities covered by S. 557's amendment to title IX. Thus, once a covered entity receives Federal aid anywhere and conducts an educational program, title applies for the first time to the entire entity. This expansion is a significant depar-ture from Congress' explicit limitation of title IX only to federally-assisted education activities.

Under the expanded coverge estabtished by subparagraph (3)(A)(ii), contract ing activities of covered entities will be cov ered in all cases—contracting is an "oper-ation" of the covered entity. Explanation.—The failure to provide a

particular share of contract opportunities to minority—owned businesses, for example, minority—owned businesses, for example, could lead Federal agencies to undertake enforcement action asserting that the failure to provide more contracts to minority-owned firms, standing alone, is discriminato-ry under agency disparate impact regula-tions implementing Title VI. If title IX is tions implementing Title VI. If title IX is applicable, the same action cauld be taken with respect to women-owned firms. Of course, advocacy groups will be able to bring private lawsuits making the same allegations before federal judges. This coverage is applicable to covered state, county, and local agencies and covered private entities. Before Grove City, contracting was covered only if that activity received federal aid or was part of the particular program receiving federal aid.

11. A private, national social service organization will be covered in its entirety, to-gether with all of its local chapters, councils, or ludges, if one local chapter, council, or

Explanation.-Subparagraph Explanation.—Subparagraph (3)A)(ii) makes clear that an entire private organization, or entire corporation, is covered in its entirety whenever any part of it is extended Federal financial assistance if it is "principally engaged in the business of providing... social services..." Thus, entire national charitable, social welfare, and social service organizations, including all of their State and local units, will be covered for the first time if just one of their State or local units operates just one federally-added program. Conversely, if just one activity at the headquarters of such an organization receives Federal aid, not only is every activity operated from the headquarters covered, so is every activity of every activity of every state and local unit of the organization.

12. (a) All of the operations of the entire plant or geographically separate facility of businesses and other private entities not principally engaged in education, health care, housing, social services, or parks and recreation would be covered if one portion of, or one program at, the plant or facility receives any Federal financial assistance. makes clear that an entire private organiza-

of, or one program at, the plant or facility receives any Federal financial assistance. (b) Further, all other plants and facilities associated with, and in the same locality or

associated with, and in the same locality or region as, the one receiving any Eederal aid are covered even if they receive no direct or indirect Federal aid.

Explanation.—Subparagraph (3)(B) of the operative provisions of the bill delineates this scope of coverage for these private profit and non-profit businesses and other private organizations not otherwise covered in subparagraph (3)(A). As mentioned earlieges are all super under S 537 a genue. in subparagraph (3)(A). As mentioned earlicrip age 11, supra, under S. 557, a geographically separate facility includes all facilities in the same site, locality, or region of
the facility with a federally-assisted activity.
See Senate Committee Report at 18.

Thus, if a plant or facility of such a private business or organization not already
covered under subparagraph (3)(A), such as

feet food exclusivation for descriptions of the

a fast food restaurant or department store, employed a part-lime student receiving Pederal work-study aid, the entire plant or facility would be covered, and not just the hiring of work-study students. Moreover, if this fast food restaurant is part of a chain or the department store is part of a multi-store chain in a locality or metropolitan area, all of the operators of all of the other stores and other facilities in the locality or metropolitan area would be covered. (See also pages 11-12, supra, for the impact of this provision on religious institutions.)

As also mentioned earlier, such facility-wide or plant-wide coverage, let alone multia fast food restaurant or department store

provision on religious institutions.

As also mentioned earlier, such facilitywide or plant-wide coverage, let alone multifacility coverage within a locality, did not
exist prior to Grove City. Simpson v. Reynolds Metals Co., 629 F.2d 1226 (7th Cir.
1880); Bachman v. American Society of Cinical Pathologists, 577 F. Supp. 1257 (D. N.J.
1983); see Brown v. Sibty, 550 F.2d 760 (5th
Cir. 1981). All of these decisions would be
reversed by the adoption of S. 557. See also
Rice v. President and Fellows of Harvard
College, 663 F.2d 336 (1st Cir. 1981), cert
denicd, 456 U.S. 928 (1982).
Title IX coverage of the nonfederally-assisted education parts of these facilities
would also be stressed that, while proponents of S. 557 may describe this coverage
as slightly more limited than the extremely
werbroad coverage for private businesses
and organizations principally engaged in the
business of providing education, health care,
housing, social services, or parks or recreation, in practical terms it is hardly more limited at all. Many private businesses and pri-

tion, in practical terms it is narrily more limited at all. Many private businesses and private organizations, which receive direct or indirect Federal aid for one discrete activity, consist of just one facility, or of facilities in

one locality or region, and thus would be covered just as broadly as if they were prin-cipally engaged in the business of, say, health care.

In testimony on this bill and its predeces-sors, witnesses from the business communi-ty indicated that expanding the scope of these statutes will discourage businesses from participating in federal programs, such as lob-training programs

as job-training programs.

13. If a research hospital receiving Federal
aid establishes a research laboratory jointly
with a pharmaceutical company, and the research laboratory does not receive Federal

with a pharmaceutical company, and the research laboratory does not receive Federal aid, it is covered because it is an "operation of" the hospital.

Explanation.—If a private organization receives any direct or indirect Federal aid for one activity, and creates another entity, business, or other private organization, such as a Joint venture, with another private entity, then the newly created entity is also covered, even if it receives no Federal aid. Once "all of the operations of" a private entity such as one listed in paragraph (3) are covered, if that covered entity's operation includes an entirely new entity, even one created in conjunction with another entity, the plain language of S. 557 covers the newly created entity even if it receives no direct or indirect federal aid.

The same result occurs if the private entity joins with a public entities join to create a third entity (i.e., "all of the operations" of entities listed in paragraphs (1) and (2) are also covered). Such "operations" include subsidiaries and newly established entities, even if created with other organizations. Such coverage did not exist before Grove Cify.

Indeed, the sweep of paragraphs (1) through (3) is so broad—much broader than its proponents care to admit—that para-

Inteed, the sweep of paragraphs through (3) is so broad—much broader than its proponents care to admit—that paragraph (4), the vague catch-all provision. Is superfluous if its purpose is only to reach the care of the care so-called third entities created by

other entities.

For example, if six localities form a water other entities.

For example, if six localities form a water district, and the water district receives Federal aid, if is covered as a "special purpose district" listed in subparagraph (1MA) as well as an operation of the agency of the city government, also covered in subparagraph (1MA), most responsible for that locality's contribution to the water district.

As another example, if a public-private partnership (PPP) is formed by a school district and a company to provide help to students at risk of school failure, and the PPP receives Federal aid, it is already covered as an operation of two other entities already described in the bill without need of coverage under paragraph (4).

In addition, contrary to pre-Grore City coverage, Federal aid to the PPP would sweep the school district and the company into coverage as well. This occurs because "all of the preparations of the school district and the company into coverage as well. This occurs because "all of the preparations of the school district of the preparations of the proparations of the school district of the preparations of the preparations of the school district of the

coverage, Federal aid to the PPP would sweep the school district and the company into coverage as well. This occurs because "all of the operations of" the school district would be covered, i.e., not Just the new entity which receives Federal aid, but "all of the operations" of the school district itself under subparagraph (2018), and the same analysis applies to coverage of the company itself under subparagraph (3).

14. Similarly, U a private business contributes its own funds or equipment informally to a federally-assisted school district, private school, or private social service program, the business itself is covered. Explanation.—Even If a private business informally contributes to a public or private school or school system or social service program receiving federal sid, in an effort to enhance education or increase delivery of social services, the business will be covered, under paragraph (3) of the operative provi-

lodge receives any Federal financial assist-

Moreover, Federal aid to non-educational components of an entity did not trigger coverage of the entity's educational components under any of these

sions of the bill, for the first time. This sions of the bill, for the first time. This result occurs because the federally-assisted program, in effect, becomes one "of the operations" of the business, as well as being an operation of the other entity. Thus, "all of the operations of" the business are covered, pursuant to paragraph (3), because one part of the business's operations—its help to an-other program—in effect receives federal aid. This is a consequence, perhaps unin-tended, of the very broad language of S. 557. Even the risk of such coverage will likely

discourage private businesses from partici-pating in such programs.

15. Farmers receiving crop subsidies and price supports will be subject to coverage.

Explanation.—The operative provisions of S. 557 state: the term "program or activity" means all of the operations of — (33A) an entire corporation, partnership, or other private organization, or an entire

or other private organization, or an entire sole proprietorship—

(i) if assistance is extended to such corpo-ration, partnership, private organization, or

sole proprietorship as a whole; or

(ii) which is principally engaged in the
business of providing education, health care,
housing, social services, or parks and recrea-

tion; or

(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship, ... any part of which is extended Federal financial assistance.

ms fall within this provision in several

ways:
Crop subsidy programs and combinations
of such programs, and similar Frderal farm
aid, can be said to provide assistance to the
farm as a whole.
Moreover, a farm consisting of contiguous
fields—or fields in the same general geographic area—could readily be deemed a
"geographically separate facility" comparable to a plant, and thus covered in its entirety.

Farming may be regarded as a form of "social service" because it provides food not only for consumers but for those who receive food stamps and other welfare assist-

ceive food stamps and other welfare assistance.

A farmer employing part-time a student receiving Federal work study aid would have his or her entire farming operation covered merely by employing such student.

Proponents of the bill argue that the bill's section 7 provides a "Rule of Construction" which exempts farmers as "ultimate beneficiaries" of Federal aid: "Nothing in the amendments made by this Act shall be construct to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act." The Senate Committee Report suggests that this section excludes farmers from coverage before the enactment of this Act." The Senate Committee Report suggests that this section excludes farmers from coverage in certain circumstances along with persons receiving social security benefits, Medicare and Medicaid benefits, and food stamps. Senate Committee Report at 24-25. See also 134 Cong. Rec. S259-200 (daily ed. January 28, 1988) (colloquy between Senator Karnedy); 134 Cong. Rec. H559 (daily ed. March 2, 1988) (colloquy between Organ and Hawkins).

While sponsors may have intended Sec

While sponsors may have intended Section 7 to have retained satisfactorily the extion 7 to have retained satisfactorily the ex-emption of farmers existing prior to Grove City, we believe Section 7 fails to achieve such a result because there is no indication in the bill itself as to which persons or enti-ties are considered to be "ultimate benefici-aries" and under which federal aid pro-grams. Section 7 may be construed by courts to refer only to persons receiving Social Se-

curity, Medicare, and Medicaid. Unlike such traditional "ultimate beneficiaries," farmers also operate businesses—their farms. Farms appear to be clearly covered by paragraph (3) of each of the bill's operative sections, as mentioned earlier, because farms are readily identified as business entities or private or-ganizations or both. Thus, we do not believe ganizations or both. Thus, we do not believe Section 7 retains the pre-Grove City exemption of farmers. The four cross-cutting civil rights statutes have been so completely rewritten by S. 557, and S. 557 contains language so clearly covering farms, that language in legislative history is inadequate to exclude farmers from coverage.

exclude farmers from coverage.

As an additional problem, even if farmers are regarded as ultimate beneficiaries of crop subsidies and similar Pederal funds, and thus are exempt from coverage under section 7, the section only applies to those ultimate beneficiaries "excluded from coverage before the enactment of 18, 557]" (emphasis added). Thus, even under this interpretation, ultimate beneficiaries of farm programs adolled 4fter \$ 5512 constraint. prelation, ultimate beneficiaries of farm programs adopted after S. 557's enactment are not excluded from coverage. The Senate Committee Report's suggestion that, "injoiting in S. 557 would prohibit recipients to new forms of federal financial assistance created after enactment of the bill from being exempted from coverage as 'ultimate beneficiaries', where the type of aid and the nature of the recipient is analogous to the existing extensives of full financial process. to the existing categories of "ultimate bene-ficiaries," Senate Committee Report at 25, is completely at odds with the plain lan-guage of the bill and is utterly unpersua-

sive."

Coverage of farmers receiving crop subsides or price supports did not exist before Grove City. Senator Humphrey stated, during consideration of title Vi in 1964: "It will not affect direct Federal programs, such as CCC price support operations, crop insurance, and acreage allotment payments. It will not affect loans to farmers, except to park away that the leaf ment payments. It will not affect loans to farmers, except to make sure that the lend-ing agencies follow nondiscriminatory poli-cies. It will not require any farmer to change his employment policies." 110 Cong. Rec. 6545 (statement of Sen. Humphrey)

A State, county, or local government 16. A State, county, or local government department or agency will be covered in its entirety, whenever one of its programs receives Federal aid. Thus, if a State health clinic is built with Federal funds in San Diego, California, not only is the clinic covered, but all activities of the State's health department in all parts of the State are also

Explanation.-Subparagraph 1(A) covers Explanation.—Subparagraph 1(A) covers "all of the operations of . . . a department for lagency . . . of a State or local government . . any part of which is extended Federal financial assistance." See also subparagraph (1XB), which covers "all of the operations of" a State agency to which Federal aid is extended through another State "cantito"

This coverage beyond the federally aided program exceeds pre-Grove City coverage, See Brown v. Sibley, 650 F.20 760, 769 (5th Cir. 1981) (plaintiff must show that program or activity fixelf received or was directly benefitted by Federal financial assistance; not sufficient to show that some aspect of relevant overall entity or enterprise processes. relevant overall entity or enterprise receives or has received some form of input from Federal (isc).

Indeed, the Senate Committee Report makes clear how sweeping subparagraph 1(B) is: "If the office of a mayor receives federal financial assistance and distributes it to local departments or agencies, all of the operations or agencies which actually get the aid." Senate Committee Report at

get the aid. Senate Committee Report at 16. This raises a number of serious concerns. Pirst, only that portion of the mayor's office funneling the Federal financial assistance through to another program was covered before Grove City, not the entire mayor's office.

Moreover, what do sponsors mean by "all of the operations of the mayor's office"? A of the operations of the mayor's office"? A mayor's or governor's office is not hermetically scaled and is involved in a myriad of local or State government activities. This ambiguous but expansive gloss on the bill's broad language raises the likelihood that if a mayor's office "funnels" a health grant to the municipal health department, or merely is reimbursed overhead expenses from the grant, and the mayor's office is also overseeing social welfare programs, parks programs, police, fire, and sanitation functions, all of these latter activities, totally unconnected to the grant and not covered before Grow City under this scenario, will be cov-Grove City under this scenario, will be covered under S. 557. This is a version of the "trickle-down" approach of the bill's prede-

Further, only that part of a State or local Further, only that part of a State or local agency receiving Federal aid was covered under these laws, not the entire agency, regardless of whether the Federal aid was received directly from the Federal Government or through another entity.

If a State health agency received Federal aid to assist private businesses in first aid

training and provided such assistance to an automobile plant, then that program of the State agency, as well as the first aid program at the automobile plant where the federally assisted training occurred were covered before Grove City by these statutes, not the entire State health agency and the entire plant itself. Yet, S. 557 explicitly pro-

not the entire state neatin agency and the entire plant itself, Yet, 8, 557 explicitly provides for the latter, expansive coverage. See Senate Committee Report at 18.

17. The zoning function of local government will likely be covered by these laws in reason serves before achieved.

Explanation.—Given the language of paragraph (1) of the operative provisions of the bill and the Committee Report's discussion of coverage of the mayor's office, esc discussion of item 16 supra, it will be difficult. If not impossible, for localities and states to escape total coverage under the bill, including a locality's zoning function. A mayor's office, which usually plays some role in obtaining federal aid, is usually involved in most, if not all, of the locality's activities, such as building and planning activities.

volved in most, if not all, of the locality's activities, such as building and planning activity, selecting zoning commissioners, and the like.

This would mean that a federal agency's equality-of-result, rather than equality-of-opportunity, disproportionate impact rules implementing these statutes would be applied to local zoning requirements. Thus, for example, zoning requirements falling with a disproportionate impact on a particular minority group can be struck down, even if they were not adopted for a discriminatory purpose.

18. Every college or university in a public system of higher education will be covered in its entirety if just one department at one school in that system receives Federal finan-

school in that system receives Federal finan-cial assistance.

Explanation.—Subparagraph (2KA) covers "all of the operations of . . a college, uni-versity, or other postsecondary institution, or a public system of higher education . . . any part of which is extended Federal finan-

[&]quot;Thus, even for individuals receiving direct social welfare aid such as persons on welfare, who may be exempt under the bill, if a new Pederal welfare program was enacted following enactment of S. 537 in its current form, exemption from coverage for individuals beneficiaries would not exist in light of the language of the bill.

cial assistance. (emphasis

cial assistance. . . . " (emphasis added). Thus, if one department at one university in a public system of universities receives Federal aid, not only is that college covered in its entirety, every other college in that system is also covered in its entirety.

Yet, Secretary of Education T.H. Bell stated that, prior to the Grove City decision, coverage of one postsecondary institution did not result in coverage of the entire system of higher education: "Under our postsecondary programs will aid to a particular campus of a multi-campus university result in coverage of the entire university system, including all of its campuses? If so, the bill expands pre-Grove City coverage." Civil Rights Act of 1984: Hearings on 8, 2568, Before the Subcomm. on the Constitution of the Senate Comm. on the Judiciary, 98th Cong., 2d Sess, 227-228 (1984) (statement of T.H. Bell).

Ironically, when this bill's immediate

ment of T.H. Bell).

Ironically, when this bill's immediate predecessor was introduced in the 99th Congress (S. 431, H.R. 700). It covered both private and public systems of higher education. While this bill drops system-wide coverage in private higher education, it declines to do

in private higher education, it declines to do so for public higher education.

19. A school, college, or university investment policy and management of endowment will be covered if the institution receives even one dollar of Federal education assist-

Explanation.-See explanation for item

20, infra.
20. The commercial, non-educational ac 20. The commercial, non-educational activities of a school, college, or university, including rental of commercial office space and housing to those other than students or faculty, and other commercial ventures will be covered if the institution receives even one dollar of Federal education assistance.

Explanation. S. 557 covers "all of the operations of the operations of the operations of the college university or

erations of ... a college, university, or other postsecondary institution, or a public system of higher education ... any part of which is extended Federal financial assist-Subparagraph (2XA) (emphasis ance. ... Subparagraph (2XA) (emphasis added). Investment policy and management of endowment obviously full within "all of the operations of" these entities. Subparagraph (2XA) also subjects the commercial. non-educational activities of an educational non-educational activities of an educational institution to coverage because they too fall within the scope of "all of the operations of" an educational institution described in subparagraph (2XA). This is acknowledged in the Senate Committee Report at 17.

Such coverage did not exist prior to Grove City. Harry M. Singleton, the Department of Education's Assistant Secretary for Civil Rights testifiest.

Rights, testified:

Rights, testified:
[Under the bill] financial assistance flowing to only one part of the university, one department, building, college or graduate achool, would create jurisdiction in all departments, buildings, colleges, and graduate schools of that university, wherever geographically located, as well as in noneducational operations in which the university might be engaged such as broadcasting, rental of nonstudent housing, or even the management of its endowment fund. In declaring that all such operations of a college or university, even those absolutely unrelated to educational activities, are to be within the jurisdiction of the Federal Government, the bill] goes well beyond its announced purpose, of merely restoring that jurisdiction, previously exercised."

Testimony of Harry M. Singleton, Civil Rights Restoration Act of 1985; Joint Hearings on H.R. 700, Before the Comm. on Education and Labor and the Subcomm. on Civil and Constitution Rights of the House Comm. on the Judiciary, 99th Cong., 1st Sess. 299-300 (March 7, 1985) (emphasis added). [Under the bill] financial assistance flow

added)

21. A new, vague catch-all provision provides additional coverage in potentially limilless ways.

Explanation.—Paragraph (4) states that

"program or activity" means all of the operations of . . . any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3); any part of which is extended Federal financial assistance." temphasis added). While this language reflects a Senate Committee amendment which merglangly tenerous the activation. ment which marginally improves the clause

ment which marginally improves the clause, it remains a potent vehicle for a significant expansion of Pederal jurisdiction.

"Entity" is nowhere defined in the bill. If sponsors of the bill have particular types of "entities" in mind not otherwise covered in the first three already broad paragraphs of the bill's operative provisions, they should clearly delineate them rather than use unclear concepts and vague language. It is clear concepts and vague language. It is Congress task to be precise, particularly on the part of those who believe the Supreme Court misconstrued earlier legislation in the same field

This section, on its face, would appear to include coverage of two separate entities, such as a public school district and a private university, as well as the third entity created by the former two entities, even when only the third entity receives Federal aid.
While the Senate Committee Report at 20
disclaims this result and asserts that only
the third entity is covered if only it receives the third entity is covered if only it receives Pederal aid, the section is at best ambiguous on this point. Similarly, on its face, the sec-tion would appear to cover the third entity and one of the two separate entities when the other separate entity receives Federal

Moreover, the Senate Committee Report's moreover, the Senate Committee reports description of the substance and rationale for this section is strikingly inaccurate, occasionally incoherent, and reflects the same attribution of "public" status to private entities as it does for paragraph (3)—but even more broadly. The Senate Committee Report gives an example of paragraph (4)'s

steport gives an example of paragraph (478 operation:

Example: A school district and a corporation establish the PPP company—a public-private partnership whose purpose is to provide remediation, training and employment for high school students who are at risk of school failure. The PPP company applies for and is extended federal financial assistance. All of the operations of the PPP company would be covered even if the federal financial assistance was only to one division or component of the company.

This is appropriate because an entity which is established by two or more of the entitles described in (1), (2), or (3) is inevitably a public venture of some kind, i.e., either a government-business effort (1 and 3), a public education-business venture (2 and 3) or a wholly government effort (1 and 2). If

public education-business venture (2 and 3) or a wholly government effort (1 and 2). It cannot be a wholly private venture under which limited coverage is the general rule. The governmental or public character helps to determine institution-wide coverage. For example, in a Catholic diocese where 3 parishes receive federal aid, the parishes are geographically separate facilities which receive federal aid, and the diocese is a cornective federal aid, and the diocese is a cornective federal aid. federal aid, and the diocese is a corpoceive federal aid, and the diocese is a corpo-ration or private organization of which the parishes are a part. Only the three parishes which receive federal aid are covered by the antidiscrimination laws. Both the parishes and the diocese are entities described in paragraph. (23), therefore paragraph (4) yould not apply

The governmental or public chars entities covered by paragraph (4) helps to determine institution-wide coverage. Even private corporations are covered in their en-tirety under (3) if they perform governmen-tal functions, i.e., are "principally engaged tal functions, i.e., are "principally engaged in the business of providing education, health care, housing social services, or parks and recreation." Senate committee Report at 19-20.

First, this passage falsely implies that First, this passage falsely implies that paragraph (4) only covers entities created by an entity in one of the three preceding paragraphs and an entity in a different preceding paragraph (a., between entities in paragraphs (1) and (2); (1) and (3); and (2) and (3)). The language of paragraph (4) clearly covers entities created by two entities described in paragraph (1); two entities described in paragraph (2); or two entities described in paragraph (2); or two entities described in paragraph (3). For example, two businesses covered under subparagraph (3)A) can form a joint venture. That in this

(3) A) can form a joint venture. That in this instance the entity formed can be covered under paragraph (3) itself as a private business or other private organization hardly precludes duplicative coverage under the language of paragraph (4). Second, the Senate Committee Report's assertion that an entity otherwise within the description of paragraphs (1), (2), or (3) is, therefore, not covered by paragraph (4). Committee Report at 19.20, simply is not supported by the language of paragraph (4). Paragraph (4) covers entities established by entities described in paragraphs (1), (2), or (3) regardless of whether the "new entity list! falls within those first three para (3) regardless of whether the "new" entity itself falls within those first three para-

(3) regardless of whether the "new" entity listle falls within those first three paragraphs.18

Indeed, ironically, this very example of the PPP Company used in the Senate Committee Report to illustrate the operation of paragraph (4) vindicates this criticism—and illustrates instead the "overkill" of this catch-all provision. The PPP Company, retained as a partnership by a school district and a corporation, is already separately covered under paragraphs (2) and (3) if it receives Pederal financial assistance. The PPP Company is clearly an "operation" of the school district—regardless of its joint nature—and since the PPP Company receives Federal financial assistance, it is covered under subparagraphs (2/R), along with the school district itself. As an operation of a school district, the PPP Company is a part" of the school district "which is extended Federal financial assistance," thus covering all of the operations of the school district as well as the PPP Company, A similar analysis results in coverage of the PPP Company under paragraph (3), as an operation of the corporation as well as coverage of the PPP company under paragraph (3), as an operation of the corporation as well as coverage In analysis results in coverage of the PPP Company under paragraph (3), as an operation of the corporation, as well as coverage of the corporation itself under paragraph (3), Indeed, as indicated earlier, pages 25-26, supra, the PPP Company would be covered in its entirely if either the school district or the corporation receives one dollar of direct or indirect Federal aid, even if the PPP Company itself receives no Federal aid.

It should be noted that, in light of this transparently inaccurate description of paragraph (4), the Committee Report's suggestion that Federal aid to a few Catholic

if As mentioned earlier, pages 25-26, supra, all hree entities are already covered in this circum lance by the overbroad provisions of subparagraph

i) The term "other entity" in paragraph (4) not only includes those entities not described in paragraphs (1), (2), and (3), but also includes entities described in those sections which "are established by two or more of the entities described in" those three paragraphs. For example, while a federally-assisted aummer recreation camp in the mountains for youngsters established by a private group is covered by subparagraph (3)AARII), if it is established instead by three synapogues, i.e. all four entities described in paragraph (3), the earnp is not only covered by paragraph (3), it is also covered by virtue of paragraph (4).

parishes does not yield coverage of the Diocese of which they are a part, which rests on this clearly erroneous reading of para-graph (4), is not necessarily going to be per-suasive to future administrative enforcers of this bill if enacted, or to reviewing Federal

Third, corporate-wide coverage of the new entity established by the two separate enti-ties described in paragraphs (1), (2), or (3) exists regardless of its principal business, in contrast to subparagraph (3×B)'s slightly more limited "facility" coverage for at least some businesses.

Fourth, once again the bill's sponsors reveal their motivation in rendering "public" wholly private entities. They claim "public" wholly private entities. They claim coverage of an entire corporation established by two other entities, regardless of its principal activity "because an entity which is established by two or more of the entities described in (1), (2), or (3) is inevitably a public venture of some kind, i.e., either a government-private effort (1 and 3), a public education-business venture (2 and 3) or a wholly government effort (1 and 2)." Senate

education-business venture (2 and 3) or a wholly government effort (1 and 2)." Senate Committee Report at 19 temphasis added). Of course, this Senate Committee "analysis" flagrantly misreads its own bill and is patently inaccurate: Paragraph (2) covers private colleges, universities and other post-secondary institutions ((2)(A)), as well as private and religious elementary and secondary school systems ((2)(A)). Thus, a venture between an entity in paragraph (2) and an entity in paragraph (3) can readily be entirely private, "in contradiction to the sponsors' inaccurate assertion. Yet, a rationale of S. 557 is that what is regarded as private continues to shrink. The bill imbues with a "public character" wholly private entities simply because they are the creation of two other private entities. This is even a significant step beyond the startling expression of this principle in subparagraph (3)AA(ii), which, as novel and draxit as it is, at least was somewhat limited in theory to five very broad categories, Here, even that minor limit is removed. five very broad catego minor limit is removed.

RELIGIOUS TENETS

Religious tenets language is needed in title IX as a necessary part of Grore City legislation in order to protect an institution's policy which is based upon tenets of a religious organization where the institution is controlled by, or closely identifies with the tenets of, the religious organization.

In 1972, when Congress enacted title IX, Congress included several exemptions to its coverage, including: "ITIthis section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization..." 20 U.S.C. § 1681(AX3). 6 1681(a X3)

§ 1681(ax3).

At that time, many educational institutions were controlled outright by religious
entities. Some of these institutions today,
while retaining their identity with religious
tenets, are controlled by lay boards and
have fewer financial ties to religious organizations and thus are outside the scope of
the religious tenets exemption of current
law. Accordingly, the "control" test for application of the exemption no longer affords

adequate protection for religious values under title IX.

Indeed from 1972 through 1984, according

to the Department of Education, only 5 out of 220 requests for exemptions under the current "control" test were granted. Most current "control" test were granted applications received no response. more exemptions have been granted since 1985, there is no guarantee that a subse-quent Administration will treat future leglitimate exemption requests favorably. Pur-ther, some proponents of S. 557 assert that a number of exemptions granted in the last two years are invalid under the "control" test. A subsequent Administration might well revoke current exemptions. Moreover, it is highly likely that advocacy groups hosis a nighty their that advocacy groups hos-tile to the religious tenets exemption will initiate litigation to overturn existing ex-emptions if this bill is enacted unless title

emptions if this bill is enacted unless title IX's current language is amended to reflect the changing nature of religiously oriented institutions today.

Thus, language must be included under title IX in any Grove City bill to protect a policy of an educational institution based on religious tenets not only when the institution is controlled by a religious organization, but also when an educational institution "closely identifies with the tenets of" such a religious organization. This same protection should also be afforded to other institutions covered under title IX by Grove City legislation, such as hospitals, when they have a close identification with the tenets of a religious organization. Indeed, S. 557 itself makes a grudging acknowledge. tenets of a religious organization. Indeed, S. 557 itself makes a grudging acknowledgement of the need to protect such other institutions covered by title IX by substituting the word "entity" for educational institution in the current exemption, but unfortunately does not alter the rigid "control" test itself. With the language we support, the exemption under title IX would read:

Execute that such tens I "program or active.

exemption under title IX would read: Except that such term I"program or activity" and "program"] does not include any operation of an entity which is controlled by, or which is closely identified with the tenets of, a particular religious organization if the application of I"title IXI to such operation would not be consistent with the religious tenets of such organization. (Emphasis added) sis added.)

sis added.)

An institution cannot claim protection under this language for differentiation on the basis of race, handicap, or age. The exemption exists only under title 1X, which addresses gender distinctions. The exemption recognizes that the tenets of some religious organizations differentiate in some ways between the race in the party to the protection of the protec gious organizations differentiate in some ways between the sexes. In the spirit of di-versity and pluralism in education and other parts of the private sector covered by title IX under Grove City legislation, the exemp-tion respects the independence of an institution's conduct in carefully delineated cir-cumstances when that institution is con-trolled by, or closely identified with the reli-gious tenets of, a religious organization. A covered institution is not exempt in its

A covered institution is not exempt in its entirety from title IX if just one or some of its policies is based on religious tenets and conflicts with title IX. The exemption applies only to the specific policy or policies, based on religious tenets at those institutions able to avail themselves of the exemption, when title IX would conflict with such realizer or policies. policy or policies.

policy or policies.

This exemption has no application in public schools or other public institutions. The first amendment, as applied to State and localities, effectively prohibits public schools or other public institutions from basing any policies or conduct squarely on the religious tenets of a religious organization. This exemption applies only to private institutions, where students are in attend

ance because they have freely chosen to attend the institution.

This language originated from concerns

expressed during consideration of Grove City legislation in the 99th Congress. In May 1985, in response to concerns about the protection of religious liberty under title IX, the House Education and Labor Committee Report first strengthened the current religious tenets exemption when considering Grove City legislation.

The particular language set forth in this

the particular language so to the letter is virtually identical to language in the Higher Education Amendments of 1986, adopted by Congress and signed into law in adopted by Congress and signed into law in October 1986. There, a prohibition against religious discrimination in the construction loan insurance program was enacted with an exception using virtually the same language now recommended for title IX. This provision, in short, is modeled on language used by the 99th Congress and should not be contraversal. vesial.

trovesial. While some proponents of S. 557 oppose this language as an "unacceptable" change to the exemption, as mentioned earlier, S. 557 itself changes the standard to try to take into account the extreme broadening of coverage represented by the bill. The curof coverage represented by the Bill. The cur-rent exemption applies to educational Insti-tutions. Yet, S. 557 broadens the exemption by replacing the term "educational institu-tion" with the word "entity." This change, however, does not sufficiently address the problem posed by the "control" test. The "closely identifies with" language is needed to address this situation.

FUND TERMINATION

The language addressing the scope of the fund termination remedy, whereby an agency cuts off Federal financial assistance to a program or activity, is unchanged by S. 557. It is universally agreed that Congress intended the scope of an agency's authority to use the draconlan remedy of fund cut-off intended the scope of an agency's authority to use the draconian remedy of fund cut-off to be pinpointed to the discrete area where discrimination occurred." The termination clause of these civil rights statutes currently states that termination of Pederal financial assistance "shall be limited... to the particular program, or part thereof, in which such noncompliance has been... found." E.g., 42 US.C. § 2000d-1. Since S. 557 defines "program" so expansively, the continuation of the program-specific scope of the fund termination power under S. 557 rests on the "or part thereof" language. The Committee Report apparently seeks to note that this program-specific scope is so retained by mentioning that S. 557 "leaves intact the "or part thereof" language. The Committee Report apparently seeks to note that this program-specific scope is so retained by mentioning that S. 557 "leaves intact the or part thereof" pinpointing language." Schate Committee Report at 20. Unfortunately, the Senate Committee Report then goes on to misstate the scope of fund termination in the one example it lists: "In the case of Grove City College, for example, if there is discrimination in the math department, a fund termination remedy would be available because the funds from BEOG's flow throughout the institution and support all of its programs." Id. This is wrong, if there is discrimination in a math department which received no Federal funds in an educational institution

Id. This is wrone. If there is discrimination in a math department which received no Federal funds in an educational institution covered in its entirety because of receipt of Federal student aid funds, the agency's remedial recourse after a failure of conciliation would be a referral for illigation to the Department of Justice, not a fund cut-off to the student aid program. In this example,

[&]quot;Aside from whether Catholic dioceses are covered in their entirety under paragraph (4), the risk of coverage of entire Catholic dioceses arises under subparagraph 3(B). See pages 9-12, supra. "Further, as mentioned earlier, paragraph (4) readily covers entities established by two or more entities within each of the preceding paragraphs, which would include many wholly private "third" entities.

is Indeed, the Supreme Court relied on this pin-point termination authority to conclude, in North Haven Board of Education v. Bell, 456 U.S. 512 (1982), that title IX's ban on discrimination is pro-gram-specific.

only when the discrimination is in the student aid program can the agency terminate the Federal student aid money.

Ironically, it is the very Grove City decision that sponsors of S. 557 wish to overturn with respect to regulatory jurisdiction (but not in the scope of fund termination) that not in the scope of rund termination) that delineates the student aid program as the program-specific parameter when Federal student aid is involved. Thus, in light of this startling misstatement concerning the scope of the fund termination remedy in the Com-mittee Report, there is a risk that the scope of the fund termination remedy is being ex-panded by S. 557.

As another example, if a State highway department receives Federal aid for a safe-driving program and part of that Federal aid is spent on overhead expenses at the aid is spent on overhead expenses at the highway department's headquarters, will discrimination in the safe-driving program lead to a Federal funds cut-off of highway construction money as well under S. 55?? Purther, since a Federal block grant in, for example, social services can be spent in a number of state programs, it seems that the interpretation in the Committee Report could mean that discrimination in just one program receiving block grant funds could lead to a cut-off of all block grants funds. This, of course, far exceeds the scope of fund termination authority before Groce City.

Section 9 of the bill includes language section 9 of the on includes language amending the Rehabilitation Act of 1973, by stating: For the purpose of sections 503 and 504, as

such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infec-tion, would constitute a direct threat to the thealth or safety of other individuals or who, by reason of the currently contagious dis-ease or infection, is unable to perform the duties of the lob

duties of the Job.

The Administration had unsuccessfully argued in School Board of Nassau County v. Arline.

U.S.

No. 85-1277
(March 3, 1987), that contagiousness is not a handicap within the meaning of Section

For all of the reasons stated herein.

For all of the statement that the President vero 8, 557.

John R. Bolton, Assistant Attorney General for Legislative Affairs.

To illustrate what a striking venture into substance this provision represents, we note that some agencies do not have small provider exceptions for structural alterations in the president of the presid vider exceptions for structural alterations in their section 504 regulations, e.g., the Department of Defense (32 C.F.R. pt. 56), and the Department of Transportation (49 C.F.R. pt. 27). Even those agencies that do have such provisions use different language. For example, the Department of Health and Human Services' section 504 regulation contains a provision relating to entities with fewer than fifteen employees. 45 C.F.R. § 84.22(c). The Department of Commerce's section 504 regulation at 15 C.F.R. § 8b.17(c)

contains a provision relating to "a small recipient." which is defined as "a recipient who serves fewer than 15 beneficiaries and who employs fewer than 15 employees." 15 C.P.R. § 8b.3(1) (emphasis added).

C.F.R. § 8B.3(1) (emphasis added).

This exception, of course, does not remove jurisdiction under section 504, but only exempls the entity, in certain circumstances, from the most onerous of section 504 requirements. A key point about this section is that it belies the sponsors' claim that this bill does not address substantive issues.

Mr. HATCH, Mr. President, I note that the distinguished Senator from Connecticut is here and wants to speak on this bill.

I ask unanimous consent that I may yield to him at this time, without losing my right to the floor, without it being considered as a second speech, and with my speech being continued from the beginning when I resume

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

The Senator from Connecticut [Mr. WEICKER1 is recognized.

WEICKER. Mr. President. would urge my colleagues to support the legislation which is the subject of the Presidential veto and override the President's veto of S. 557, the Civil Rights Restoration Act.

Really at issue here is the dedication of this Nation to civil rights. What is at issue here is whether we are going to talk civil rights or whether we are going to have civil rights.

When the Grove City decision was

handed down, it placed civil rights in the United States in the position of being talked about but not acted upon. In effect, what was involved were four groups of our citizens. I might add, in the course of adding up those groups, just about all of us fall into at one category-minorities, the

least one category-minorites, the handicapped, the elderly, and women. Up to that point, the civil rights policy of this Nation was such that if that institution discriminated, then Federal financial assistance to that institution was placed in Jeopardy and, if discrimination was proven, the funds that supported that discrimination were cut off. In the Grove City decision, the court interpreted Congress' intent as only to require the unit of the institution that received Federal assistance not to discriminate. For example, if indeed there were no Federal funding for a women's basketball team in a university, then although Federal funds could go to elsewhere in the university, the athletic department or, I suppose, following the reasoning more particularly, the basketball program within the athletic department, would not be subject to coverage under the statutes.

That decision really gutted civil rights enforcement in this Nation. I wish I could say that the progression of civil rights in the United States of America need only depend on the good will of each one of us. But you know and I know that that just is not the case, either historically or at present.

For the Nation as a whole, enforcement is absolutely necessary to reverse the consciousness of discrimination. There is no question in my mind that succeeding generations of Americans will not hold the same attitudes that we were taught—I am talking about those of my age—and that is all to the good. But there is still a long way to go. And there is no question in my mind that in the last decade or 50, we have paid less and less attention to the matter of civil rights, due to a feeling that we had a major catharsis in the 1950's and 1960's, and enough is enough; we can now let things be.

Let me cite an example that relates to my own State of Connecticut, and it to my own State of Connecticut, and it is of very recent vintage. Recently, the commissioner of education of the State of Connecticut issued a report showing that there was substantial segregation in our public school system. This was not guesswork on his part. He had it all factually established. lished. And he suggested that the time had come for the locales, and for the State itself, to take care of this segregation and discrimination. For those efforts he was roundly derided by all manner, shape and form of individuals within the State, but most particularly by the State legislators, even before they met in session, because his pronouncements had a very unsettling effect politically on their careers.

Nobody disputed the facts that he had presented to the people of Connecticut, but when he suggested bus-sing and other remedies and the moneys that would be required to remedy the injustice, it was then that one by one the politicians found their sticking points.

Indeed, in writing about the situa-tion, several of the reporters in the State confronted State legislators and asked them for their comment. And their comment was, we will never have to handle this hot potato. It will go to the courts and the courts can handle

Well, believe me, if the courts do handle it, you are really going to hear the yelling and screaming and then you will find the legislators getting into the act; trying to clobber the courts with a vehemence that apparently they are reluctant to feel when clobbering discrimination.

So, yes, many years after Brown versus the Board of Education, and various efforts by the Federal Government and by its courts, and within a progressive State like Connecticut, dissembled the continue. The fight goes crimination continues. The fight goes on. And I particularly use this exam-ple so that we do not start getting into a finger-pointing exercise here on the floor of the Senate as to where crimination exists. It is in the North as much as the South; the West as much as the East. It applies to women as much as it applies to blacks. It applies to the disabled as much as to the elderly. It is our problem. And the question is: Do we want to see it eliminated

[&]quot;Although proponents of S. 557 sometimes assert that the bill addresses only the scope, and not the substance, of the statutes it amends, this is

untrue.

In addition to the austrantive amendment to the Rehabilitation Act concerning contagiousness, the bill addresses the substantive meaning of section 50 by stating in subparagraph (4Ke;

Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.

within our lifetimes or does each generation just do a little bit to salve their consciences, but so little as it relates to those who are being discriminated against?

That is why the teeth are neces if we are to move forward. That is why there has to be a penalty for an American to discriminate Whether the American is an individual or whether it is an institution, he, she, or it should be made to stop and think as to the

consequences of their act

Now, is there anybody who would deny that the lot of a woman, or the lot of of a minority, or the lot of a handicapped person or an old person is far better today than it was decades ago? Not, mind you, is that lot perfect. But is it better? And the answer, clear-

Constantly in the minds of this Nation are, How do we impact upon our neighbor? Is the opportunity the same for all? Can there be a quality of life that is equal among us? This is what we strive for. This is the objective. And yet that objective has recedfurther, further and further back in the national conscience during the

past decade or so.

We do not have, except possibly in the context of a political campaign, those who take the floor of this Chamber or the Chamber across the way or those who take over the offices of the White House—we do not have those giants any longer standing up and calling this Nation to the attention required to address its needs, its prob-lems, its tragedies, its opportunities. This, after all, in the year 1988, is when we address the betterment of each one of us; not our neighbor. There is no more political capital to be had, in terms of civil rights. The cap-

ital is to be found in "me" rights.

Here is an opportunity for one of
the great moments of the U.S. Senate and of this Government. I am sorry and of this Government. I am sorry this moment is not being shared by its Chief Executive, because, indeed, regardless of specific points that are raised or the rhetoric that is marshalled on behalf of the veto, the fact is there is nothing within this legislation to be afraid of; there is no further incursion of the Federal Government into any beginning. into anybody's life. It is merely, probably, the last statement of disinterest in civil rights by this administration before it leaves office; a disinterest, I might add, which has been shared by the Democratic Congress also, individ-ual Members notwithstanding. A disinterest in civil rights is not something that can be achieved by one man or one political party. It is a governmental neglect; it is a bipartisan neglect that has been the rule rather than the exception during the past several years

When Grove City was handed down When Grove City was nanced down there were individual men and women of courage who said: This is not to be the policy of the United States. Rather, we want to reaffirm our commitment to knock down the barriers wherever they exist

Senator KENNEDY was one of those individuals. Others who will be speak-ing here on the floor have long persisted in trying to bring redress to the wrong committed in the Grove City decision.

But now our time has come. So often we have tried to pass the ball to the courts. Now the ball is in our court. The question is as to whether or not we are going to accept responsibility that should have been ours long ago, before anything even went to the courts

Do you remember how this whole Nation became incensed just a few months ago during the nomination vote of Justice Bork, blaming Justice Bork for his deficiencies on civil rights and human rights issues?

But there was one statement that Bork made that was absolutely cor-rect, which is that the primary responsibility sits in the hands of the tive and the executive branches of government, not the courts. The courts are the last refuge, the last defense for the rights of all Americans. They are not the first. But we have put the courts in that position by refusing to deal with the issues of this Nation our-

And the most difficult situation of all is that which relates to discrimina-

It is not just a matter of black and white. It is the discrimination that occurs in so many other areas of our

To give you a simple example, let us take the disabled. When we passed Public Law 91-142, some 40 percent of the cost of educating handicapped children was to be borne by the Federal Government. We were going to give to the handicapped equal opportunities so far as education was concerned. We were going to take care of 40 percent of the cost.

Never since that has become the law Never since that has become the law have we done more than 12 percent. So we love to talk about equality of opportunity for the disabled while making it impossible to achieve that equality by virtue of the money. We set the standard, we told the States what to do, and we also told them we would contribute 40 percent of the funding. But once having estables

of the funding. But once having established ourselves as being for opportuhandicapped children when it came time to pay the price we were unwilling to toe the mark.

And now what we are saying here, if we agree with the President, is we are unwilling to pay the price to achieve equality for women, the handicapped. equality for women, the nandicapped, the elderly, and the minorities of this Nation. We like to say, "We are for you" so we achieve a political point. But we are unwilling to come up and

But we are unwitting to come up and pay the price to achieve that equality. The same people, for example, who are against discrimination of minori-ties are against busing. You turn to them and say, "All right, Busing is not

a good solution. How about if we build the schools and hire the personnel and establish the programs which, in effect, draw people into the educational institution?

"Well, that costs money and that means taxes," and the answer is, "That is right."

If you want to achieve equality of education for all our young people, right. You cannot have your wallets and your prejudices intact. Something has to give.

The issues are very simple on the

floor of this Senate today.

No. 1, are we going to pay the price of climinate discrimination in this Nation? You cannot go ahead, for example, and say to this university that discriminates, "I want to keep you all as my friends and we are only going to ahead and penalize that unit of the university which has been doing the discriminating."

That is a great solution because, No. 1, it shows you are for equality and you do not lose too many votes. The same would hold true of any particular institution—State governments, corporations, you name it. What we are trying to do is to achieve that equality and not pay a price. In our case, the price probably is votes. In the case of the constituencies, it is probably their feelings, their sensibilities, or their wallet.

There is a price to be paid. But to me it is worth it from both sides in the sense that, No. 1, it brings the day so much closer when we eliminate all dis-crimination in this country; and, No. 2, I am uneasy with the fact that we should be subsidizing discrimination in any way today. And we are.

The penalty for any institution that permits discrimination should be that they not get one nickel, not one nickel.

But we saw when the Grove City decision was handed down a magnificent opportunity to keep our friends while at the same time to keep our national charade of being against discrimina-

This legislation calls that bluff. We might lose some friends with passage of the legislation, but it will be firmly established both in law and in fact, No. 1, you do not discriminate in this country at all, and No. 2, you certainly do not do it with the taxpayers' money.

Much has been made of the religious argument, that this bill somehow intrudes on freedom of religion.

It is not so at all. Not so. For all the institutions where exemptions have been requested, exemptions have been No exemptions have been denied at all.

But to go ahead and move from con-trol by a religious organization to those closely identified with the tenets of a religious organization creates an enormous loophole, a loophole which, in effect, would make this legislation meaningless

I might add to affirm that fact, and I am sure these matters have been put I am sure these matters have been put into the record already by my col-leagues, that it is important to note that the major Catholic, Protestant, and Jewish organizations are supporting the Restoration Act. Supporters include:

U.S. Catholic Conference of Bishops, National Council of Churches, American Jewish Congress, American Bap-tist Churches, Evangelical Lutheran Church of America, Union of American Hebrew Congregations, AntiDefamation League of B'nai B'rith, American Jewish Committee, Church of the can Jewish Committee, Church of the Brethren, Presbyterian Church USA, Church Women United, Newwork-Na-tional Catholic Justice Lobby, United Methodist Church, and the Episcopal Church.

Nobody feels that their religious

Nobody ices that their religious freedoms are being intruded upon.

Now, in the narrowest sense, as I said, even those that are controlled by a particular religious faith can apply for an exemption and those exemptions have been granted. Closely identified with? No. That obviously broadens the situation, permitting discrimi-nation under the filmsiest of pretexts, even maybe just a name and a title, never mind a practice.

Nobody has stood on this floor longer and argued for the preciousness of religious freedom in this Nation than this Senator

I find it amazing that some who now raise the religious issues are the very ones who want Government-organized prayer in schools. They want the Gov ernment to organize prayer, and yet they express shock and amazement relative to a bill that uses the force of the Federal Government to eliminate discrimination among the various groups I have already identified as being an incursion on religious free-

Mr. HATCH. Will the Senator yield on that point? He and I debated that issue.

Mr. WEICKER. Of course I yield.

Mr. HATCH, I appreciate that. He and I have debated that before, and I think the Senator knows I was forced to bring the vocal prayer amendment to the floor, but I have always been for a constitutional amendment that would end this divisive debate that would provide for silent prayer or reflection, so the person has a free choice, not a Government-organized

I just want to make that distinction clear because although I think the distinguished Senator was very elo-quent, and I give him credit for defeating the vocal school prayer amend-ment, in his arguments against that amendment, I do not think he has a chance in the world, if we can get to the floor a silent prayer reflection amendment. But even so, I know he would be eloquent on that, also.

That is a far cry from Government-organized prayer. All that would do is allow a period of time, every morning

in those school districts who choose to do it, to have silent prayer reflection. I want to make sure the RECORD is clear

If I could make one other point, we have made point after point as to why churches and synagogues deserve prochurches and synagogues deserve protections from onerous bureaucratic provisions under this bill. I have not heard rebuttal, and the committee report hears them out. That is the point I am making on the churches and synagogues, and I think the religious tenets points are well taken.

I have not heard one argument from

I have not heard one argument from the distinguished Senator from Connecticut that rebuts any of those par-ticular points. I want to make that clear, and I thank the Senator for al-

lowing me to do that.

Mr. WEICKER. I do not want to get into an ancillary debate here with my good friend from Utah.

Mr. HATCH. Neither do I.
Mr. WEICKER. But I want the
RECORD to show, just so we do not use
this as an occasion to continue to mislead the American public, that, No. 1, anybody is free to pray in the schools of this Nation today as an individual.

Anybody can pray as an individual in the schools of the United States today.

But what I have consistently argued against is not whether it is silent or vocal, but whether it is organized. That is the key word. If Government can organize silent prayer, Governcan organize silent prayer, Government can organize vocal prayer, and if Government can organize the content of vocal prayer, then we are off to the

So, please, we are not going to get into a debate on this, but I want to make clear that the Senator's observalions are what they always have been. He has led the fight, but I cannot let it go unchallenged as to what the substance of his comments are

The only point I am trying to make is that I am trying to establish the fact that those of us, the principal drafters of this legislation, have a meticulous concern and care for the sanctity of one's faith and the manifesta-tion of that faith. This legislation in no way impedes upon that.

What it does do, it does not permit

you to use in a frivolous way an asso-ciation with religion in order to discriminate. Now that is it. It does not allow you in a frivolous way to use an association with religion so that you can discriminate against women, so you can discriminate against the handicapped, so you can discriminate against minorities and discriminate against the elderly. That is all it does, and that attaches to each one of us personally.

There is nothing in this legislation, absolutely nothing, which curtails the freedom which we now have under the Constitution as Americans.

The distinguished Senator from Illi-nois did ask me to yield for a few sec-onds, and knowing his schedule, that is probably all he has. So I would like to go ahead and yield to him.

I would also like to use this as an occasion to say that, as you know, I always like an underdog. I always like somebody who has all the odds stacked against him and just comes out there as a winner. I want to give to you my personal congratulations on your achievement of a few days ago.

Mr. SIMON. I thank my distinguished colleague from Connecticut, and I am pleased to be identified with his views

Mr. WEICKER, Mr. President, I am about ready to bring to an end my remarks on this bill today. I gather we will be talking on it further in the days ahead. Probably the vote will not take place, as I understand it, until next week.

I just do not want the Nation to get bogged down in the minutiae of what is involved here. It has been a long time since we have been called upon to put our beliefs on the line and to incur a price for establishing those beliefs into the fabric of this Nation. There is a price to be paid for it here. We not only say we are for the minorities of this Nation, that we are for the elderly of this Nation, that we are for the handicapped of this Nation, that we are for the women of this Nation. We not only say these things, but we give the power to this great constitutional Government to say that these matters of which we speak will be the reality of America. That our generation has a of America. That our generation has a fight just as tough as that of 10, 20 years ago, and it is not enough for us that we celebrate Martin Luther King's birthday, but rather that we give new meaning to it as the power sits in our hands. We are alive; we

have the power.

Do we have the courage to use it? That is the question which confronts this generation. How many in this Nation know that the gentleman who just spoke here, Senator Simon had the courage to make sure that the handicapped would have an equal opportunity for education? He was one of the authors of Public Law 91-142. and we celebrated the 10th anniversary a few years ago. It seems to me we are engaged in all sorts of celebrations around here-Martin Luther King, Public Law 91-142, and all of it was done a long time ago.

Now is our chance. Now is our chance to stand up and get counted, to understand that our institutions, should they even harbor a thought of discrimination and put it into effect in the smallest way, are going to get clob-bered with that realization. If that becomes the law, not even a whit of an evil thought would cross a man's mind, but the way the situation stands now. it is well worth it to try and break the law.

The purpose of the legislation is to make it very expensive so that people do not try.

I yield the floor to my distinguished

colleague from Utah and I look for-ward in the hours ahead to more

debate. I want to say this also of him that we clearly have very sharp differences over many matters, and he very articulately represents a point of view. I never fear that the debates on the subject at hand will be anything but instructive and valuable as long as they are presented in the fashion that has always been the hallmark of my colleague from Utah.

Mr. HATCH. I thank my distinguished colleague for his kindness to me and I agree that he is a very formi-

me and I agree that he is a very formidable adversary. I just wish he were more right on some of these issues. But he is a very fine person and I enjoy debating with him.

I have to say this, and then I would like to yield to the distinguished Senator from New Hampshire. Here we have the President of the United States willing to accept this bill, something he was unwilling to dever since thing he was unwilling to do ever since 1984, if he would protect religious liberty by limiting coverage to that part of the church or synagogue which par-ticipates in the Federal program in-stead of covering the whole church because one congregation makes a mis-take in civil rights. You can correct that mistake. There is every right to under the law, under the President's proposal, without oppressing the rest of the institution, including prayer rooms and other aspects of the institu-

And he would protect, under title IX, the religious tenets closely identified with religious organizations on the same basis as institutions directly controlled by religious organizations and by providing that when a religious secondary or elementary school re-ceives Federal assistance, only that school and not the entire religious school system becomes subject to Federal regulation. He would agree with

He also would ask that we ensure that the reach of Federal regulation into private businesses extend only to the facility that participates in federally funded programs, unless the business as a whole receives Federal aid, in

which case it is covered in its entirety.
His bill also states explicitly that the farmers will not become subject to Federal regulation by virtue of their acceptance of Federal price support payments, or Federal subsidies, in other words. He wants to protect the farmers from an onerous intrusion of the Federal Government, and ensure that the groceries and supermarkets will not become subject to such regulations by virtue of accepting food stamps from customers. I do not see where that is so inordinate.

He also wants to preserve the inde-pendence of State and local govern-ments from Federal control by limiting Federal regulations to the part of the State or local entity that receives or distributes Federal assistance.

or distributes recent assistance.

Now, here is the President of the
United States who has come way off
of what he thought was a much better
bill to having this bill with those seven

additions, none of which appear to me to be onerous or burdensome or im-proper, all of which would help to bring civil rights enforcement to the appropriate level, where it should be and to the appropriate body or entity. where it should be.
One thing the distinguished Senator

from Connecticut is right on, the price is going to be very stiff once this bill passes, even with the President's suggestions. It is going to cost a lot of money to enforce it, and it is going to be a tremendous, costly imposition upon many, many people in our socie-ty when it should be on those who violate the civil rights of others in our so-ciety. But it should not be where those civil rights are not violated and it certainly should not be used to oppress churches and synagogues, which it will be, and it certainly should not fly in the face of sincerely-held religious beliefs of religious institutions, which it certainly is going to do, unless we adopt what the President says here. It is a pretty good faith offer. It is something he says he will support, and I think we should as well.

Now, I would like to yield to the dis-tinguished Senator from New Hamp-shire on the same basis that I have been yielding, without losing my right ocen yielding, without losing my right to the floor and then also, thereafter, to the distinguished Senator from Massachusetts on the same basis as long as I do not lose my right to the floor and it will not be considered a second speech, under the same terms and conditions, and that my speech will continue on

The PRESIDING OFFICER. The hair would prefer that the Senator from Utah yield outright to the Senator from New Hampshire. Mr. HATCH. I prefer to do it this

The PRESIDING OFFICER, And not to pass the floor, in the interest not only of the rules of the body but so that any other Senator who wishes

to speak on the other side can do so.

Mr. HATCH. I will be glad to yield to them when they come, but I am just trying to save the Chair and save me the onus of getting up and saying it each time. What I would like to do is yield under those terms to the distinguished Senator from New Hampshire and immediately followed by my friend and colleague, who has asked me for 5 minutes right afterward.

The PRESIDING OFFICER. Hearing no objection, that will be the order. If there was an objection, the Chair would enforce the rules.

Mr. HATCH, Sur

PRESIDING OFFICER, The Senator from Utah yields to the Senator from New Hampshire, retaining his

tor from New Hampshire, retaining his rights to the floor.

Mr. HUMPHREY, Mr. President, I commend President Reagan for vetoing S. 557. That certainly was not an easy decision for him, any more than it was an easy decision for those of us who opposed the bill in committee and on the floor before it was passed. The

President was right, as I believe we ere right

Nonetheless, it is worth considering anguish the President must endure for vetoing something called the Civil Rights Restoration Act, very cleverly titled, I think all parties will agree. Since we do not have any truthin-labeling rules in this body, it is always worth looking beyond the title, especially when titles are alluring and sound like apple pie and motherhood, like the Civil Rights Restoration Act. It is almost automatic, unfortunately, that anyone who ever opposes any-thing with those two magic words, "civil rights," contained in the title or in commentary about it is automatically suspected at the very least, and perhaps branded at the worst, as being a racist, or someone who is callous about the rights of others, irrespective of color

That is unfortunate, but that is where we are in the historical evolution of our society.

So President Reagan by vetoing the bill is automatically suspected those who perhaps do not fully understand the ramifications of the bill of being a racist, or at least being callous toward the rights of certain citizens.

Well, this bill is not simply a restora-tion of civil rights as they existed prior to the 1984 Grove City decision. If what the proponents, who have been trying for years to enact such a bill to deal with the fallout of Grove City, had in mind was simply a restoration of the status quo, then we would not be here fooling around with this thing in 1988, 4 years later. They would have succeeded practically by unanimous vote years ago. And so why have they not succeeded? It is either because this bill is not what it is claimed to be or there are Senators in the body whose enlightenment is somewhat behind the times, shall I

If this bill were a simple restoration, this Senator would support it.

But from my understanding of the bill as a member of the Judiciary Com-mittee in this body, it is far more than that. It represents as many comments tors have stated, including the Wall Street Journal, not a newspaper given to racist opinion, the most massive Federal power grab, the most massive grab for power in Washington in years. If it becomes law, it will result in breatfers. years. It is occomes taw, it will result in heretofore unexperienced and unanticipated invasion of our lives and of the lives of our citizens, their churches, synagogues, schools, and institutions of every kind—hospitals, you name it, commercial institutions right down to the little corner grocery stores, little mom and pop operations however financially shaky or margin-ally profitable. It will expose citizens numbering probably in the millions at least potentially to lawsuits, to numbering probabily in the millions at least potentially to lawsuits, to charges of discrimination under Federal statute, expose them to lawsuits, expose them to lawsuits, expose them to the necessity of familiiarizing themselves with complicated and extensive Federal regulations, expose them to surprise inspections, expose them to the cost of unreasonable modifications of their property.

So this is more than just a restoration of the status quo. It is in fact, and

will be if enacted, a massive increase in Federal power and a massive increase in Federal intrusiveness in the lives of our citizens and in society in general

We are all for civil rights. There is not a man or a woman in this body who knowingly would deny his fellow citizen his constitutional and his ethi-cal rights. What we are talking about are reasonable standards. There has to be a reasonable standard in the application of the law. This law in highly unreasonable application of standards. And that is the problem.

The proponents deny it. They say

that all of these concerns we have are groundless. Yet those concerns are very widely shared, and not only by Members of this body but many Americans across this land, well-educat Americans, people who understand the bill and what it will lead to. But unfortunately, at least in the view of this Senator, the fear of being suspected of being insensitive to the rights of others, indeed the fear of being branded a racist, added a great deal of mo-mentum to this bill while it was con-

So the President at the last stop, if you will, along this railway has found himself in the position of stopping the buck. And he has, and more power to

enators obviously should not vote on the basis of labels or fears of what might be thought of them by those who do not understand the bill, but on the substance and likewise should be voting on the substance with respect to this veto override.

There are many serious problems raised by this bill which were in no way resolved or addressed in the legislative history or through the amend-ments which were adopted during its consideration. Among those problems, the serious problems, are these. It will expand burdensome Federal regulaexpand burdensome tion in compliance in the private so tors of society, the economy, even reli-gion to an unprecedented and unwarranted degree. It will interject the heavy hand of Federal regulation to the routine, the every day programs functions of churches, gogues, and nonpublic educational systems. It will impose unprecedented regulatory burdens on small businesses such as the corner grocery store mentioned a moment ago, on drug stores, for example, merely because those businesses accept Federal food stamps or Medicare vouchers in payment for groceries or prescriptions.

(Mr. LAUTENBERG assumed the

If I were a merchant, I suppose I would find it a lot more convenient to deal in cash than to deal in food stamps. But merchants accept food

stamps as a courtesy to their customers, those customers who are obviously not as well off perhaps as most Americans, who do not have as many op-tions. So many merchants accept food stamps. And yet under this legislation and regulations, accepting food stamps constitutes a benefit and therefore every Federal law that deals with discrimination then attaches to that so-called beneficiary of Federal assist-ance, the owner of the business.

Another serious problem is this: Although a limited amendment was though a limited amendment was adopted to address certain aspects of the problem applying the Rehabilita-tion Act to contagious diseases like AIDS and tuberculosis, that amendment did not begin to resolve many of the broader and more complicated issues of liability which many institutions and employers will now face as a direct result of this bill.

The combination of two things, the extraordinary scope of the Rehabilitation Act coverage generated by this bill coupled with the increasing com-plexity of the AIDS problem, poses the prospect of an enormous legal disaster for those exposed to the unlimited liabilities created by S. 557. These concerns have been raised and many others besides by a wide variety of reli gious, educational and business organizations, the latest of which is the tional Chamber of Commerce, hardly an irresponsible organization of yahoos I think it is fair to say, which has begun a vigorous effort to defeat this, that is, to sustain the veto.

Such concerns have been raised by the Department of Justice and by the Secretary of the Department of Education, and they have been raised by legal scholars and other authorities who expressed fundamental concerns regarding the wisdom and constitutionality of S. 557 in its present form.
So it is obvious. There is a marked

difference of opinion between the proponents and the opponents of this bill.

And I hope that the opponents will
not be dismissed as lacking the merits of their arguments by any loud-volumed speeches on this floor or elsewhere in our society.

I have been in this body 10 years and

many Senators have been here longer than this Senator. But I have noticed that often, not always, there is a direct relationship, correlation, between the windiness and the volume of speeches and the soundness of the case that is being argued.

me dwell further on this socalled theme of restoration.

The proponents say that the bill merely restores coverage of the four affected civil rights statutes to what it was before the Supreme Court's 1983 decision in the Grove City case. They claim that the law was settled and consistent before that decision, in holding that institutions receiving Federal as-sistance in any form were regulated in all their operations, not merely the programs and activities receiving the assistance.

This premise is the key to their claim that there is no grounds for con-cern as to extended and more inclusive coverage arising out of this bill. Unfortunately, this premise is false. It is not true. This bill not only expands the originally stated limits in the Civil Rights Act bills themselves, but also, it goes beyond the many Federal court decisions issued before the Grove City decision, which held that regulatory coverage of entities receiving Federal sistance was program specific.

Mr. President, I have a great deal more to say about this matter, but I was yielded the floor by the Senator from Utah. I did not wish to have the floor outright, and I was agreeable to the unanimous-consent request.

I think the Senator from Utah now desires the floor, and I am more than happy to yield it to him at this point, on condition that any further remarks on my part would not count as a second speech. I ask unanimous consent to that effect.
The PRESIDING OFFICER. Is

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

Mr. KENNEDY. Mr. President, I know that we are going to have a unanimous consent request in a brief time, and I know it is the desire of the majority leader to move on to other matters. But at this point in the record I want to address some of the points that have been made, principally the ones that were raised in the esident's veto message on this legislation and that were included in a letter distributed by the moral majority. I will not take much time of the Senate, and I will include a more com-plete response as part of the record. But I do want to take this time to respond to some of these issues.

The administration's proposal would expand the religious tenet exemption title IX to include institutions 'closely identified with the tenets of' a religious organization as well as those "controlled by" a religious orga-nization, and that amendment to the bill was rejected by the Senate, 39 to

56.
This provision is unwarranted and rnis provision is unwarranted and would seriously undermine the title IX protection in thousands of private schools throughout the country. This change in title IX is not needed, be-cause more than 150 religious institutions have received exemptions since title IX was enacted, and no request for an exemption has been denied. I think that is important. The fact is

that when there was a request for a religious tenet exemption, not one has been denied, and there is not one pending today. It is basically a phony issue. We debated the need to expand issue, we under the first of the religious tenet exemption on the floor of the U.S. Senate, and the Senate spoke on that, and the Senate rejected an expanded exemption.

I think it is important, when we listen to the various arguments made in support of some of the proposals

put forth by the President that we remember that what we are talking about here is American taxpayers' funds going to institutions that want to discriminate. There is nothing that requires them to take the taxpayers funds. If they do not want the taxpayers' funds, there is nothing in this legislation that is going to reach them For all those who are so troubled and bothered about the red tape and the long arm of the Federal Governmentif they do not want the money, they do not have to take it; and there is nothing in this legislation that is going to affect them.

e are talking about discrimination against women, against minorities, against women, against minor the against the elderly, and against the disabled. All we are saying with this legislation is that if you are going to take American taxpayers' money, do not be selective on the basis of race or age or sex or disability. That is all. That is what this legislation is and has been about, right from the beginning.

Title IX includes an exemption from that basic policy. If you get Federal aid and are controlled by a religious organization and if for some reason the tenets of your particular religion are in conflict with the requirements of title IX, you can get an exemption from those requirements of title IX. That is, the religious tenet exemp-tion—and it has worked. There has not when you had the long arm of the Federal Government interfering in terms of religion. None. So it is important that we address that issue.

Expanding the religious tenet exemption would create a giant loophole in title IX by opening the door to sex in title IX by opening the door to sex discrimination by hundreds of schools. It is important to reiterate that the National Association of Independent Colleges and Universities, with over 800 members, supports S. 557.

Second, the administration proposal would limit corporate coverage to the

would limit corporate coverage to the single plant that receives Federal aid, even if the corporation provides quasigovernmental services like housing and health care. This amendment was like housing rejected in committee, 5 to 11. Pre-Grove City practice was corporation-wide coverage for all corporations. We limited corporatewide coverage to those areas of public service where it is most important.

Coverage is only corporatewide when there is a principle business of the cor poration involves in some public service, not for example, a public service, not for example, a poration involves in some form of major manufacturing corporation in which one plant is doing job training. If its primary purpose is to manufacture cars and it receives Federal aid to

ture cars and it receives Federal aid to provide training at the Framingham plant, the whole corporation is not covered. The language of the bill and the legislative history is very clear. However, if the entity is principally engaged in education, health care, housing, social services, parks, or recreation, all of the activities in each of its olaris must comply with these of its plants must comply with these

laws. If that is their primary purpose, then all of the corporation is covered But if the Federal aid goes to a particular plant of a corporation that is primarily producing cars, it is only that plant that is covered.

Mr. President, the administration proposal would limit coverage of religious institutions to the specific program receiving Federal funds. In other words, it would leave the Grove City decision in place for a religious institution. The Senate rejected that amend-

ment by a vote of 36 to 56.

What do we do under this legislation? If Federal aid goes to a particular program operated by St. Brigid's parish in South Boston, it is only St.

Brigid's that is covered.

If St. Brigid's gets Federal aid for a refugee assistance program. St. Brigid's cannot discriminate in its mealson-wheels program, either. I do not think that is so dramatic, Mr. President. They cannot discriminate in that particular church or in that particular synagogue. But if the Federal aid is only directed to that particular parish church, coverage does not extend to the whole diocese. And it misrepresents both the legislative history and the language of the bill to suggest that to be so.

We debated that issue, Mr. President, and the Senate rejected an amendment to limit coverage only to the particular federally funded program by 36 to 56.

These civil rights laws never have contained a different scope of cover-age for religious and nonreligious recipients of federal aid. There have been no problems in the two decades since these laws were passed. Most reus organizations, including the Catholic Conference, are not ligious organizations, seeking this change.

They are not asking for the change. The leading Catholic, Protestant, and Jewish groups are not asking for change. They are not sufficiently concerned about the intrusiveness of the Federal Government to support a change in coverage from our bill. On the contrary, they support our propos-

Mr. President, I ask unanimous consent to have printed in the RECORD a list of various religious groups, Catholic, Protestant, and Jewish, and a letter from the U.S. Catholic Conference that support S. 557.

I also ask unanimous consent that a letter from the National Association of Independent Colleges and the National Association of Counties be printed in the RECORD. The National Associa-tion of Counties is concerned about what is going to happen out in those small rural counties that we have heard some talk about. The National Association of Counties support overriding the veto.

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

REPRESENTATIVE SAMPLING OF RELIGIOUS OR-GANIZATIONS SUPPORTING THE CIVIL RIGHTS RESTORATION ACT

U.S. Catholic Conference of Bishops. National Council of Churches. American Jewish Congress American Baptist Churches. Evangelical Lutheran Church of America. Union of American Hebrew

Anti-Defamation League of B'nai B'rith. American Jewish Committee. Church of the Brethren Presbyterian Church USA. Church Women United. Network-National Catholic Justice Lobby. United Methodist Church. Episcopal Church

U.S. CATHOLIC CONFEREN

Washington, DC, March 14, 1988,
Dear Senator: I write on behalf of the nation's Roman Catholic bishops to urge you to vote to override the veto of the Civil Rights Restoration Act. We strongly support this legislation which recently passed the House and Senate by overwhelming margins. We believe that it does much to strengthen federal civil rights protections while safeguarding vital concerns about human life and religious liberty. This important legislation will strengthen

the federal commitment to combat discrimination based on race, gender, age, national origin and handicapping condition origin and handicapping condition. We be-lieve government has a fundamental duty to protect the life, dignity and rights of the human person. This is why we supported the goals of the Civil Rights Restoration Act, successfully urged its modification in several important respects, strongly urged final passage in this amended form in both the House and Senate and urged the Presi-

dent to sign it. As you know, the United States Catholic As you know, the United States Catalogue Conference expressed some serious reserva-tions about the original bill. In the bill vetoed by the President, Congress made sev-eral essential improvements, inleuding the "abortion neutral" amendment. This amendment, which we strongly supported,

amendment, which we strongly supported, ensures that no institution will be required to provide abortion services or benefits as a condition of receiving federal funds. If this bill does not become law, we fear these important guarantees will be lost and the existing regulations under Title IX could once again threaten to fees institutions. again threaten to force institutional cooperation with abortion. We also believe the legislation as interpreted by the committee report and floor debate adequately accommodates our legitimate concerns in the area of religious liberty.

of religious liberty.

No piece of legislation is perfect and people of good-will can disagree over these matters. However, we believe the Civil Rights Restoration Act with the important improvements made by the Congress is a significant victory for civil rights and an important step forward in insuring that our nation's civil rights laws do not require any institution to violate fundamental convictions on human life. tions on human life.

We are pleased by the overwhelming bi-partisan support of this vital legislation. We hope you will join in this broad based effort to help our nation live up to its pledge of "liberty and justice for all" and vote to override the veto of the Civil Rights Restoration

Sincerely yours,
Rev. Msgr. Daniel F. Hoye,
General Secretary.

NATIONAL ASSOCIATION OF INDEPENDENT COLLEGES AND
UNIVERSITIES,
Washington, DC, March 10, 1988.

Hon. Ronald Reagan, President, The While House, Washington, DC.

DEAR M. PRESIDENT: I write as president of the largest association of independent colleges and universities in the country to colleges and universities in the country to strongly uree you to sign S. 557, the Civil Rights Restoration Act of 1988. The provi-sions of this legislation are very important to the continuance of equal opportunity at the nation's independent colleges and uni-versities, including those institutions that are church-related.

The National Association of Independent Colleges and Universities represents more then 800 independent colleges and universi-ties, from the small church-related college ties, from the small church-related college to the large research university. For the last four years of deliberations on this civil rights legislation, we have sought to protect the rights of our church-related institutions; unfortunately, a religious tenet amendment was not included in the legislation passed by the Congress.

The amendment

The amendment we sought was defeated on the Senate floor. Despite our belief that the religious tenet amendment might have the religious tenet amendment might have been successful in the House, there was never a separate vote on this issue, Instead, House members voted on the Republican substitute, offered by Rep. Sensenbrenner. The substitute combined the religious tenet amendment with a corporate coverage amendment, an amendment package we were unable to expend

were unable to support.

Being uanble to have a separate vote on religious tenets, we then moved to support a collogue on the House floor between sman Tauke and Congressman Ha also agreed to by Congressman Jeffords. The colloquy clarifies that it is the legislative intent of current law to give deferential treatment to requests for religious exemp-tion under Title IX.

As the lead organization seeking passage a religious tenet amendment to the legislation, we hope that the religious liberty concerns we articulated can be addressed by the Congress at a future time. As you are aware, S. 557, as passed, received over-whelming Congressional support; pursuit of the religious tenet amendment as a part of this civil rights legislation would be counter-

Once again, although we would have pre ferred passage of a religious tenet am ment, we want to reiterate our unqualified support for this legislation. We strongly urge you to sign the Civil Rights Restoration Act of 1988. Sincerely,

RICHARD F. ROSSER, President.

NATIONAL ASSOCIATION OF COUNTIES

Washington, DC, March 17, 1988.
Dzar Serator: We commend you in your efforts to pass the Civil Rights Restoration Act (H.R. 1214/S. 557), more commonly known as the "Grove City" bill. It is our view that this legislation is needed to restore institution wide coverage and force of the civil rights laws. The Supreme Court's 1984 decision in Grove City v. Bell restricted

the application of these laws.

The pending legislation would restore institution wide protection against discriminatition without expanding federal compliance guidelines for local governments that re-ceive federal assistance. We urge you to move quickly to override the President's

veto and finally approve this badly needed legislation. Sincerely.

> JOHN THOMAS. Executive Director.

Mr. KENNEDY, Now, the next issue, The administration proposal would allow schools that are part of a private anow schools that are part of a private school system to discriminate while taking Federal money by eliminating the act's requirement that if any school in a private school system receives Federal aid, the entire school system is covered. This amendment was rejected by the Senate 16 to 70. If any school in any system receives Federal aid, the system must not be permitted to use creative bookkeeping to discriminate in other schools in the system.

The administration proposal would insert into all four statutes an exemption for farmers and ranchers from the nondiscrimination requirements of all four statutes unless Congress specifically requires that farmers and ranchers be covered.

Farmers already are exempt from obligation in crop or price support programs because they are ultimate bene-This is made clear both by the legislative history of title VI and by the regulations. So in this respect, the administration proposal is unnecessary.

There have not been examples prior to the Grove City decision where farmers were subject to these laws because they received crop subsidies. "Ain't" there. You cannot make that record, Mr. President.

In other respects, however, the amendment would be very harmful because it would authorize discrimination by farmers regardless of the type of Federal assistance they receive. So, a farmer who receives Federal assistance to open up his lands for public recreation purposes would be allowed to exclude blacks from his property. A farmer who received a Federal re-search grant would be allowed to discriminate againt handicapped people in employing people for research projects. Such discrimination is not permitted now and there is no reason why it should be. Absolutely none.

Finally, if farmers are to be specified as exempt in the statute, what impli-cation does this have for other groups? Students, Social Security recipients, and others are also not covered because they are ultimate beneficiaries. Should they all be listed in the statute? What if someone is left out inadvertently?

There is no evidence that the law there is no evidence that the law has been misapplied or that this bill, which does not deal with the issue of who is a "recipient" would create any problem for farmers. The administration proposal would not relied that the tion proposal would not solve a problem. It would create one.

The administration proposal would not reverse Grove City for State and local agencies. That means that if a city fire department gets Federal money for a community relations pro-

gram, that program is covered. The fire department is free to discriminate elsewhere.

If you accept the President's propos al, you say that if the fire department gets money in the community rela-tions program, it does not make any difference that it discriminates in some other aspect of the fire depart-ment. As long as there is no discrimination in that community relations program, it does not make any differ-

cince if there is discrimination any-place else in the department.

Listen to what the circumstances
were that we were faced with in our committee.

We had witnesses that testified before the Senate Labor Committee explaining how important depart-mentwide coverage is for the protection of civil rights. For example, Richard Foss, a Chicago firefighter for 18 years when he was put on medical leave after a fainting spell. He was not permitted to return to work, despite certification from his doctors that he was ready to return to work.

Mr. Poss brought a section 504 action and was thrown out of court. The judge found that the Chicago Fire Department received Federal money. But, citing the Grove City decision, the court found that because the Federal aid did not go to a program in which Mr. Foss participated, he could not maintain a claim against the fire department. Under S. 557, Mr. Foss would get his day in court. Under the administration proposal, the courthouse door would remain closed to Mr. Foss and other disabled people that may be discriminated againt by that particular agency.

The administration calls its proposal a reversal of the Grove City decision. It is not. For all State and local government avencies and for all religious organizations, the proposal leaves the extremely narrow coverage mandated by the Grove City decision in place. For corporations and private schools systems as well, it would greatly narrow coverage from what existed prior to the Grove City decision.

This so-called alternative would create new loopholes in our antidiscrimination laws. Most of its provi-sions have been rejected already by Congress. The Senate has passed a carefully crafted bill to overturn the Grove City decision. It is time to override the veto and at long last restore the much-needed protection from fed-erally subsidized discrimination to women, minorities, the elderly and the disabled.

Finally, Mr. President, there have been references here to the moral majority letters that have been sent to Senators all around this country. They have five different statements

The first one deals with the expansion of the religious tenet exemption. I have just addressed that and the rea-sons for it. The Senate is familiar with

that. I think the response of the Senate is correct.

Second is the intent of Congress with regard to the coverage of religious school systems. I mentioned just precisely how narrow that is under our law. I think that is why we have been able, quite frankly, to gain the support of basic religious groups. They under-stand it. They do not feel it is going to be intrusive. They are not asking for the kind of change or alterations that are suggested by the Moral Majority

Third is the intent of Congress with regard to inclusion of homosexuality as a protected classification under as a protected classification under present law. That is absolutely, fla grantly untrue.

They continue, the intent of Congress with regard to the alcohol and drug addicts who would obtain sweeping protections under this law.

Mr. President, our bill does not

change existing law with respect to alcohol and drug addicts.

The points which have been raised in the President's veto message are basically issues that we have debated and Senate has responded to by overwhelming votes. I really do not see a new reason in the whole veto message. not one reason which had not actually been debated and examined both in committee and on the floor and which have been responded to overwhelming-

y against the President's position.
So I hope, Mr. President, that we could get a time set for this vote. I would be glad to debate these issues. We have debated them here on the floor and in the committee and elsewhere. But there comes a time when we have to take action. And every moment and every day that we fail to take action, discrimination continues.

That overwhelming tests to form.

That overwhelming vote in favor of passage of this bill by the Senate says passage of this bill by the Senate says that we want action and we want it now. The issue is discrimination. The issue is Federal taxpayers' funds. If you are not going to discriminate, there is no reason in the world why you have to be concerned. That is the basic issue. After all is said and done, that is the battern line. that is the bottom line.

am hopeful that we could at least establish a time so that we can have a final judgment on this issue.

Mr. HATCH. Mr. President, as usual, the distinguished Senator from Massachusetts is very cloquent and makes his points in a very forceful fashion. It is too bad he is wrong on a number of

The fact of the matter is that the issue of civil rights is not an issue. I disagree with him. He thinks it is. It is

The issue of Federal money is not an issue, except insofar as it trammels on the rights of others.

since I know my colleagues want to move on, I will only respond to two points, No. I, the statement by the distinguished Senator from Massachusetts that no request for a religious tent exercise expension has even been exemption has even been to be sent tenet exemption has ever been denied. Now, that is a very, very inaccurate

statement. Let us make the record clear here. If one wanted to accurately describe what has happened with the current exemption during the period involved

Mr. KENNEDY. Will the Senator

Mr. KENNEDT. Will the Schator yield on that point?
Mr. HATCH. Let me just make my point and I will be happy to yield. There were 220 requests during the

There were 220 requests during the period involved. Five exemptions were granted out of 220. And 215 what we might call failures to act by the bureaucracy. They did not formally send a letter back and say, "We deny your exemption." They just failed to act.

That constitutes a denial of those exemptions, 215 out of 220; so it is sophistry to stand here on the floor and say that there has never been an exemption denied. I do not see how the distinguished Senator could do that. Technically, I guess, you can say it is true, one can say that the Department did not deny any requests, but ment did not deny any requests, but such a description, certainly, leaves a false impression when you look at reality

In fact, more than 95 percent of the religious requests for religious rengious requests for religious tenet exemptions were simply ignored. I call that denied. And so would anybody

else looking at it.

Obviously for the schools involved, there is no real difference between a denial and a failure to act. The result is the same. The schools were forced to bend their religious beliefs to accommodate the regulatory demands of the Department of Education. That is what it comes down to. That is a

Since 1985 when this issue became a subject of congressional debate and public attention, about 145 of the re-quested exemptions have been granted. Current law provides no guarantee. however, that a different administra-tion will not revert to the practice of the past or revoke the exemptions already granted. It is that cavalier, and I think it ought to be made clear in this bill. If we do not make it clear, we are going to have repeats of the past; there is no question about it. We now have a different administration so they are granting religious tenet ex-emptions. But they were surely denied in prior administrations and in the early part of this administration.

Moreover, since there is a private right of action under title IX, there is right of action under title IX, there is also the very real possibility that practices will be found to deny these schools these exemptions once this bill is finally passed into law. That is why the President makes a reasonable request here to take care of this problem. It is not a question of civil rights; it is the right of a religious institution; it is not a question in the right; it is the right of a religious institution to follow the tenets of its beliefs. That is pretty important. You cannot just cavalierly throw it away saying: Well, they should not take Federal money and violate people's civil rights. It is not a matter of violation of civil rights. It is a matter of practicing religious beliefs that have been accepted from time immemorial as valid beliefs

Now, with regard to coverage of religious organizations, let me just make a couple of points. The distinguished Schafor from Massachusetts in his characteristic forceful way has made some points that I think are totally wrong. Let us just take his organiza-tion, the one that backs him on this bill, the Leadership Conference on Civil Rights, with regard to coverage of religious organizations. This is their statement, the statement of those who support the distinguished Senator from Massachusetts.

Oustion. A religious organization, a church or diocese or synagogue receives Federal financial assistance to aid refugees. Under the Civil Rights Restoration Act will that assistance result in coverage of the religious organization in its entirety, so that it would be under an obligation not to discriminate in any of its operations?

Answer. No. Complete coverage of the corporation, partnership or other private organization in a public private organization.

poration, partnership or other private orga-nization occurs in only two circumstances. The first is where assistance is extended to the private organization "as a whole." "As a whole" refers to situations where the corpo-ration received general assistance that is not designated for a particular purpose. A grant to a religious organization to enable it to to a rengious organization to enhance it to extend assistance to refugees would not be assistance to the religious organization as a whole if that is only one among a number of activities of the organization.

This explanation is totally misleading and a deliberate attempt to fool Senators. This explanation only dis-cusses coverage of a church or synacusses coverage of a church or syna-gogue under paragraphs 3(a)(1) and 3(a)(2). It totally ignores the impact on churches and synagogues under subparagraph (3)(B). A church or a synagogue is a private organization, which exists in its own "geographically separate facility." That is the language of the bill. So, again: sophistry. Again, they choose to only quote that section of the bill that seemingly makes the case while ignoring the section that ruins their case

A church or synagogue is a private organization which exists in its own geographically separate facility, therefore, even if an entire church or synagogue is not covered under paragraphs 3(a)(1) or 3(a)(2), the church or synagogue is clearly covered in all of its operations whenever any part of the church or synagogue receives Federal church or synagogue receives Federal aid. Paragraph (3)(B) cannot be plainer. That is the language they have written into this bill. It is the way they oppress churches and synagogues. It totally is different from what this very misleading report says, by the Leadership Conference on Civil Rights. So it is a smoke screen to argue that different paragraphs of S. 557 do not cover the entire church or 557 do not cover the entire church or synagogue receiving Federal aid for one activity. It is a flagrant misrepresentation by omission.

In fact, according to the Senate's committee report a geographically separate factility actually includes all facilities. All of them. In the same locali-

ty or even regional. You can look it up on page 18 of the report. So I do not know how anybody can come in and make the arguments that have been made here today. Just take their own language, take the language of the language, take the language of the bill. You cannot ignore it. You cannot ignore the language of the report. You talk about a fraud—that is what this bill is with regard to churches and synagogues.

They should have some rights. After all, the first amendment of the Constitution protects the rights of churches and synagogues, the rights of religious freedom are civil rights, too, in my opinion. Why trample on them in the zeal to get a victory here when the President has a resonable request? Why can we not march arm in arm against civil rights violations? Why can we not stand up and say: The President is right when he is. He is right on this issue. I can see arguing on some of the others. I do not see any argument that is valid on the churches and synagogues. Why are we tramtution protects the rights of churches and synagogues. Why are we tram-pling on their rights? Why do we have (3KB) in there when it does not mean what it says? Why can we not follow the President's leadership and agree that there is a way of resolving this dilemma and having everybody happy

civil rights issue?

I would love to support this bill if we could solve these problems. It is not a question of being against civil rights.

There is nobody in this body more committed to civil rights than I am. But there are important other rights as well that fall within the civil rights umbrella and religious rights and freedens comment being and the doms cannot be ignored in our zeal to do something called civil rights.

and all of us march arm in arm on this

The bill refutes what the distinguished Senator from Massachusetts is saying. The record on the bureaucratic denial of requests on religious tenets refutes what the distinguished Senator from Massachusetts has been saying. The record, the facts— Mr. KENNEDY. Will the Senator yield?

Mr. HATCH, I will yield, I will be

happy to.
Mr. KENNEDY. Mr. President, I would quote the testimony of the Reagan administration's spokesperson for the Office of Civil Rights. And there it is, as clear as can be, rather then reading the whole paragraph, in the report

Mr. HATCH. Where are you reading

Mr. KENNEDY. This is on page 22, OCR; that is, Office of Civil Rights,

• • • has never denied a request for religious exemption. No requests for religious exemptions are pending at this time.

That is what I said before. And that is what the administration's own testimony is.

Further, Mr. President, when we are talking about coverage of the entire plant that the Senator from Utah is talking about, you are talking about St. Brigid's Church. That is the entire plant. When he says you are talking about the whole church—I mean. I can see Members thinking, "Well, it is the whole archidocese," of Boston. The entire plant is the local church. They cannot discriminate Webnerg Pedra cannot discriminate. If they get Federal money to feed senior citizens, they cannot discriminate against the disabled downstairs in a training program. It is as simple as that.

The Senator is talking about my distortions and misrepresentations. Just read what exactly the administration has said on religious tenets. The way I have described the coverage in terms nave described the coverage in terms of the churches is the way the bill applies and that is why the basic religious organizations support it.

If you have the kind of interpretation that the Senator from Utah had.

would you think all of the basic and fundamental religions would support it? Of course they would not. Of course they would not. But they are supporting it because it is the way I have described it.

I would be glad to continue the

Mr. HATCH. I will finish with just a few comments.

It is not the way the distinguished Senator describes it. It is the way the President describes it. I might also say that when the Office of Civil Rights said no religious tenet request has been denied, that is technically true, except that justice delayed is justice denied. When 220 religious tenet exception requests are made and 215 of them are not acted upon, they are denied. Anybody who looks at it fairly has to admit that. Do not quote that to me

Mr. KENNEDY. Let me ask just a question on that point Mr. HATCH. Sure.

Mr. KENNEDY. Can the Senator from Utah mention a single instance where there has been any grant to a particular church organization where the Federal Government has inter-

Mr. HATCH. I have 215 of them that were denied, 215 requests.

Mr. KENNEDY, I think the answer satisfies

Mr. HATCH. I think 215 requests delayed or denied

Mr. KENNEDY. Do you know any enforcement action by the Federal Government that has been taken to require changes in the policies of institutions controlled by religious organizations? That is the question.
Mr. HATCH, I think many of them,

if this law is passed.

Mr. KENNEDY. The answer is none.
Mr. HATCH. We do have instances
where churches have been forced to where churres have over loved to change their policy—I will be glad to go into it—forced to change their policy in violations of their religious tenets by none other than the al-mighty Federal Government which this Senator just alluded to, not me

but the Senator from Massachusetts.

I made the point from 1972 until
1985, 227 applications for religious

tenet exemptions were filed with the Office of Civil Rights of the U.S. Department of Education. Only six were acted upon prior to 1985. During fiscal year 1986, 283 applications were re-ceived and only 3 acted upon. Of considerable importance, however, is that since 1985 the Office of Civil Rights has acted on all pending applications under this administration. But will all administrations be as fair as this administrations be as fair as this administration and recognize the rights churches? The answer to that is 'No"

Since 1985, in that period 150 applications were granted, 44 withdrawn and 34 went out of existence or did not respond to repeated requests for addi-tional information. There is nothing in this law preventing any administration from moving to rescind the exemp-tions now held by the 150 colleges and schools in America

an administration believed that the standard used to grant the exemp-tions did not meet the statutory test that a school was "controlled by a religious organization" it could act to rescind exemptions that had been in place in most instances for 3 years.

That is what this bill does. That is what it allows. The President has a reasonable request to resolve that dilemma once and for all so there will be no more fighting about it, so that future administrations are not tram-meling on churches, either by denial or actually refusing to act on religious exemption requests.

It is not enough to say here that there have not been formal denials. Like I say, justice delayed is justice denied. That is what is happening to religious churches and synagogues. I predict if this bill passes in its present form it is going to happen time after time.

There are some mainstream church es that support this bill. They never read it. They could not have read it and support it. But there are a lot of mainstream churches that do not and they are starting to rise, and more and more every day. There is no question about it. They have to be alarmed and concerned about this type of Federal intrusion and control over their lives and over their doctrines and over their beliefs

You cannot read this bill without coming to that conclusion.

We have spent enough time debating today. I think we are ready to move

Mr. THURMOND, Mr. President, I urge my colleagues to vote to sustain the veto by the President.

The Issue surrounding Grove Cityrelated legislation has been improperly focused from the beginning. Federal iy locused from the beginning. Freeral financial assistance should not be allowed to fund discriminatory activities. No one could rationally argue otherwise. However, the sponsors of S. 557 have chosen to distort this debate by posing the question in simplicit by posing the question in simplistic terms under which one is either for

their bill or for federally subsidized discrimination.

Many have argued during this and

Many have argued during this and earlier debate that they want to restore civil rights coverage to what it was before the Grove City decision. There is considerable ambiguity regarding the scope of coverage prior to the Supreme Court ruling. However, substantial evidence shows that coverage prior to Grove City was program specific, not institution-wide. However, this bill goes well beyond not only program specific coverage, but institution-wide coverage as well. It does not restore the reach of the four civil rights laws to their pre-Grove status, but vastly expands Federal authority. The broad extention of these four laws goes well beyond what is justifiable.

Briefly, I would like to discuss a number of significant instances where the breadth of coverage is simply too broad because one small part of a particular entity receives Federal funds.

I believe strongly that there must be an exception to the institution-wide scheme of coverage-that is when the institution is a church or religious or-ganization. Many churches participate in federally assisted programs which erve communities across the country. All the federally assisted programs op erated by a church should be covered under the statutes addressed by S. 557. However, extension of Federal regulations throughout the whole church as a result of such assistance treads all er first amendment rights. I do not believe that the Federal Government should be interjected into the operation of our churches.

Additionally, this legislation will provide for coverage of entire religious school systems when only one school, or part of one school, in a system receives Federal financial assistance. Prior to Grove City, only the particular school that received assistance would have been covered. S. 557 would expand coverage to the entire religious school system instead of just the particular school that receives the Federal funds. This coverage threatens religious liberty by placing the religious goals of those schools in a secondary position to the vast regulatory requirements of S. 557.

As the Constitution guarantees religious freedom, we must tread lightly when it comes to asserting Federal regulation of religion or its institutions.

Additional provisions of S. 557 are ambiguous and unnecessary. For example, certain sections mandate blanket coverge by the four statutes of any corporation, partnership, other private organization, or a sole proprietorship, which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation. I can think of no justification for the blanket coverage. Stated simply, there is no reason to treat these so-called special purpose businesses any different from other

businesses. Coverage for all corporations should be uniform.

In closing, these are major concerns which make the proposed Civil Rights Restoration Act of 1987 unacceptable. The question of whether or not Federal funds should be allowed to subsidize discrimination is not the issue. Clearly, Pederal funds should not be used to subsidize discrimination. The major issue is the need to carefully balance and protect constitutionally guaranteed freedoms and rights against the reach of the Federal Government. A fundamental right—the freedom of religion—is a guaranteed constitutional right. The Federal Government must not get into the regulation of religion. This bill simply goes too far. It represents a significant increase in Pederal jurisdiction over churches and synagogues, private and religious schools, and the private sector.

For these reasons, I will vote to sustain the veto of S. 557 and urge my colleagues to do likewise.

The President has sent down another bill. That proposal will resolve the concerns raised by the Grove City decision. It takes care of the issues proponents of this bill have raised.

The President's bill, in essence, would accomplish what S. 557 would

The President's bill, in essence, would accomplish what S. 557 would accomplish. However, it would omit those provisions that allow unwarranted regulation of religion and the private sector, areas where the Federal Government should not be entering. These Issues are important.

Sometimes you can put the words "civil rights" on a bill, and Members think they are voting on civil rights, but that is not necessarily true. Because "civil rights" is on this bill, it will not necessarily mean that it is only about civil rights and should be adopted without appropriate scrutiny.

The view the President has taken in this case is a reasonable view. He is not in favor of discrimination. I do not favor discrimination. No rational thinking person favors discrimination. But when a bill goes too far and injects the Federal Government into the regulation of religion and private business, then it goes too far. I hope Senators will understand that when they vote on this veto by the President

vote on this veto by the President.

Finally, the President has taken the proper view here. It is a reasonable view. His bill will accomplish what the proponents of this legislation want to accomplish, but it is not as broad as the current legislation—which is too broad.

Mr. President, I hope that the President's veto will be sustained.

Mr. HATCH. Mr. President, I thank the distinguished Senator from South Carolina for his remarks. They are very cogent and very important in this debate.

Mr. BOSCHWITZ. Mr. President, I rise today in support of the vote to override the President's veto of the Civil Rights Restoration Act.

This Senator has voted in the past to sustain Presidential vetoes. But on

this bill, however, I find myself on opposite sides from the President. In the past week, I have called upon him, forcefully and publicly, to not veto this legislation. Because he has chosen to veto this bill. I call on my colleagues today to override his veto.

The unfortunate fact is that minorities, women, the clderly, and the disabled still face discrimination. Despite the great strides this country has made in civil rights discrimination still exists. Clearly, we cannot legislate what is in people's minds and hearts, but we can require basic fairness from those who receive Federal funding. We can ensure that Federal funds are not used to subsidize discrimination.

Since the Supreme Court decision in 1984. I have consistently supported legislation to reestablish the proper scope of Federal civil rights laws. The principle of the four civil rights statutes covered in this bill is simple: If an institution receives Federal assistance, it cannot discriminate. As a member of the other body put it, "Those who dip their hand in the public till should not object if a little democracy sticks to their fingers."

This bill is the result of four years of deliberation following the Supreme Court's decision in Grove City College versus Bell. Through these years, a number of different versions have been proposed and considered. The version adopted by the Senate this year and sent to the President is a balanced, bipartisan approach. It reestablishes the proper scope of the civil rights laws without changing the underlying definitions regarding discrimination.

Mation.

Unfortunately, there are a lot of misconceptions about this bill. Some of these matters have already been cited on the floor today. I have received hundreds indeed thousands of phone calls expressing those concerns. Let me respond to questions regarding the bill's scope by emphasizing that this bill applies to institutions that receive Federal assistance. The legislative history has made unequivocally clear that farmers, for instance, who receive crop subsidies are ultimate beneficiaries of Federal assistance and are not covered. The same is true of those who receive social security benefits, medicare and medicaid benefits, and individual recipients of food stamps.

We are not in any way altering the definition of discrimination. Simply put, if someone hasn't been discriminating up to this point, they will face no problems. The standard for discrimination remains absolutely the same.

As I have pointed out, this bill has had broad bipartisan support. I respectfully say to the President that on this bill I believe he has taken the wrong position for the party of Lincoln. Our party was born on the principles of equal rights and equal opportunity for all people and we led this

country through a terrible war to establish those rights as part of our national fibre and they are at the root of our party as well. As a Republican Senator, I have worked to see that those principles are extended to all of society, and I am proud to support this bill, which works to further that goal.

I call on my colleagues today to join me in voting to override the President's veto. We need to reestablish again and again this country's commitment to civil rights for all of society. for all minorities, for the aged, for women, for the handicapped. We need to make clear that the Federal Government will never participate in subsidizing discrimination. We need to complete our 4-year effort to reestablish the proper scope of the Federal

civil rights laws

Mr. HARKIN. On January 28, 1988, Mr. HARAIN. On January 28, 1988, the Senate overwhelmingly passed S. 557, the Civil Rights Restoration Act. On March 2, 1988, the House also passed S. 557 by an overwhelming vote. Last night the President vetoed this important piece of civil rights leg-islation. It is my expectation that this body will move quickly to overturn the veto and once again send a message to the President and the American people that those entities that accept Federal aid must ensure that minori-ties, women, persons with handicaps. and older Americans are not subjected to discrimination.

I am optimistic that we will override the veto because of two obvious factors. First, this bill is of critical impor tance to millions of Americans and codifies a basic tenet of our Nation— the right to equal opportunity. The second obvious factor is that nothing in the bill has changed since it passed the Senate and the House just a few

weeks ago.

The purpose of the bill is still to restore the institutionwide coverage that existed before the Grove City and Darrone cases. The bill still does not change in any way the determination of which entities are covered by the civil rights statutes. Currently, crop subsidies to farmers is not considered Federal aid and thus farmers are not subject to the civil rights statutes amended by this bill. After this bill becomes law these farmers still will not

The bill still does not change-other than in the case of abortion because of the Danforth amendment-what constitutes discrimination under the civil rights laws. Thus, for example, the rules governing program accessibility for persons with disabilities under sec-tion 504 of the Rehabilitation Act of 1973 are not changed one lota by this legislation.

Under normal circumstances would end my statement at this point. But unfortunately, the events of the last few days are not typical. My office and I am told virtually every office in the Senate and in the other body has been inundated with calls about this bill, many of which may have been

generated by the Moral Majority. I have reviewed a letter from the Moral Majority dated March 10, 1988. This letter is filled with falsehoods, innuendos, and gross distortions of the provisions of S. 557.

This august body debated S. 557 for hours and hours. The debate was often heated but always respectful and honest. The debate made me proud to be a U.S. Senator. I hope that the Senate will show the same class when it overhelmingly rejects the baseless distortions put forth by the Moral Ma-

jority.

An override of the President's veto of this bill will not only send the message that the Civil Rights Restoration Act is critical and must be enacted into but it will also send the mess that this body will not be swayed by falsehoods and innuendos.

The Moral Majority asserts that this bill will result in a massive number of lawsuits by "radical elements intent upon the destruction of traditional values." What radical elements are they referring to—deaf persons de-manding equal opportunity in this so-ciety? Disabled American veterans? Women who want equal opportunity for a job or to participate in career training? Blacks who want to choose which college to attend? What are they talking about?

I say to the Members of this body,

"No," the Moral Majority is factually incorrect when it says that homosexuals are included as a protected class fication. This bill provides no civil rights protections for homosexuals. Period; no ifs, ands or buts. This bill does not, I repeat does not, preclude an entity from discriminating against an individual solely on the basis of the fact that the individual is homosexual. Thus, if an entity's religious practices require it to take disciplinary action against any individual who is homosexual and it takes such action solely ecause of that person's homosexua ity, nothing in section 504, title IX of the Education Amendments of 1972 or the other civil rights statutes amended by S. 557 would offer protection to such an individual.

I defy any Member of this body to

refute this fact.

I say to the Members of this body that this bill does not, I repeat does not, give sweeping protection under the law to alcoholics and drug addicts. In fact, this bill does absolutely nothing with respect to drug addicts. Since 1973, section 504 of the Rehabilitation Act of 1973 has been interpreted to enable employers to refuse to hire or fire alcoholics and drug addicts from a particular job if it is determined that he or she poses a direct threat to the health or safety of others or cannot perform the essential functions of the ich and no reasonable accommodation can remove the safety threat or enable the person to perform the essential duties of the job.

In 1978 the Congress made this limitation explicit in the Rehabilitation Act to allay the fears of employers even though it was consistent with current law for drug addicts and alcoholics and for every other person with a disability covered by section 504.

I say to this body this bill does not I repeat does not require an employer to hire or retain in employment all persons with contagious diseases. An employer is free to refuse to hire or fire any employee who poses a direct threat to the health or safety of others who cannot perform the essential functions of the job if no reasonable accommodation can remove the threat to the safety of others or enable the person to perform the es-sential functions of the job. This de-termination must be made on an individualized basis and be based on facts and sound medical judgment.

This has been the law of the land since 1973. Recently, in the Arline decision the Supreme Court reaffirmed this policy. S. 557 includes the Harkin/Humphrey amendment which is consistent with the Arline decision. The language is modeled after the language used in 1978 to allay the fears of employers who were concerned about how section 504 was interpreted with respect to alcoholics and drug addicts. A complete explanation of this amendment is set out on page S 1738 of the CONGRESSIONAL RECORD, which I am in-

corporating by reference herein.

Let me make one related point at this time which is significant. The Harkin/Humphrey amendment was included in the Sensenbrenner substi-tute to S. 557 when it was considered on the House side. The Sensenbrenner substitute, including the Harkin/Humphrey amendment was endorsed by the Reagan administration through a letter from no other than Secretary of Education William Bennett to minority leader Michel.

I might also add that the President's bill which he also sent up as a substi-tute, if the Senate did not override, also includes this provision. So there is no dispute on this one way or the other, and I am hopeful, as the debate goes on on this yeto override, that that is made clear in both the President's bill and in this bill: the Harkin/Humphrey amendment reaffirms the decision of the Arline case.

I say to this body that some religious groups have had the courage to speak out about AIDS. In a recent publica-tion entitled, "The Many Faces of AIDS—the Gospel Response" The administrative board of the U.S. Catholic Conference stated: "Discrimination directed against persons with AIDS is unjust and immoral."

In closing, I urge my colleagues to send a message to this Nation that no recipient of Federal aid will be free to discriminate on the basis of race, color, nation origin, sex, handicap or age. Further, I urge my colleagues to send a clear message that this body will not be swayed by innuendo and falsehoods and campaigns of misinfor-

mation recently part out by the socalled Moral Majority.

Mr. SIMON. Mr. President, on March 16, 1988, the President vetoed S. 557, the Civil Rights Restoration Act of 1987. The Civil Rights Restoration Act is always the mast important the president of the state of 1987. tion Act is clearly the most important civil rights bill to come before the U.S. Congress in many years. President Congress in many years. President Reagan's veto is a great disappoint ment to myself and my fellow col-leagues who have worked so hard to prevent discrimination against American citizens based on gender, age, dis-ability, race and national origin, I will ability, race and national origin. I will not, however, let this veto discourage me. This bill is too important. Each day its passage is delayed is one more day we are forced to live with blatant, unbridled discrimination against our handicapped children, the elderly who e our parents, grandparents and lends who work hard, pay taxes and are our take pride in this country.

was the floor manager in the I was the House of Representatives for this bill's predecessor, H.R. 5490, the Civil Rights Act of 1984. I am a cosponsor of S. 557 the Civil Rights Restoration Act of 1987, and I have been and remain completely committed to eliminating dissellments in few Physics. nating discrimination in federally-asprograms and to the passage of this bill.

this bill.

My commitment rests on several issues. I cannot justify allowing institutions which receive Federal aid to discriminate on the basis of race, age, disability or gender. I find no piece of mind in telling a person with a handicap, who is a minority, woman or an older American that despite their effects and their contributions to scolety. forts and their contributions to society and to this Nation, the doors of our great institutions of learning can deny tenure to a minority or fail to provide equal access to athletic programs for female students

Our failure to override President Our failure to overrioe erosident Reagan's veto will send the wrong message to the people of this great Nation. The message will say: "don't bother working hard, don't hope for bother working nard, don't nope for the future, because in America, it isn't who you are or what you have done that matters; it is what you look like, where you were born, whether you are solve bodied and how old you are where you were born, whether you are able bodied and how old you are." And what is worse—the Federal Government will let those who prefer to judge based on color and gender, rather than character and quality to go right ahead and discriminate using Padamic Pagas. Pederal money.

Pederal money.

I have received many phone calls from constituents who have objections to certain parts of the bill. After listening to these objections, I realized that there is great misunderstanding regarding the intention and impact of S. 557. There is a belief circulating that this bill will take away rights by forcing employers to hire unqualified forcing employers to hire unqualified applicants merely because they fit into a minority category. This is simply not true. S. 557 does not require an em-ployer to hire any person who they do not consider qualified, regardless of

gender, disability, age or race. In response to the misinformed assertions that the bill's restoration of the four civil rights statutes extends civil rights protection to include sexual orientation, may I emphasize that the Civil tion, may I emphasize that the Civil Rights Restoration Act restores the four civil rights statutes which are limited to gender, age, disability and race. This bill does not extend civil rights protection to include gays or lesbians.

Furthermore. this bill would not force an institution to hire a candidate who poses a public health or safety risk. If I may use an illustration: If a blind man applied to be a truckdriver, the employer would not be forced to hire that man merely because he was disabled. Clearly a blind man driving a truck would pose a threat to public safety, but refusal of employment could not be based on the fact that the man was disabled, but rather on the basis that the man was not adequately qualified for the job, sight being a necessary qualification for a truckdriver. The need to clarify why a blind man cannot be a truckdriver may seem unnecessary to some, but I feel it is critical to prevent discrimination purely on the basis of his blindnes s. It is necessary to show why his blindness pre-vents him from being a qualified truckdriver, rather than just assuming that his handicap prevents him from doing the job.

The impact of the 1984 Grove City ersus Bell decision has been substan tial. According to the Department of Education's Office of Civil Rights own account, 834 cases in the administrative enforcement process have been affeeted. These include complaints closed in whole or in part due to Grove City, as well as compliance reviews dropped or narrowed. Take for example the New Jersey High School stu-dent, ranked fifth in her class, who contended that she was excluded from her school's National Honor Society because she is black. The Education Department closed the case because it found that the alleged discrimination did not occur in the program or activi-ty that directly received Federal aid. ty that directly received Federal aid. Or what about an undergraduate who was sexually harassed. Title IX prohibits sexual discrimination in a college which receives Federal tax dollars, which this college did, however the Government refused to investigate the case. The reason: the building in which the harassment accurred had which the harassment occurred had been constructed with Federal funds. If the student had been harassed the dorm recently restored with Federal funds she would have had a case. These examples illustrate the arbitrary and selective nature of current civil rights protection, or lack thereof, since Grove City versus Bell. What we need in our civil rights laws is consistency. S. 557, the Civil Rights Restoration Act, offers that consistency.

I am forced to call to question President Reagan's intent in offering a last minute alternative to S. 557. We have

been debating this bill for 4 years now. The administration's proposal is somewhat late for thorough debate, yet it what late for thiologic decace, yet a appears to be very timely as a delay tactic to slow the progress of S. 557 and the progress of civil rights legislation in the United States.

Mr. President, S. 557, the Civil Rights Restoration Act is vital to ensure civil rights for all Americans. I urge my colleagues to join me in an effort to override President Reagan's veto and restore the four civil rights statutes to prohibit discrimination on the basis of disability, age, gender or

Mr. President, I ask unanimous consent to include in its entirety the Wednesday, March 16, 1988 Washing-ton Post article titled "No Reason to Vcto'

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

[Prom the Washington Post, Mar. 16, 1988]

NO REASON TO VETO

The President is about to make a mistake. The President is about to make a mistake. Some time, today he is expected to veto the Grove City bill, which is designed to over-turn a Supreme Court decision that severely restricted the effectiveness of the civil rights laws. The measure passed both houses of Congress by overwhelming margins—315 to 98 in the House and 75 to 14 in the Senate—so it is almost a certainty that the veto will be overridden. Some Republicans have attermed to dissuade the presidents have attermed to dissuade the presidents have attermed to dissuade the presidents have attermed to dissuade the presidents.

the Scinate—so it is almost a certainty that the veto will be overridden. Some Republicans have attempted to dissuade the president. None of them, it seems, has been able to get through.

What terrible consequences does Mr. Reagan suppose will follow if this bill becomes law? It will enable the government to move against institutions that accept federal money and then discriminate, on grounds of race, sex, age or handlean, in using that money. Opponents of the bill, however, have conjured up an array of horribles in attacking the measure. It will interfere with Mom and Pop grocery stores that accept food stamps, they say, or farmers receiving crop subsidies. Not so, as the language of the bill and the committee report make clear, Well then, goes the argument, it's an attack on churches, for it will allow the government to require religious groups to bend their beliefs in order to achieve social policy goals. Nonsense, as national church leaders from the Catholie bishos to the Evangeli. eriment to require religious groups to bend their beliefs in order to achieve social policy goals. Nonsense, as national church leaders goals nonsense, as national church leaders from the Catholic bishops to the Evangelifical Lutherans and the American Hebrew Congregations will attest. No hospital will be forced to perform abortions, no church will be required to ordain women, no college controlled by a religious group will be made to accept policies in conflict with religious beliefs. In recent weeks, some opponents have been circulating a new argument. The bill, they warn, is really a gay rights measure because it provides that AIDS victims shall be treated as disabled persons except in situations in which they might present a danger to others. The courts have aiready made this finding with regard to communicable diseases, so this provision regarding AIDS really adds nothing new. As for specific rights sought by homosexuals, the bill neither creates nor expands any of them. A presidential veto of the Grove City bill will be very difficult to explain to clitzens who assume their taxes won't be spent in aid of discrimination. And it cannot be sold to Congress—which, after four years of debate, compromise and study, has strongly

endorsed the legislation. Mr. Reagan ought to sign the bill.

Mr. METZENBAUM. Mr. President, I regret that the President of the United States has vetoed the Civil Rights Restoration Act. I am confident that the Senate will act swiftly to override this veto. We cannot delay the restoration of these important civil rights gueranted.

civil rights guarantees one more day. There is overwhelming support in both Houses of Congress for this bill. The Senate voted 75 to 14 in January to enact this bill and the House passed the bill this month by a wide margin. 315 to 98. We have struggled with this issue for 4 years. There is no reason to

delay passage any longer.

Since 1964, when we passed the hissince 1904, when we passed the instoric Civil Rights Act of 1964, our Government has had a commitment to equality in federally assisted programs. This commitment has become more and more important with the increase in Federal programs. It is not enough for the Federal Government to fund Federal programs. We must insure that all Americans receive the benefits of these programs and that no Federal aid is given to discrimination. These are simple principles. Surely, there can be no disagreement with these principles at this late date.

This is not a partisan vote It's not an anti-Reagan vote. It's not a vote against religion. It's not a vote against liberty. This is a vote in favor of equality. It's a vote against discrimination. It's a vote which says no Federal money will go to institutions which discriminate against minorities.

It's a vote which says that no Federal money will go to institutions which

criminate against women.

It's a vote which says that no Federal money will go to institutions which discriminate against older Americans.
It's a vote which says that no Feder-

al money will go to institutions which discriminate against the handicapped.

It's time to clearly establish these principles now, without further delay. Let's vote to override the veto and make the Civil Rights Restoration Act law now

Mr. HATCH. I understand that the leaders are prepared to propound a unanimous consent request matter. If it goes the way planned, I think both the distinguished Senator from Massachusetts and I would be very grateful that we can resolve this and go to a final vote on a date certain and a time certain, and let the chips fall

Mr. KENNEDY. I suggest the ab sence of a quorum

PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk pro-

The issistant registative tiers proceeded to call the roll.

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

The PRESIDING OFFICER. Without blieflow it is no ordered.

out objection, it is so ordered.

Mr. BYRD. Mr. President, our hopes had been we might get to vote on the override of the President's veto today or tomorrow. But it has become pretty clear that that is not going to happen and that that vote will not occur in the Senate before next Tuesday. That being the case, and the distinguished Republican leader and I and the manigers of the measure having had our discussions, have come to the conclusion that we should attempt to reach an agreement setting a time for the vote on the voto override, and in the meantime, the Senate would thus be able to go back to Price-Anderson and hopefully to take up some other legislation as well.

I have talked with the Speaker of the House, and he has indicated to me that the House would be ready to vote on Tuesday of next week on the over-ride and, of course, would not be ready to vote before then at this hour on

Thursday.

So, Mr. President, I will outline the agreement. I will be very brief, and the distinguished assistant Republican leader is here. I ask unanimous consent that the vote on overriding the President's veto on the Grove City leg-islation, occur at 12 noon on Tuesday next. That beginning at 10:30 s.m. on Tuesday next there be 1½ hours of debate to be equally divided and con-trolled by Mr. Kennesy and Mr. HATCH. The agreement being in the usual form as to the division and con-trol of time. That once the agreement troi of time. That once the agreement is entered into, if it is entered into, the Senate resume consideration of the pending business, H.R. 1414, the Price-Anderson legislation.

Provided further, Mr. President, that upon the disposition of the Price-

Anderson legislation, the Senate procced to consideration of Calendar Order 324, S. 79, the high risk legislation.

The PRESIDING OFFICER. Is

there objection to the request?
Mr. HATCH. Reserving the right to
object, as I understand it, that is with
the understanding that there will be no votes on amendments on S. 79 on Friday?

Mr. BYRD. Yes, Mr. President, it would be understood that there be no BYRD, Ves. Mr. President, it. votes on amendments or otherwise on the high risk legislation on Friday.

Mr. HATCH. With that understanding, I have no objection.
Mr. BYRD. With the understanding that the Senate go to that upon the disposition of the Price-Anderson legislation and policial than place of history. islation and no later than close of busi-Mr. HUMPHREY. Mr. President, re-

serving the right to object—
The PRESIDING OFFICER. The

Senator from New Hampshire.

Mr. HUMPHREY. I will not object, but I think it is time to say something that has been on my mind. It may be that some Senators on both sides of the role will wish to speak at consider. the aisle will wish to speak at considerable length on the Price-Anderson bill as a result of something we regard as

unfair having transpired vesterday during its consideration. An amend ment was dealt with, a very important amendment was dealt with in space of 3 minutes or less in which amendment a dozen or so Senators on both sides of the aisle who had an interest did not have time to reach the floor such that they could debate or try to defeat the amendment, which was their wish.

I hope we are not now in a situation where Senators have to spend the entire pendency of a bill on the floor to protect their rights. I thought that we could operate under more gentlemenly arrangements than that. Senators I refer to had distributed to their colleagues a Dear Colleague letter indicating their intent to try to defeat any such amendment. I am speaking, of course, of the amendment that extended the reauthorization period contained in the bill from 10 years to 20 years. This is a bill of enormous implications, Price-Anderson, and to pass an amendment to double the reauthorization period in the space of 3 minutes or less when Senators who were known to be opposed did not even have a chance to come to the floor can hardly be regarded as doing business in the usual and fair that we do deal with these kinds of things

Mr. McCLURE, Will the Senator yield?

Mr. HUMPHREY, Yes. Mr. McCLURE, Will the

distinguished majority leader permit us to extend the discussion on this for just a few minutes?

Mr. BYRD, Mr. President, I ask unanimous consent that the distin-guished Senator from New Hampshire, who has reserved the right to object, and the distinguished Senator Idaho be allowed to have a colloquy

under that reservation.

The PRESIDING OFFICER (Mr. PROXMIRE). Is there objection? Without objection, it is so ordered.

Mr. McCLURE. I thank the majority leader, and I thank the Senator from New Hampshire for yielding because the matter to which he refers is the amendment which I offered. Now, the Senator from New Hampshire has indicated that somehow he has been treated unfairly. I am sincerely sorry if he feels that way. I do not think that is true, but he has communicated to me his feeling. I am going to try to find a way to accommodate that feeling. Certainly, the right of the Senator from New Hampshire was protected to offer an amendment, as was the right of the Senator from Massachuselts [Mr. Kernyl and the Senator from Arizona [Mr. McCain] all of whom have interest in that subject matter but from different perspectives, I believe.

Certainly, the Senator has told me that he circulated a Dear Colleague, and I hesitate to say, but it is a fact I did not know that. Perhaps I should

have been aware, but I was not aware, just as the Senator from New Hampshire was not aware that we were going to offer the amendment. I had no reason to notify him from my perspective; I did not know of his interest, and certainly had we heard, while the amendment was pending, of the desire of the Senator from New Hampshire to come to the floor to speak on that subject matter, we would have accommodated that desire. But that was not communicated to us until after the amendment had been adopted. I still hope that in some fashion the interests of the Senator from New Hamp-shire to present this issue to the Senate for a vote will be accommodated in a manner that is satisfactory to all the parties

Mr. JOHNSTON. Will the Senator yield?

Mr. HUMPHREY. Let me first re spond to the Senator from Idaho. He has pointed out that the Senator from New Hampshire and Senator KERRY New Hampshire and Senator Kerry, one of the other interested parties under the unanimous-consent agreement that was reached, are protected in their rights. Well, fine, we are protected in our rights, but that is no beneficence extended by the floor managers, that we have our rights under the pulse and we are protected. the rules and we are protected.

But that is not the point at all. If anything, that is a red herring. I return to my original proposition. The amendment was rushed through in a space of 2 or 3 minutes. It was an amendment of enormous import. My gosh, doubling the reauthorization period from 10 to 20 years under Price-Anderson with no debate and extended from 10 to 20 years under Price-Anderson with no debate and the second from 10 to 20 years under Price-Anderson with no debate and the second from 10 to 20 years under Price-Anderson with no debate and the second from 10 to 20 years under Price-Anderson with no debate and the second from 10 to 20 years under Price-Anderson with no debate and the second from 10 to 20 years under Price-Anderson with no debate and the second from 10 to 20 years under Price-Anderson with no debate and the second from 10 to 20 years under Price-Anderson with no debate and the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Anderson with the second from 10 to 20 years under Price-Andreson with the second from 10 to 20 years under Price-Andreson with the second from 10 to 20 years under Price-Andreson with the second from 10 to 20 years under Price-Andreson with the second from 10 to Anderson with no debate except be-tween the two floor managers, who happened to agree on the point, is hardly a fair consideration of an important issue.

I am greatly wounded by the unfairness and, frankly, it is not enough for the Senator from Idaho to say that I am protected, that I can seek to undo the damage by amendment. I hope that the Senator would sense the unfairness of the situation and agree to vitiate the vote. If the Senators are confident in their support, they can bring up the amendment again and allow reasonable time for debate and allow reasonable time for genate and then go to a vote. Then all Senators will have had a chance to participate. That is what we are asking—fairness. I think the only way to undo the damage, frankly, is to vitlate the action.

Mr. JOHNSTON. Will the Senator yield?

Mr. HUMPHREY. Of course. The PRESIDING OFFICER. The

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I certainly want to be fair, and I am bordering on the edge of resenting the charge of unfairness because, let me tell you, not one Senator sald one peep to me about wanting to be heard or to me about wanting to be heard or wanting a chance to speak on this amendment. Every bulletin we sent out referenced this.

I am like the Senator from Idaho. Maybe I should be aware of every Dear Colleague that comes around, and I was not. I am not going to be, and we are not supposed to be aware of all of these things. There is a time to consider a bill on the floor and that is when the bill is up on the floor. Now, if the Schator had been caught unawares of something, I am sorry for that, but there is a way to be protected. All you have to say is, "Can I be protected?" And the answer is, "Of

But to say that you are not protected, you can bring up your amendment and we can vote on it; we can debate it.
It really makes no difference. What
the Senator is asking us is to vitiate
the Senator is asking us fairness, and I and, therefore, admit unfairness, and i cause we were not unfair. If you want to sit here and keep the Senate in on Friday, you can do that because we were not unfair and I do not admit it And you can just do whatever you are big enough to do.

Mr. HUMPHREY. Mr. President, it Mr. HUMPHIREJ. Mr. PTESIGER, IV was not only this Senator who was treated unfairly. It was a dozen other Senators, most of whom I would point out are on that side of the aisle. I think the facts speak for themselves. An amendment of that kind should real be wished through in the space of not be rushed through in the space of 3 minutes with the only debate be-tween the two floor managers who do not even disagree on the point. The unfairness is self-evident. But if the Senator is offended by my remarks, I withdraw the charges of unfairness and he can vitlate it then without ac-

cepting the charge.
Mr. JOHNSTON, I accept the Sena. tor's statement, and I am glad he said

Mr. HUMPHREY. Is the Senator willing to vitiate? I will certainly be more then happy to withdraw the charge of unfairness if the Senator is willing to vitiate, and then he may without admitting to any charges. Mr. JOHNSTON. We will talk about

that as consideration of the bill continues

Mr. HUMPHREY. I apologize for intruding. The majority leader is anxious to proceed. This is a matter of ious to proceed. This is a matter of very great import not only to these Senators but to a great many groups who have been working for weeks in anticipation of that very kind of amendment and rallying support in opposition. We and they did not have any opportunity to be heard, and I hope that we have not arrived at the point where Senators have to spend all point where Senators have to spend all day on the floor in order to avoid a sneak play.

Mr. McCLURE. Will the Senator

yield?

Mr. HUMPHREY. Be happy to Mr. McCLURE I assume that the emotions are running a little high, and I share with my friend from Louisiana resentment that somehow you were dealt with unfairly. I was prepared to accept your withdrawal of that charge

until you said, as you did just now. there was some kind of sneak play.

Senator, I resent that. This matter was noticed to everyone, the bill was on the floor, and if you were not paying attention to that, that is your fault. That is not our fault.

Mr. BYRD. Mr. President, I ask for regular order, that Senators address

others in the third person.

Mr. McCLURE. I understand what the Senator is saying. If the distinguished Senator from New Hampshire was not paying attention, it is the fault of the Senator from New Hampshire.

Mr. BYRD. Well said.

Mr. McCLURE, I apologize for the necessity of saying that but there no sneak play and there was nothing unfair about it. And I told the Senator at the outset, I will try to work it out at the outset, I will try to work it out if it is possible to work it out. But it is not going to be worked out if, as a matter of fact, you continue to make those kind of personal insignations, I would say to the Senator from New Hampshire.

I thank the Senator for yielding. The PRESIDING OFFICER. Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I repeat that the situation is self-evident. I need not state any more on the point, and I will not at this juncture.

PRESIDING OFFICER. The majority leader has a unanimous con-sent pending. Is there objection?

Mr. GLENN. Reserving the right to object, I was not on the floor when that was propounded very briefly on the proposal. As far as my amendment I do not want to delay the action of the Senate with my amendment any more than is necessary but I think at this time without knowing what intervening amendments there might be, would not agree to a time agreement.

I do not want to delay things. But I would not want to guarantee a final vote by a certain time tomorrow and find out we did not have everybody express themselves or have adequate time to lay out their views on this.

I have to reserve the right to object. Mr. BYRD, This agreement does not

set a time for a vote.

Mr. METZENBAUM. Mr. President, reserving the right to object

reserving the right to object—
Mr. KENNEDY. Could I offer a suggestion? I had about a 2-minute speech. Perhaps the Senator from Ohio could look at the unanimous con-

Mr. GLENN. Can I have a restatement on the unanimous-consent agreement?

Mr. KENNEDY. Could I speak on

another subject?

Mr. BYRD. Mr. President, I yield the floor. I withdraw the request tem-

Mr. KENNEDY. I suggest the ab-

sence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The 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. With out objection, it is so ordered.

Mr. BYRD, Mr. President, I renew my request in a modified form. May we have order in the Senate and may we have Senators on the floor and at their desks and in their chairs?

The PRESIDING OFFICER. The

Senate will be in order.

Mr. BYRD. I will speak loud enough so hopefully everybody will be able to hear

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on the veto message occur at 12 o'clock noon on Tuesday next; that beginning at 10:30 a.m. on Tuesday next, debate ensue on the veto message; that the debate be 1 hour and a half equally divided and controlled by Mr. KENNEDY and Mr. Harch, in accordance with the usual form; that the Senate upon the entering of the order that I am probusiness, which on the enlendar is shown as H.R. 1414, the Price-Anderson bill.

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

Mr. GLENN. Reserving the right to object

(Laughter.)

The PRESIDING OFFICER, Reservation is heard

Mr. BYRD, Mr. President, I want to state this agreement for the attention of the distinguished Senator from Ohio, Mr. GLENN.

Mr. GLENN. I am listening.

Mr. BYRD. I ask unanimous consent that the vote on the veto message occur at 12 noon on Tuesday next; that beginning at 10:30 a.m. on Tuesday next, there be 1 hour and a half of debate on the veto message, time to be equally divided and controlled by Messrs. Kennedy and Hatch in ac-cordance with the usual form; that upon the entering of this order-that means when no Senator objects and the Chair puts the question, the Chair says "It is so ordered"-the Senate go over the veto message and return to what is now shown as the pending business on the Calendar of Business, H.R. 1414, the Price-Anderson Act. et

That is it, in totality.

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

Mr. BYRD. Mr. President, I thank all Senators.

PRICE-ANDERSON ACT AMENDMENTS

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows: A bill (H.R. 1414) to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to extend and improve the procedures for liability and indemnification for nuclear incidents.

The PRESIDING OFFICER. The assistant Republican leader is recognized.

Mr. SIMPSON. Mr. President, I will yield in a moment to the floor manag-Senator Johnston and Senator McClure

Thank the majority leader for his matter of the veto message in this way. It is obviously debatable and could continue far into the night and tomorrow. It was obvious that people felt strongly about it, and we could not continue to do business if we did not make this accommodation.

Therefore, I assure the majority leader that we will go forward here. I believe that when we conclude this, things will fall into line better tomorrow, and we perhaps will get a time agreement on amendments.

My people have been notified about the next item of business, which is the high-risk notification legislation. That has been part of the discussion. I think we can put the boilerplate around that arrangement tomorrow.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader for his cooperation and for the statement he has just made.

I hope we can have further action on this pending measure today. There are amendments. The agreement has al-ready been entered into, stating those amendments which are in order this bill, excluding any others.

We will stay in as long as the managers wish this evening, as long as they feel they are making progress. I hop we can finish action on this bill. I express the hope that we can finish action on this bill no later than 3 o'clock tomorrow, or 4 at the very latest. I hope it will be earlier than that,

That is about all I can contribute at this moment. I thank the assistant Republican leader and all Senators again. Mr. JOHNSTON. Mr. President, will

the majority leader yield? Mr. BYRD, I yield.

Mr. JOHNSTON, Mr. President, with a little luck, I think we can finish before 3 o'clock tomorrow

If my distinguished colleague, Senator McClure, would agree, I would hope that we could dispose of the Glenn amendment tonight, which is the principal amendment in terms of it would take to do this matter.

With respect to the issue of the time extension, I think we will be able to work that out. I hope we can work that out with a time agreement. We have not talked to Senator Kerry yet. He is a Senator in interest, as well as

Senator McCain. We have not talked to them, but we expect that we could work that out with an hour time agreement and probably do that tomorrow.

I think these other amendments will go away or at least be quickly disposed

So, if we can get through with the Glenn amendment tonight, I would think we should be able to finish before noon tomorrow, with any luck of all

Mr. METZENBAUM. Mr. President, will the Senator yield for a question?
Mr. JOHNSTON. I yield
Mr. METZENBAUM. The Senator

from Louisiana knows that the Scnator from New Hampshire, the Senator from Ohio, and the Scrator from Massachusetts were concerned about the adoption of the amendment yesterday extending the time of the bill from 10 extending the time of the unit from 10 to 20 years. We have had some private discussions with reference to vitiating that amendment, but it is made clear that if it were to be vitiated, the Senator from Louisiana would offer the amendment and that those of us opposed to it would be agreeable to a time limit. Can we get that agreement set in place at this moment?

Mr. JOHNSTON. No. we cannot. That is what I just mentioned. Sonstor Kerry is a Senator at interest, as well as Senator McCain, and they are not here

I hope we can work out the whole arrangement to have whatever votes we want to have and do it within an hour, because the issue is simple. It is important, but simple

important, but simple.

Mr. METZENIAUM. It is a time limit, 10, 20, 30. The Senator from Louisiana, as I understand, is amenable to getting that matter to a vote.

Mr. JOHNSTON, I am amenable to continuous and an amenable to continuous and an amenable to continuous and amenable to continuou

getting that worked out because of t setting that worked out because of the concern of the Senator from Ohio, who told me yesterday, "Watch out for any amendments that I might be concerned about." I did not know he was 'concerned about that, but I should have realized that the Senator from Ohio is concerned about all met. from Ohio is concerned about all mat-

Mr. METZENBAUM, I appreciate the courtesy of the Senator from Louisiana.

I would be happy if it were 20 or 30 years, if that were the decision of the Senate,
Is it the intention of the Senator

from Louisiana to deal with that tomorrow?

Mr. JOHNSTON. It depends on what we can get done tonight. If we can wrap up the bill tonight, that would be a consummation devoutly to be wished.

Mr. METZENBAUM. I have no

desire to delay.

Mr. BYRD. Mr. President, whose amendment is going to be called up next?

Mr. JOHNSTON. I think we are ready for third reading, are we?

What is the pending business?
The PRESIDING OFFICER. The

pending business is the bill. There is no pending amendment.

no pending amendment.
Mr. JOHNSTON. Mr. President, we are just having a discussion here on the question of the Glenn amendment, and my friend from Ohio says he is not ready to bring up the amendment. If we can have a time agreement, we it we can have a time agreement, we certainly want to accommodate Sena-tors who want to get out of town to-morrow. That is fine. But I do not think we should have to stay here late think we should have to stay here late tomorrow afternoon in order to—in order to what? We are ready to do business. We have been around all afternoon, ready to go on.

Mr. GLENN. There are four or five other amendments.

Mr. JOHNSTON. There is really one ready to do with the last of do with

amendment, and that has to do with the length of time, and there are several Senators who want to deal with

Mr. McCLURE. The others will not take much time.

SOLE-SOURCE AMENDMENT

Mr. McCLURE. Mr. President, on esterday I had offered an amendment with respect to the source of funds for payment, the so-called sole-source amendment. The distinguished junior Senator from Louisiana had requested that I withhold that amendment until we could do some further checking on its effect. I have done that overnight. I have a letter from the Department of Energy, dated March 17, 1988, addressed to me, signed by Theodore J. Gerrish, Assistant Secretary for Nuclear Energy, stating their position with respect to the payment of claims, I ask unanimous consent that that letter be

printed in the RECORD
Mr. BREAUX. Mr. President, reserv ing the right to object, and I will not object, but just to point out that the Senator from Idaho has discussed the situation with me. I think that the letter from the Department of Energy clarifies the commitment of the administration and the Government to pay these claims out. I think that an amendment which would change that structure would not be in the best in-terest of the bill. I think that the Senator from Idaho has made a real con-

tribution by his actions.

Mr. McCLURE. With that explanation from the Department and the leg-islative history that has been made, it will not be my intention to offer the

will not be my intention to offer the amendment again.

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

DEPARTMENT OF ENERGY

DEPARTMENT OF ENERGY,
Washington, DC, March 17, 1988.
Hon, James A. McClune,
U.S. Senate, Washington, DC.
DEAR SENATOR McClune: In response to
your request for our views on the necessity
of your proposed "sole source of funds"
amendment to H.R. 1414, we do not object
to the amendment, but believe it to be superfluous. perfluous.

In the event that valid claims arise from an accident at a contractor-operated facility.

he Department would undertake to dite payment of these claims from available funds under its indemnification agreement with the contractor. The obligation of the Pederal government to make these payments is clear under the terms of existing law, and would not be affected in any way by H.R. 1414. The plain object of the Price-Anderson Act and the renewal legislation is to ensure expeditious compensation to claimants for all valid claims. I can assure you that the Administration would take all necessary and appropriate actions to ensure that funds were available to carry out this

object.

The Office of Management and Budget advises that there is no objection to the presentation of these views to the Congress.

Sincerely.
THEODORE J. GARRISH, Assistant Secretary
for Nuclear Energy.

PRESIDING OFFICER. IS The there further business?

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the

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

CONRAD). Without objection, it is so or-

Mr. BYRD. Mr. President, I seek recognition to ask the distinguished manager of the bill as to what the outlook is for the rest of the day on this bill as

he sees it at this point.

Mr. JOHNSTON. Mr. President, I would say that there will probably be another vote or two. It should not be a late night. If we can find the Senators interested in these amendments, I think we can dispose of the pending matter; then, perhaps, get started on the Glenn amendment.

We are trying to finish the bill by early tomorrow, and that takes a little.

we will have to have a vote or two to-night in order to get that done.

I think it is entirely possible to finish early tomorrow, I would hope before noon. But we will need to dispose of this time extension amendment, which should all take place within an hour. I think everybody is agreeable, that I know about.

So that would probably mean the vote would take place around 7 o'clock.
Mr. BYRD. This evening. I thank the Senator.

Mr. JOHNSTON. This evening The PRESIDING OFFICER. The

Senator from Louislana.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. With-

out objection, it is so ordered.

NICARAGUA

Mr. ARMSTRONG. Mr. President, it is clear, because of the developments over the last 36 hours, that Congress made a tragic mistake by denying aid to the freedom fighters in Nicaragua. Even I would think the most naive Members of this body and of the other body must be rethinking their positions if they voted against the President's request to send some \$30 million to the freedom fighters. The reports that we are getting from Central America remain somewhat fragmentary, but the broad outline is pretty clear on yesterday. The Com-munist Government of Nicaragua sent a fairly large force-there have been variations in the estimate—but a fairly large fighting force across the borders to Honduras with the evident intent of destroying a supply depot of various supplies used by the freedom fighters.

supplies used by the freedom igniters.

If this does not show conclusively once and for all the true intentions, the true colors of the Communist regime in Nicaragua, it would be hard for me to imagine what would finally

put that issue to rest.

For the past 6 or 7 months, much to the frustration of some of us in this Chamber, we have been following the policy which has loosely been called, policy which has loosely been called, give peace a chance. In fact, we have not been giving peace a chance. What we have been giving a chance is for the Communists to consolidate their hold on Nicaragua and to gather up their strength to impose their will on neighboring nations.

neighboring nations.
But nonetheless, under the banner of "give peace a chance," under the Arias plan, we were told that the Sandinistas would be forced to make democratic reform, that they would be forced to come to the bargaining table by the power of world opinion, and somehow the moral suasion involved with the surface where them to keen the would convince them to keep the promises they have been breaking for

the last 8 years.

Beginning in 1979, the then insurgent regime, the now government in power, promised free elections, free-dom of worship, free union movement, dom of worship, free union movement, freedom of the press, a mixed economy and a nonaligned foreign policy. They have broken every one of these promises, and yet as recently as the last few weeks, we have been assured in this Chamber, and our colleagues in the other body regrettably were per-suaded by a narrow margin on the ar-gument, that if we withdrew aid from freedom fighters, from the democratic resistance, that the inevitable result would be a peace conference, that everybody would come to the table, and somehow we would work out or compromise out the differences of colorion. of opinion.

A lot of us were skeptical of that.

Many of us in this Chamber believed if we withdrew aid, it would be exactly what Adolfo Calero subsequently said it was, a sellout, a withdrawal of sup-port from brave men and women risking their lives, many giving their lives order to bring freedom to that trou-

bled region of the world.

I believe it is a sellout. I believe it is exactly what the Senator from Arizona [Mr. McCain] said, an act of dishonor. That has come and gone. We have tested, albeit briefly, the general theory of what might happen if the Communists got their way if we cut off the aid to the freedom fighters in

When we say we have cut off the aid to the freedom fighters in the field, that means these men and women who are out there in the jungles and the highlands are, in essence, defenseless before their enemies who have been supplied with hundreds of millions of dollars of weapons by the

The result which occurred yester day, I think, was inevitable. But whether one believes, as I do, that it was entirely predictable and perhaps even inevitable or whether it was an open question before, surely the issue is now set. As a result of the failure of nerve and will by the United States House of Representatives, the message has gone out that Congress has pulled the plug, that we are no longer ready the plug, that we are no longer ready to support the freedom fighters in Central America. And as a result, Commandante Ortega, and those around him in the Communist directorate, decided the time was right to send their expeditionary force into Honduras to destroy the supplies of these brave men and women.

So much for the slogan, "give peace a chance.

It appears to me that we should have learned a Jesson. The Communist government had been put to the test. We now know the results.

On February 20, Daniel Ortega announced that he had a plan to crush the Contras. What he is doing now is making good on that promise. The Wall Street Journal put it so well that the Sandinista plan is called "triumph or death," citing State Department sources that the offensive includes 12 combat battalions, 6,000 troops, and 10 Soviet helicopters.

The Washington Times quotes a Government spokesman, this is on yes terday, to the effect that this is a knockout blow aimed at the Contras now that they have been left daugling by the United States. Meanwhile, military aid to the Communist regime con-tinues unabated as the democratic resistance withers, with the Communists getting, according to the latest unclas-sified figures released by the State Department and Defense Department partment and Defense Department and quoted in the Washington newspapers within the last week, deliveries constituting 3,100 metric tons of weaponry worth \$100 million just in the first 2 months of 1988. One hundred million in the first 60 days of this year. It is important to keep that years are results that number in mind when one recalls that the aid which was declined by the House of Representatives a few days

ago was for \$30 million more or less, of which about \$3 million was in military which about \$3 million was in military aid, coming on top. I might point out, Mr. President, of several hundred million dollars of military aid by the Soviet Union to the Communist

regime.
The relative strength of the Sandinistas, the Communist government in Nicaragua, because of the inaction of Congress, has been openly cheered by the Communists and lamented by the democratic resistance.

Has our cutoff to the democratic resistance helped democratization and civil rights in Nicaragua? We know the answer to that, too, because about the answer to that, too, because about the first thing that happened was an internal crackdown by the Communist regime. The possibilities that any sort of meaningful democratization of that

country are looking increasingly dim. Increased popular discontent over the miserable state of the economy in Nicaragua and other ills has been met by force, reported in the Miami Herald, the Washington Post, the Washington Times, and elsewhere. Mr. President, I ask unanimous con-

sent to insert in the RECORD a number newspaper articles and wire dispatches, including an account by the Associated Press, of what is transpir-

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

[From the Washington Times, Feb. 22, 19881

ORTEGA THREATENS TO CRUSH CONTRAS (By John McCaslin)

Nicaraguan President Daniel Ortega told hundreds of Marxist government officials if the Central America peace process fails, he has a plan that will "crush" the Nicaraguan

has a plan that will "crush" the Nicaraguan Resistance.
"We have already prepared a strategy which will lead to the crushing of the Contras," Mr. Ortega said in a speech Saturday in Managua, announcing a new Sandinista campaign against so called "counterrevolutionary speculators."

The Nicaraguan comandante provided no other details of what that strategy might

other details of what that strategy might be, but his harsh rhetoric came one day after a second round of cease-fire negotia-tions between the warring sides broke down

Priday in Guatemala City.

The mediator in the cease-fire talks,
Catholic Cardinal Miguel Obando y Bravo
blamed the latest failure on the Sandinista regime for its lack of sincerity in approach-

regime for its fack of sincertry in approaching the negotiations.

Intelligence sources in Managua said earlier this month the Sandinistas were preparing a "final offensive" against the rebels, code-named Operation Monimbo. The offensive reportedly was focused on the provinces of Zelaya, Bocao, Chontales, Matagalpa and Jenotava

It was still too early to tell what impact It was still too early to tell what impact Mr. Ortega's harsh words of Saturday might have on any congressional aid vote this week. Supporters of Mr. Ortega on Capitol Hill, including House Speaker Jim Wright who is guiding the development of a "humanitarian-aid-only" package for the Resist ance, have cautioned him against using such militant language.

The current ald package for the Resistance, passed by Congress in 1986, expires at the end of this month.

Mr. Ortega in his Managua address also Mr. Ortega in his Managua address also leveled a warning to the opposition La. Prensa, which only recently resumed publication, saying its editors had better watch the newspaper's content.

La Prensa "thinks the people are about to rebei against us, but they should be careful because with their attitude they can provide an insurrection that would raze them."

an insurrection that would raze them,

Other "counterrevolutionary speculators" receiving warnings from Mr. Ortega Satur-day included Managua's merchants who refuse to sell their products at prices regu-

reluse to sell their products at prices regulated by the government.

In Washington yesterday, Resistance representative Ernesto Palazio voiced optimism that a new round of cease-fire talks would resume this week, but he also was fearful the Sandinistas would continue their policy of resulting and prices are the selections. stalling.

of "stalling,"
"Why should the Sandinistas be that cager for a cease-fire when in the long run, because of the Feb. 3 vote in Congress, they're going to get a de facto cease-fire anyway?" Mr. Palazio said in a telephone

interview.

He was referring to this month's vote in which the House narrowly rejected an administration proposal to provide the rebel forces with both military and humanitarian aid. Without ammunition and other lethal assistance, the rebels say they cannot remain a viable lighting force.

Later this week Congress is scheduled to vote on the scaled down aid package crafted by the House Democratic leadership. House Republicans are also preparing to introduce a larger package similar to the one rejected

a larger package similar to the one rejected three weeks ago.

During the weekend, both Resistance and Sandinista officials said they were willing to resume the sporadic peace dialogue this week, but would first await agreement from the mediation team.

"We hope to resume them this week, but we're not sure when," Mr. Palazio said echoing the words of a Sandinista official who took part in Friday's failed round of negotiations.

gotiations

In his speech Saturday, Mr. Ortega charged the Resistance delegation had in-tended from the beginning to "boycott" the negotiations in an attempt to win support

negotiations in an attempt to win support on Capitol Hill for additional military aid. In a related development, Resistance field commanders reported over the weekend that the Sandinista Army helicopter the that the Sandinista Army helicopter the Micaraguan government said had crashed Feb. 15 due to mechanical failure was actually shot down by its rebel forces with a shoulder-fired "Red Fep" missile.

And while the Sandinistas reported last week that seven of its officers had perished as a result of the accident, the rebels claimed that 15 bodies were actually recovered from the graph size.

read from the crash site.

The helicopter, a Soviet built MI 17, crashed in the Chontales province near the town of Santo Tomas.

town of Santo Tomas.
"Although it is true that the Sandinista
Air Force has scrious difficulties of maintenance and even sabotage, we were capable
of confirming that this helicopter crashed
due to damage caused by the 'Red Eye' missile." the Resistance said.

[From The Washington Times, Mar. 16, 19881

MANAGUA ATTEMPTS A "KNOCKOUT BLOW

Nicaragua President Daniel Ortega said yesterday that the Sandinista army is in-flicting heavy casualties in a major offen-sive that the U.S.-supported rebels say could make their situation "extremely serious."

U.S. and rebel officials said Sandinista troops, supported by artillery and acrial bombardment, have entered neighboring Honduras. The U.S. Embassy in Honduras. though, said it could not confirm an incur

One State Department official speaking on condition he not be identified, said initial reports suggested the Sandinistas hoped to deliver a "knockout blow

In a telephone interview with The Washington Times, resistance spokesman Bosco Matamoros said: "Our situation is difficult and could become extremely serious." He said the resistance was having severe

difficulties in aerial resupply and evacuating its wounded. The Sandinista goal, he said, appeared to be cutting off rebels in the north from their operational areas in the in-terior of Nicaragua.

The intention, he said, was to deal the insurgents a heavy battlefield setback to put the Sandinistas in a position of strength at cease-fire talks scheduled to begin Monday

near Nicaragua's southern border.
Other resistance officials in Costa Rica and Minmi told The Times that the talks were still on.

They launched this offensive at a ti-"They faunched this offensive at a time when we are without aid, just before the cease-fire talks are scheduled to begin," one said. "They want to further weaken our position... It does present problems for us politically at the next talks."

Mr. Ortega gave few details about the fighting except to say that Sandinista troops were "dealing serious blows" to the resistance

In Washington, State Department spokes-man Charles Redman described the offensive as a Soviet-backed bid to finally crush

sive as a Soviet-backed bid to finally crush the resistance.

"Based on what we know, this would appear to be the largest offensive we have seen the Sandinistas undertake," he said.

Mr. Matamoros said about 1,000 insurgents based in Nicaragua's Jinotega province had been pushed into Honduras where they were being hit by high-altitude Antonov bombers, long-range artillery and rocket launchers.

He said the Sandinistas, with their buttle

rocket launchers.

He said the Sandinistas, with their battle
headquarters at Bonanza and forward command at El Cuartelon, were bringing up
troops and materiel in 13 Mi-17 helicopters.

A new factor in the Sandinistas' favor is a

A new factor in the Sandanistas favor is a new "extremely sophisticated communications system" that made it difficult for the insurgents to intercept enemy radio measages, he said. This is something the rebels have never faced before, he added.

Resistance officials said the offensive involves 4,500 Sandinista troops.

Mr. Redman said 6,000 troops could be involved. He said the offensive shows that the Sandinistas are not seriously interested in a ceasefire.

The rebel officials said the Sandinistas are using helicopters for transportation-but, apparently worried about anti-aircraft mis-

apparently worried about anti-aircraft mis-siles, are not using them as gunships.
"It is very serious. The situation is criti-cal," an offical said. "Not only do we have to look at the immediate results of the combat, but we have to worry about the supply situ-ation of our troops after this operation."
"The attack size failures a represent purch but

The attack also follows a renewed push by President Reagan for U.S. aid to the resist-

Since U.S. aid to the rebels expired Feb 29 and the House voted narrowly on March 3 against a new humanitarian aid package, the rebels have fallen back toward border areas to defend supply caches, Mr. Redman [From the New York Times, Mar. 12, 1988] ORTEGA SAYS CONGRESS HURT THE CONTRAS (By Stephen Kinzer)

MANAGUA, NICARAGUA, March 11.—President Daniel Ortega Saavedra says he thinks contra leaders will come to the negotiating table this month in "a position of weakness"

table this month in "a position of weakness" because of the recent Congressional vote cutting off aid to their government.

Mr. Ortega said the contras had agreed to three days of talks beginning March 21. The Government, he said, is willing to remain at the negotiating table indefinitely if substantial progress is being made.

In an interview Thursday night, Mr. Ortega said he expected the contrast to be

In an interview Thursday night, Mr. Ortega said he expected the contras to be conciliatory to "accommodate themselves to a new situation." He said Sandinista military pressure was taking a toll on contra units, which he said were in retreat and "conserving their bullets."

"The Reagan Presidency is coming to a close." Mr. Ortega said. "If contras don't reach a negotiated solution, they face the prospect of total military and political defeat."

"AFFECTING US MORE EVERY DAY

"AFFECTING US MORE SYERY DAY"

The principal contra leader, Adolfo Calero, said Thursday that the Congressional vote March 3 against a Democratic plan for contra ald showed that the United States was an unreliable ally.

"It is sad that the Soviet Union can be a more consistent ally, and that the United States is an inconsistent ally, not as it should be," Mr. Calero said in a statement broadcast over the clandestine rebel radio station. "The cutoff of aid to the Nicaraguan Resistance is affecting us more every day, because without resources it is very difficult to maintain a war against an ally that has full Soviet support."

ficult to maintain a war against an ally that has full Solvel support."

"In the long run, the cutoff of aid from allies could be fatal for the Nicaraguan Resistance." Mr. Calero said.

Government radio stations were planning to transmit portions of the Calero statement, Mr. Ortega said.

"This is the statement of a defeated leader." Mr. Ortega said several hours after Mr. Calero spoke. "The morale of a contra in the mountains is not going to be improved by hearing this statement on the radio."

SUSPICION ON CONTRA MOTIVES

Mr. Ortega expressed concern over the possibility that the contras are coming to the talks only as part of a strategy to win new aid from Congress.

"The contras are interested in pressuring

"The contras are interested in pressuring Congress to get a little aid by seeming to want negotiations," he said.

Several obstacles that had held up the cease-fire talks were resolved this week. The contras accepted the Government's suggestion that the talks be held in the southern border village of Sapoa, and that both delegations be headed by senior officials. Mr. Calero is expected to head the contra negotiating team. The Sandinistas will be represented by Defense Minister Humberto Ortega Saaveda, brother of the President. The Government had sought to remove

Ortega Saaveda, brother of the President.
The Government had sought to remove Miguel Cardinal Obando y Bravo, the Roman Catholic Primate, from the mediation role he has been playing since November. But agreement has now been reached to invite the Cardinal to Sapoá as a witness. The other witness is to be Joao Baena Soares, secretary general of the Organization of American States.

Mr. Ortega sald Thursday the Cardinal Card

Mr. Ortega said Thursday that Cardinal Obando and Mr. Baena have agreed to come to the Sapoa talks on March 21.

Debate over the agenda was the final obstacle. The contras had asked for a prelimi-

nary meeting to set topics for discussion, and said they wanted to talk about press freedom and other political questions. The Sandimistas refused, saying they would discuss only the mechanisms by which contras would disarm and resume civilian life.

The contras finally dropped their insistence that topics be decided in advance. Mr. Ortega said that fixing an agenda would probably be the first order of business in Sapo4.

An American lawyer who represents the Sandinistas, Paul Reichler, said this week that the Sandinista proposal in Sapoa would not require the contras to surrender uncon-

not require the contras to surrender uncon-ditionally.

"They would be able to keep their arms and ammunition after entering cease-fire zones," Mr. Reichler said in an interview in Managua. "This could be for as long as six months. It would be a kind of test period.
"As changes are made, they would gain

monins, it would be a kind of fest period.

"As changes are made, they would gain the confidence to lay down their arms and reintegrate themselves into the country. They could conduct military training, as long as they don't shoot anyone, and they could receive humanitarian aid from the United States or anyone else." United States or anyone else.

ACCUSATIONS OF A CRACKDOWN

Leaders of opposition political parties in Nicaragua have charged that the Govern-ment is conducting a crackdown on their ac-tivities. Several times in recent weeks, crowds of Sandinista demonstrators, some of them violent, have clashed with anti-Gov-

[From the Miami Herald, Feb. 8, 1988] 5,000 NICARAGUANS PROTEST CONDITIONS WITH RALLY IN STRUKTS

(By June Carolyn Erlick)

Managua, Nicaragua.—About 5,000 workers marched Sunday through the streets of Managua to protest lack of food and Sandinista labor policies.

Observers said the demonstration was th largest opposition labor march in the nearly nine years of Sandinista government.

nine years of Sandinista government.

Workers from a coalition of conservative and Communist labor unions marched peacefully for two hours through the working class neighborhood of Cludad Jardin and past the sprawling Eastern market. They carried signs reading "Enough Already!" and denouncing the government for "Hunger, Misery, Unemployment and Repression." Some carried elaborate cartoon posters, some of which were copied from the opposition newspaper La Prensa.

One carton showed President Daniel Ortega confessing to Cardinal Miguel Obando y Bravo: "Father, forgive me, we lied about everything we said about the Central American peace plan." In the car-

Central American peace plan." In the car-toon, Obando replies, "No one believed you in the first place."

in the first place."

But most observers attributed the large turnout and peaceful march to the political space created for the domestic opposition under the peace agreement made last August by Central American leaders.

"There ought to be even more people here," said Fanor Avedano, a Social Christian youth leader. "After eight years of repression, people are only beginning to lose their fear." She said the march would not have been possible before the peace agreement.

ment.

Workers apparently were catalyzed by the closing of 21 factories because of the country's energy crists. The Sandinistas said Saturday that six more factories, including two beer factories, would be shut temporarily to conserve electricity. The 15 factories shut last week include soft drink, chemical and textile factories.

The government has said that workers will continue to be paid, but that they have been encouraged to pick coffee or partici-

been encouraged to pick coffee or partici-pate in communal projects.

"Reagan's war has damaged the economy, but the comandantes share the blame." Ro-berto Moreno of the Communist Party Union, known as CAUS, told the crowd. "There are millions for mansions but no money for factories."

Pour opposition union coalitions particle.

Pour opposition union coalitions partici-pated in the march. They are believed to have about 100,000 workers, including some

peasant cooperatives.

The Sandinista Workers' Union, which was not in the march, has the majority of Sandinista workers

Sandinista workers.

"The march is a response to social inconformity because of the cocnomic crisis," said Mauricio Diaz, president of the popular Social Christian Party. "It is an answer to the government's lack of answers."

Diaz, who is the opposition party delegate to the National Reconciliation Commission created under the peace plan said the march was the largest opposition labor march in the history of the Sandinista revolution.

[From the Washington Post, March 5, 1988] NEW PLAN PARALYZES NICARAGUAN ECONOMY

(By Julia Preston)

MANAGUA, NICARAGUA, March 4.—Rice and beans, Nicaragua's most basic daily fare, are gone from the markets of Managua. For two weeks there has been no corn for tortillas, no oil for frying. Eggs, though, are on sale by the thousands putrifying in stacked cartons that clog hot market walkways.

On Feb. 14, the leftist government, seeking to rein in runsway inflation enacted an

on reo. 14, the lettist government, seeking to rein in runaway inflation, enacted an
economic program that has brought the
most jarring changes in living conditions
since the nationwide agrarian reform of
1979, just after the Sandinistas rose to
power. The new measures rewrite the rules
for production and trade in both the state and private sectors.

The lack of rice and excess of eggs are signs of the extraordinary chaos that these latest changes have unleashed, leaving the

latest changes have unleashed, leaving the economy nearly paralyzed. Economists say the measures, in principle, were the right ones to curb a wild inflationary spiral that came close to doubling the cost of living each month. But in practice, the government set several key rates—including the exchange for the dollar—at levels so unrealistic that they rendered many farms and factories unprofitable overnight. Scores of the abrupity bankrupted businesses belong to the government.

The results of the changes are expected to have a major political impact here. In adopting them, the nine-member Marxist leadership turned sharply from the path of socialist-style state control of the economy, economists said.

economists said.
The rulers opted instead for policies promoted by a small group of government officials known as "the technocrats," who are not part of the Sandinista party leadership and who drew on a mix of monetarist tenets of Latin American capitalism.
"This is a reaffirmation of the view that socialist central planning is not viable in this country. The logic of these measures is a greater reliance on market signals." said

a greater reliance on market signals," said U.S. trained Nicaraguan economist Mario Arana, head of research at a progovernment think tank here. About three-quarters of Ni caragua's economy remains in private hands, mainly small- and medium-sized property owners, Arana noted.

If the measures ultimately fail, Sandinista leaders could respond by swinging leftward

once again.

The changes, sprung by surprise on Nicaraguans for maximum shock effect, began in mid-February when the government issued a new cordoba and withdrew the old currency that was practically worthless.
The new cordoba drops three zeros from its

predecessor's face value.

The Sandinistas handled the currency

predecessor's face value.

The Sandinistas handled the currency switch like a military campaign, mobilizing 60,000 party followers to help with the transactions in rural areas.

The government also quintupled wages, increased the price of 46 basic goods by as much as 250 percent and froze them there, raised sales taxes and eliminated gas and transportation subsidies. The price of a gallon of gasoline went in one day from the equivalent of 15 cents to \$1.50.

A knotty tangle of different dollar ex-

A knotty tangle of different dollar ex-changes was made into one rate, 10 new cor-dobas to \$1. Until then, the rate had varied ludicrously from the lowest official fixing of 70 cordobas for \$1 to the black-market 50 000 to \$1 50.000 to \$1.

50,000 to \$1.

President Daniel Ortega ordered all minis-tries to slash their budgets by 10 percent and combined several agencies into one Min-istry of the Economy under Luls Carrion,

and combined several agencies into one Min-istry of the Economy under Luis Carrion, one of the nine top Sandinista comandantes. The government hopes the package will ease inflation by cutting back the money supply and reducing its big fiscal deficit, while also simplifying economic manage-ment and forcing all businesses, including its own, to operate more efficiently. In fact, the changes seemed so similar to those advocated by (scally conservative in-

those advocated by fiscally conservative in-stitutions such as the International Mone-tary Fund that one conomist at the U.S. Embassy was asked jokingly by several Nica-raguans if he had had a hand in crafting

By most accounts, the program quickly went awry. Last week the Central American Business Administration Institute, a Managua business school convened managers from private and state-owned companies for an assessment. One manager after another announced that his or her enterprise could no longer function.

One problem is the new dollar cost, Many Nicaraguan firms, including dozens of pri-vate ones that regularly lambasted the San-dinistas for their Marxist bent, owed their

dinistas for their Marxist bent, owed their survival during recent years to a government subsidy that provided them with dollars at the giveaway rate of 70 cordobas. For them, a dollar to purchase needed imports is suddenly 143 times more expensive.
"I've looked through the recent history books, and I can't find another example anywhere in the world of a devaluation of tha magnitude. I guess we can say it is an audacious move," said Nicaraguan economist. Francisco Mayarga who holds a docmist Francisco Mayorga, who holds a doc-

mist Francisco Mayorga, who holds a doc-torate from Yale.

Within a week a black market reemerged, with the dollar trading at six times its legal value. Even some desperate government agencies were among the buyers.

Faced with soaring labor costs, fixed prices and a mood of uncertainty, many

farmers and manufacturers just ground to a

'Nobody can start to produce anything. "Nobody can start to produce anyling: There is general bankruptcy in both the pri-vate and public sector," said Mario Hanon, president of the national rice growers' asso-ciation. But Hanon rejected the idea that the measures are a disguised Sandinista attack on private business.

"This is the based on a ble dose of igno-

"This is just based on a blg dose of ignorance," he charged.

As for the markets, prices of some basic

goods-such as meat and the rotting eggs— were fixed so high that few shoppers can afford them. But the prices for rice and beans are so low that vendors are holding

their stocks off the market, creating severe

In a renewed campaign against the black market, police and gangs of pro-Sandinista factory workers broke up market stalls in nighttime raids, emptied unificensed ware-houses and arrested several dozen vendors. If they resisted, the police used clubs and a

blinding mace-like spray.

Despite widespread confusion over prices. Managua police also summarily confiscated more than 30 taxis and trucks of drivers caught charging more than the legal price

more than 30 taxis and trucks of drivers caught charging more than the legal price for their services.

"The battle is against the speculators, anyone who tries to raise prices, whether because they are enemies of our revolution or are supported by the American Embassy. Among them, there are no big or small fish," said Bayardo Arce, who runs the Sandinista National Liberation Pront, in an interview with the party daily Barricada. President Ortega said the government hopes to force black marketers to return to the countryside to work as farm laborers.

At the headquarters of the opposition Labor Unity Confederation, the hallways teem with vendors, drivers, waiters and other workers seeking help.
"I want them to let go of my mother," said 8-year-old Yesena Altamirano, holding her year-old brother, Eduardo. She came to the union because their parents were failed after a scuffle with police at their stall in Managuu's main Eastern Market.

The decision to take the measures, under consideration since 1982, put new strains on the nine Sandinista leaders. According to a government consultant familiar with the deliberations, Ortega supported the move on

liberations, Ortega supported the move on the counsel of two dozen advisers, but Agrarian Reform Minister Jaime Wheelock

Agrarian Reform Minister Jaime Wheelock was skeptical but finally agreed.

In December, Wheelock signed a pact with private rice growers to control rice marketing. The idea was a joint effort to raise the farmers' income and lower prices to the consumer by eliminating black-market intermediaries. The pact was to be a model for other deals between the state and private aerthuciness. agribusiness

agricustness.

Now Wheelock finds himself with his pact shattered and dozens of state farms whose books suddenly do not balance.

(From the Washington Times, Feb. 10,

NICARAGUA MOMS RIOT AGAINST MILITARY DRAFT

(Ry Glenn Garyin)

MASAYA, NICARAGUA.—An angry mob of 1,000 mothers attacked a police station and a Sandinista party headquarters here, burning vehicles and breaking windows to protest the military draft, witnesses said.

No injuries were reported during the Monday night riot, but two government vehicles were burned and police reportedly arrested about 20 people. Both supporters and opponents of the Sandinistas scheduled railies and marches for late yesterday, and many residents were predicting more vio-lence last night.

"The security forces have a hot coal on their hands, and they don't know how to handle it," said one resident who witnessed

nandie it," said one resident who witnessed the violence.

Sandinista officials, evidently agreeing that new disturbances were likely, sealed off a several-square-block area around the police station and flooded the city with policemen and plainelothes security officers. "I can't tell you anything," said police I t, Roberto de Jesus Parra. 'We have a very difficult situation here."

Sandinista officials said the riot was touched off by "provocateurs." including members of the country's old National Guard who have recently been released from prison under provisions of the Central American regional peace plan.

But most winterses said Monday night's But most wintesses said Monday hights rioting broke out spontaneously after secu-rity forces swept through three neighbor-hoods, grabbing teen-agers suspected of dodging the draft.

dodging the draft.

Witnesses said the security forces—from
the so-called "preventive police" of the Ministry of the Interior —kicked in doors of
homes and dragged away young boys during
the sweep, though some of them were obviously under the minimum draft age of 17.

One witness described it as "a hunt for

children.

They were not taking young men," he d. "These were boys. These were chilhies Several of the suspects were beaten after

dren."
Several of the suspects were beaten after they were arrested, witnesses said, and others fled in obvious terror.
"I saw one boy pedaling as fast as he could on his bleycle, while the police were chasing him on foot," one local resident said. "Finally he threw the bleycle down and ran and hid in a church school as they ran by."
Sandinists officials confirmed the police sweep. They said police picked up about 150 young men and released all but 29. The others, the officials said, presented proof that they were either too young for the draft or had already served.
Anti-draft demonstrations began Monday afternoon in each of the three neighborhoods. Around 8 pm., all the demonstrators marched to the police station downlown, where they began throwing rocks and screaming anti-Sandinists alogans.
"They were all women," said farm worker Luis Sanchez, who lives a few hundred feet from the police station. "All kinds of women—little ones, big ones, old ones, young ones."
"The women stretched for four blocks,"

young ones.

The women stretched for four blocks." said watch repairman Francisco Alejo, who lives nearby. "They were screaming, 'We don't want our children to be taken to the slaughterhouse!"

According to the witnesses, the women also attacked the local headquarters of the Sandinista Youth Organization, breaking windows and rolling a car out of the garage into the street, where they burned it. The first security policeman called to the scene jumped from his Soviet-made jeep and drew a gun on the mob. But when the demonstrators rushed him he fled, and the crowd burned the jeep, too.

Soon afterward, several jeeploads of police arrived, firing their weapons into the air, over the heads of the crowd. But sporadic violence continued until 1 a.m., area residents said.

Interior Minister Tomas Borge, head of

Interior Minister Tomas Borge, head of the vast Sandinista security apparatus, was called to the scene of the rioting Monday night. Witnesses heard him tell reporters from the pro-government press not to report his presence.

Sandinista police refused to say how many people they arrested in connection with the riot. But witnesses said that more than 20 were picked up—some at the scene, and some yesterday morning, Among those arrested were two opposition political leaders, Juan Jose Cerda of the liberal Independent Party, and Humberto Urbina, of the Social Democraty. ocrats.

Democrats,
Friends and political associates of the two
men said they were not at the riot, and the
Sandinistas were using it as a pretext to imprison opposition leaders.
Yesterday, as Sandinista supporters circulated through the streets here urging people

touched off Monday's violence was still ap-

"It's easy for you to talk," several housewives shouled at the pro-government forces. "You've got soap! You can eat!"

The children belong to us," one of the housewives said to a reporter. "They're our babies. They were in our stomachs for nine months, and no one helped us to give birth. Now the government wants to take them away.

Pro-government citizens were just as vehe-ment. "It's the reactionaries and the rightwingers who don't want peace," said Josefa Jose, who sells clothing in Masays's central market. "They have been infiltrated by the criminals pardoned under the peace plan. . . There's a war going on, and we all plan. . . . The have to help.'

Mrs. Jose said she would be attending the Mrs. Jose said she would be attending the pro-Sandinista rally late yesterday. Other market women said they would go, too—but not always willingly. Several said the gov-ernment had threatened to cut off their supplies and revoke their business permits if

they didn't.

The disturbance here was the worst antidraft violence since a riot in the north-central town of Nagarote in 1985, when mothers attacked police with macheles to protect their children.

But there has been a steady stream of anti-draft incidents during the last year, as anti-Sandinista rebels, backed with new American aid, have upped the ante in Nica-ragua's 6-year-old civil war.

Several mothers scuffled with police looking for draft-dodgers in a Managua neighborhood last week. And the official Sandiborhood last week. And the official samu-nista newspaper, Barricada, reported recent-ly that 500 soldiers had to be deployed in the city of Sebaco to "explain" the draft to local residents.

The draft applies to men aged 17 to 25.
They enter the so-called Patriotic Military

(SMP), a militia force that lacks the sophisticated weapons and training avail-

able to the regular army.

Many critics of the Sandinistas say the government uses the SMP troops us cannon fooder, sending them out to draw ambushes from the rebels. The regular army is com-mitted only afterward, the critics say, when commanders know the exact location and strength of the rebels.

Even more alarming to the government than the venom of Monday's violence may be the place where it broke out. Massaya was one of the Sandinistas' toughest strongholds during the 1978-79 revolution against the old Somoza dynasty.

Many of Monday's rioters came from the Many of Monday's rioters came from the Massya neighborhood of Monlmbo, an Indian enclave where the original anti-Somoza riota broke out in January 1978. Camillo Ortega, the youngest brother of Nic-araguan President Daniel Ortega, was killed

araguan President Daniel Ortega, was killed by the Somoza troops during the rioting, and Monimbo became a sort of national catch-phrase for the revolution.

The reputation of Massya residents—par-ticularly Monimbo residents—for not put-ting up with much guif sent a ripple of fear through the city yesterday.

"People here don't have much patience, and when they explode, someone will pay," said one resident, vesterday. "Tonight I

said one resident yesterday. "Tonight, I think there will be real trouble." Some people were packing bags and heading 20 miles north to Managua to spend the night.

to attend their rally later, the anger that [From the Washington Post, March 7, 1988] SANDINISTA SUFFORTERS DISRUPT OFFOSITION RALLY

(By Julia Preston)

MASAYA, NICARAGUA, March 6.—Gangs of club wielding Sandinista party followers broke up an opposition women's march today, driving antigovernment demonstrators off the streets, hurling rocks, threatening them and then rampaging across the city for two hours

It was the most aggressive use of Sandinista mob violence against the opposition in years and appeared to indicate a new gov-

years and appeared to indicate a new government policy of using civilians to confront its political opponents.

Thursday, about 150 Sandinista party rabblerousers, called turbas, which loosely translates as "mob," disrupted a peaceful opposition union meeting in Managua. The turbas are drawn from Sandinista unions, block committees and other grass-roots

block committees and other grass-roots groups.
Today's trouble in Masaya began with two outdoor railies in honor of International Womens' Day next Tuesday, which took place this morning in Masaya. One was led by the Democratic Coordinating Group, an opposition coalition, and another by the Sandinista National liberation Front (FSLN), the ruling party. It was unclear which demonstration was scheduled first, but Sandinista police issued the required permits to both and established different parade routes for each march, organizers for both sides said.
Tensions have been running high in

Tensions have been running high in Masaya, where there is strong popular sentiment against the military draft. On Feb. 8, an opposition protest against the draft in Masaya turned into an antigovernment riot.

Massya turned into an antigovernment riot. Today's railies were located about 50 yards apart on opposite sides of the central park of Massya, 20 miles south of Managua. At the center of the opposition march was a protest against the draft by about 100 women and girls, mostly from poor rural families, who wore black dresses and vells. As the opposition speeches continued, scores of men carrying wooden clubs and metal bars and wearing the red-and-black kerchiefs of the Sandinista party, crossed over from their raily, taking up positions

over from their rally, taking up positions surrounding the opposition rally. As the Democratic Coorinating Group sympathizers filed into the street to begin their march, hundreds of the club-wielding Sandinistas dashed across the park to block part of the street where the marchers were

Sandinistas dashed across the park to block part of the street where the marchers were to pass.

One Sandinista man, Juan Ramon, who identified himself in an inteview as a 27-year-old bricklayer, repeatedly taunted opposition marchers, tearing their placards out of their hands to rip them up. He confronted an opposition woman carrying a tiny infant and screamed insults in her face. As the tension mounted, someone threw a rock, and quickly rocks were flying on all sides. At the same moment, a Sandinista demonstrator bashed a boy in the back of the head with his club.

Most opposition protesters appeared to be unarmed, but one opposition man was seen carrying a club with nails protruding from one end.

The Democratic Coorinating Group presi-

The Democratic Coordnating Group presi-

The Democratic Coordinating Group president, trade unionist Carlos Huembes, acknowledged that his followers had engaged in fighting. "That's our response. We have to defend ourselves," he said.

The rock-throwing continued for several minutes, but finally the outnumbered opposition demonstrators fied. For the next two hours, Sandinista gangs roamed the streets hunting for them.

"Either you respect the Sandinista Front or we'll make you respect us," was the stogan some chanted repeatedly. Sandinista mobs burned one parked jeep on a rumor that it belonged to Erick Rami-ora a leader of the compilion Sound Obtain

on a rumor that it belonged to Erick Ramirex, a leader of the opposition Social Christian Party. At least three other vehicles were damaged by stoning. They ripped out, broke up, and urinated on chairs in the movie theatre where the opposition event

Reporters and Sandinista police watched as a Sandinista crowd approached Edda Bonilla de Gaudamuz, identified as an oppo-Bonlin or Gaudamuz, identified as an oppo-sition member because she was still wearing her black veil. Bonilla dropped to her knees, but the Sandinistas ripped off the veil and slapped her repeatedly. Then a woman dragged her behind a police line and beat her.

her.

One opposition man was cut in the face with a knife. A Sandinista man was severely beaten, apparently after his colleagues mistook hin for an opposition member.

Huembes, the Coordinating Group leader, said, "It seems clear the Sandinista Front does not want to comply with the peace process in Central America. They want to substitute it with the terrorism of the turbas." He was referring to a peace pact signed last Aug. 7 by the five regional presidents, including Nicaraguan President Daniel Ortega. Daniel Ortega.

Pederico Lopez, the PSLN party delegate

(From the Washington Post, Mar. 8, 1988) NICARAGUA REVIVES GANG TACTICS TO BLOCK OPPOSITION

(By Julia Preston)

Managua, Nicaragua, March 7.—The Sandinista party newspaper Barricada today described yesterday's street clashes in the city of Masaya between progovernment and op-position followers as "a true popular upris-ing against the right wing."

ing against the right wing."
But many Masaya citizens put it differently. "The turbas are back," one said.
The turbas, Spanish for "mob," are the civilian shock troops of the eight-year-old Sandinista revolution. Drawn from the most dedicated ranks of the ruling Sandinista National Liberation Front (FSLN), the club-

tional Liberation Front (FSLN), the club-carrying gangs include schoolboys, Army veterans, feminists, factory workers, even el-derly mothers who have lost sons in the war against the contra rebels. They were out in force in Masaya yesterday. The Saudinista party sends turbas to harass, intimidate and overwhelm its nu-merically smaller political opposition by painting progovernment graffiti, shouting slogans, throwing stones and swinging sticks. Though Nicaraguans are rarely killed in turba attacks, many have been hurt.

in turba attacks, many have been hurt.

The turbas emerged in late 1980. For four years they acted frequently against right-of-

center political parties and churches associated with the conservative Roman Catholic leader, Cardinal Miguel Obando y Bravo. After the 1984 elections in which Sandinista President Daniel Ortega was elected, strict

state-of-emergency laws were enforced, and activity by the turbas subsided.

Ortega lifted the emergency in January to comply with a regional peace plan, but since then the PSLN has begun mobilizing its militants again to maintain a measure of political control. litical control

Masaya, located 20 miles south of Mana-gua, strongly supported the Sandinistas in their 1978-79 armed insurrection against their 1978-79 armed insurrection against dictator Anastasio Somoza Debayle. Now, Masaya is known for its strong opposition to the Sandinista military draft and its economic programs

nomic programs.

The opposition, particularly in Masaya, has street fighters as well, and opposition protesters also threw rocks yesterday.

The FSLN is the only party with trained, disciplined gangs who follow orders from higher officials. The turbas usually do not act without approval from some official at the highest level of the party and government.

Normally the party recruits its gangs from unions, block committees and Sandinista youth groups the day before an event and issues precise instructions about the alogans used and actions to be taken, rankand-file Sandinistas said in interview

and-file Sandinistas said in interviews.
They are often advised not to say that
they are closely affiliated with the FSLN,
but to describe themselves as spontaneous
demonstrators from "the people."
In Massaya, Federico Lopez, the FSLN
party chief and in practice the governor of
the Massaya region, led several hundred Sandinistas on a chase after about 800 opposition demonstrators, who had gathered for a
Women's Day march.

tion demonstrators, who had gathered for a Women's Day march.

In a midday speech to about 3,000 excited Sandinistas, Lopez first invited them to "confiscate" a movie theatre where the opposition raily had started. The crowd began breaking chairs in the theater, but Lopez changed his mind, and the crowd quickly obeyed his orders to stop.

Several hundred Sandinista men arrived

Several hundred Sandinista men arrived at their party's rally yesterday with wooden clubs that had been issued beforehand, some bearing Sandinista flags.

At one point, one group of turbas discovered some opposition demonstrators hiding in a Catholic church on a sidestreet and banged on the door with their sticks.

Their leader, a Sandinista youth member, spoke briefly with a priest who had come to a window. The leader issued an order to leave the church alone, and the banging quickly ceased. quickly ceased.

Recently two American diplomats got a

Recently two American diplomats got a small taste of turba-style tactics. Sent by the U.S. Embassy to observe a major Sandinista rally Peb. 26 in Managua, they were watching an Interior Ministry contingent file into a plaza when one official in the ranks spotted them and shouted. "Those men are from the American embased!"

Moments later, the Interior Ministry group broke ranks, surrounded the diplo-mats and lifted one of them bodily off the ground, knocking off his glasses and roughground, knocking oit his giasses and rough-ing him up slightly while chanting anti-American slogans. Then they suddenly put him down, fell back in line and marched on. The Interior Ministry is in charge of polit-ical security and is believed to be, along with the Sandinista party, in charge of the

Nicaraguans who turn out for turba ac-tions are dedicated to the FSLN. Many are from the poorest families and have been close to the Marxist party since the mid-

1970s, when young, bearded Sandinista revolutionaries were widely regarded as heroes in the fight against the unpopular Somoza.

Yesterday, Ramon Gomez, a 36-year-old shoemaker and Sandinista loyalist, was car-rying a poster of a widely distributed photograph taken of him in Masaya in 1978 weargraph taken of him in Massaya in 1978 wear-ing a mask and clutching a confact bomb, fighting alongside the Sandinista. "This is why I'm here today, repudiating the right-wing," Gomez said proudly, pointing at the picture. But their devotion has also bred in-tolerance and frequently spawns blanket condemnation of the opposition as being Clabricky. CIA-backed.

CIA-backed,
Opposition leaders said today that 27 persons were injured yesterday and 11 have not returned to their homes. A prominent leader of the moderate Social Christian Party, Erick Hamirez, was dragged into the street from a house where he was hiding by Sandinista who tore off his shirt and hit him his nerty said. him, his party said.

[From the Washington Times, Mar. 8, 1985] TWO PROTESTERS SLAIN BY SANDINISTA TROOPS

(From Combined Dispatches)

Managua, Nicaragua.—Nicaraguan sol-diers shot and killed two protesters during a clash with anti-government demonstrators Sunday in northern Nicaragua, the Interior

Ministry said yesterday.

According to accounts from the area, demnstrators in El Tuma in Matagalpa prov-ince about 125 miles north of here, threw rocks at government soldiers who responded with gunfire. A man and a woman were re-

with gunfire. A man and a woman were re-ported killed.

The sources did not say what sparked the protest, which occurred the same day as a protest in Massaya opposing military con-scription and new economic strictures. That protest was broken up by a progovernment mob and at least seven persons were infured.

The ministry confirmed the two deaths in El Tuma. It said the incident was a "provocation" by "counter-revolutionaries" among the demonstrators.

the demonstrators.

Still, the ministry said it would appoint a special commission to investigate.

Also yesterday, a presidential communique said Cardinal Miguel Obando y Bravo and the secretary-general of the Organization of American Status have agreed to be witnesses at talks between the government and resistance leaders.

The acreement by Jose Barna Source the

The agreement by Joao Baena Soares, the OAS official, and Cardinal Obando, Roman Catholic archbishop of Managua, appeared to start this week in Sapoa, on the border with Costa Rica.

The cardinal was the intermediary in

the cardinal was the intermedialy in cease-fire talks between the Marxist govern-ment and the U.S. supported resistance until President Daniel Ortega dismissed him last week. The rebels insisted that he attend

Adolfo Calero, one of five directors Nicaraguan Resistance umbrella group, said earlier that the rebels have received no

earlier that the rebels have received no word from the government about security arrangements or an agenda. The government daily Barricada had praise yesterday for the club-wielding youths, some masked and others in military garb, who broke up the Masaya march.
"What happened yesterday in Masaya w

a real uprising, a popular insurrection, alive and in color . . against the right, against the local agents of imperialism, it said. An opposition leader vowed to continue

the protests.

Also yesterday, a source at the U.S. Em-assy in Managua said the government

withheld nearly \$20,000 belonging to the embassy and its employees when they turned in their money in last month's currency exchange

rency exchange.

The money, withheld under a government-set exchange limit, should have been placed in a bank account. But neither the embassy nor the Central Bank could say whether that had happened.

The source, who spoke on condition he not be further identified, said the embassy turned in 208 million old cordobas in exchange for new ones, in accordance with last month's economic measures.

The total, which included private money and embassy funds, was worth about

and embassy funds, was worth about \$20,800. The government last month created a new cordoba worth 1,000 times more than the old one and pegged it at 10 to the U.S.

government set an exchange limit of The government set an exchange limit of in million in cordobas per person or institution, or the equivalent of \$1,000, the U.S. Embassy was given \$1,000, and the rest was withheld. A Central Bank spokeswoman confired that the new law requires that the remainder be placed in a bank account but said she had no information on the U.S. account.

[From the Washington Times, Mar. 16. 1988

SANDINISTAS HAMMER REBUS, ORTEGA BOASTS-REAGAN PLEADS WITH LAWS (By Jeremiah O'Leary and Jennifer Spevacek)

Spevacek)
President Reagan asked congressional leaders yesterday to allow quick action on a new aid package for the Nicaraguan resistance, as the administration warned that the Sandinistas are about to "launch an all-out death blow to the Contras."

Mr. Reagan made the request for a new vote during an "intense and straightforward" 95-minute meetling with House Speaker Jim Wright and other lawmakers, said White House spokesman Marlin Fitzwater.

water.
"I think the general feeling of the group was that it's time to clean the slate and start over," Mr. Pitzwater said. "Fights and arguments of the past should be left there."

But he emphasized that the two sides reached no agreement on how to proceed. Mr. Pitzwater said National Security Adviser Colin Powell told the lawmakers that the rebels battling Nicaragua's Marxist Sandinista regime are on the verge of collapse. "It's only a matter of weeks," Gen. Powell told the leaders.

told the leaders.

"Sandinista forces appear to be preparing told the leaders.
"Sandinista forces appear to be preparing to launch an all-out death blow to the Contras by destroying supplies now in major Contra camps." Mr. Fitzwater said. "Everyone in that session agreed a cease-fire is what we're going after."

Speaking to reporters after the White House meeting, Mr. Wright said he would be willing to revive the Democratic leadership's \$30 million rebel aid bill, defeated in the House earlier this month.

But he said it would be virtually impossible to get the House to suspend its rules to allow a vote this week. "That's the only way it can be done in a big hurry." Mr. Wright said.

The House has voted down two rebel aid bills already this year. On Feb. 3, the House voted 219-211 to reject the president's \$36 million rebel aid bill—which included \$3.6 million for lethal aid.

Earlier this month, a coalition of Republicans and liberal Democrats joined forces to defeat the House Democratic leadership's \$30 million humanitarian aid bill 216-208.

Mr. Fitzwater said a new bill similar to the Democrats' defeated package is one of sever-The House has voted down two rebel aid

al options being considered, but he refused

to give details.

Mr. Wright said he would insist on guaranteed GOP support before scheduling a second vote on the Democratic leadership's

Mr. Wright and other Democratic leaders ere scheduled to meet with House Republi-an leaders today to discuss further action. Since a \$100 million package of lethal and

non lethal aid to the rebels expired in Sep-tember, the rebels have received three short-term installments of humanitarian aid, the last of which expired Feb. 29. Privately, administration officials believe

the new Sandinista offensive—plus the Nica-raguan government's ouster of Cardinal Miguel Obando y Bravo as mediator for the will boost prospects for pascease-fire talks

cease-fire talks—will boost prospects for pas-sage of a rebel aid bill.

Cease-fire talks between the Sandinista government and the rebels are scheduled to resume on Monday in the town of Sapoa, Nicaragua, 90 miles south of Managua near

Nicaragua, 90 miles south of Managua near the Costa Rican border.

Earlier yesterday, Mr. Wright said he did not know the extent of any Sandinista military preparations, but said he has "carnestly implored" the Managua government to act in good faith in view of a resumption of cease-fire negotiations.

cease-fire negotiations.
A few minutes later, in an apparent reference to Mr. Wright and the House Democratic leadership, Mr. Reagan pounded the table and said: "There are some people around this table who don't seem to know who the bad guys are down there," congressional sources told The Associated Press. In a speech to Jewish leaders yesteriay, Mr. Reagan also criticized the Sandinista regime as histority and some some sentences.

regime as blatantly anti-Semitic.

[From the Wall Street Journal, Mar. 17,

WHITE HOUSE ORDERS TROOPS INTO HONDURAS

(By Ellen Hume and John E. Yang)

Washington.—President Reagan ordered 3,200 U.S. troops to Honduras in a "training exercise" spurred by what the admir.lstration called an invasion of the country by Nicaraguan government forces

Nicaraguan government forces.

White House spokesman Marlin Pitzwater
said the deployment of four battalions from
Fort Brags, N.C., and Fort Ord, Calif., was a
"measured response designed to show our
strong support." for the Hondurans, following the reported raid against Contra rebels,
who maintain bases inside the Honduran
border.

who maintain bases inside the Honduran border.

The U.S. troops, who are scheduled to leave their bases sometime this morning, will engage in a "emergency deployment readiness exercise." rather than enter actual combat, officials said. They will be deployed to an airforce base about 125 miles from where fighting between the Contras and Sandinistas has been intense in recent days, according to Mr. Filzwater.

Under current U.S. law, the administration is faced with limited options of what it can do with its forces. Because Congress has ordered that American troops must stay at least 20 miles from the Nicaraguan border and has barred them from any active conflict, officials said U.S. soldiers probably could do little more than mount a show of strength. Attempts by the administration to encourage Honduras to move against Nicaragua, with U.S. support, haven't met with much success.

None of the Democratic leadership is

None of the Democratic leadership in

* * Sandinis(as) to get a cease-fire and
stop the killing "

Santomistas) to get a cease-lire and stop the killing."
House Majority Whip Tony Coelho (D., Calif.) last night added: "Nothing that we heard today justifies the sending of young

men into the jungles of Central America. It appears they want to create a situation to prevent the cease-fire talks from going for-ward next week and for getting military aid from the Congress.

from the Congress.
"We have been notified by the press every inch of the way. The White House hasn't had the decency to call the leadership of the House or the Senate."
House leaders had nict with Secretary of State George Shultz, National Security Ad-

viser Colin Powell and White House Chief of Staff Howard Baker late yesterday after-

noon for nearly two hours.

The Reagan administration's cagerness to confront the Sandinistas was clear. U.S. troop were mobilized some time before what Mr. Fitzwater called a formal request for as Mr. Fitzwater called a formal request for as-sistance was made by Honduran President Jose Azona. Mr. Fitzwater said that the U.S. ambassador in Honduras telephoned the request at 7:45 p.m. to Assistant Secre-tary of State Eilhott Abrams, and that Presi-dent Reagan was notified of it at about 8 p.m. and made his decision. A cable letter formally requesting the aid was sent to Mr. Reagan at 8:45 p.m. by Mr. Azona.

CONFLICTING REPORTS

The administration's decision came despile conflicting reports about the nature or scope of an incursion by the Sandinistas. Mr. Wright said yesterday afternoon that Nicaraguan Foreign Minister Miguel D'Es-Nicaraguan Porigin Minister Miguel D'Es-coto had telephoned to tell him that the Sandinista troops that had crossed over into Honduras during heavy fighting in the Bocay Valley border area had been ordered to return to Nicaraguan territory. Mr. D'Escoto told the Texas Democrat that Nicaraguan President Daniel Ortega

that Micaraguan. President Daniel Orlega had been in contact with Honduran government officials to assure them that his government had no intention of invading. Mr. Wright told reporters in the afternoon. The speaker added there would be no reason to consider additional Contra aid as long as the incursion was inadvertent and the Nicaraguan troops are onlickly withdrawn.

incursion was inadvertent and the Nicaraguan troops are quickly withdrawn. The Associated Press earlier reported that Mr. Ortega had said Sandinista troops pushed back Contra rebels into Honduran territory and that fighting was raging along the border. The AP said Mr. Ortega neither confirmed nor denied the Reagan administration's claims that Nicaraguan soldiers crossed into Honduras. The administration's move to send troops coincided with the indictments yesterday of four key figures in the Iran-Contra affair, which involved the diversion to the Contras of funds raised by covert arms sales to Iran. Noting that Nicaraguan forces have crossed the Honduras border before while pursuing the rebels, some lawmakers yester-

rossed the Honduras border before while pursuing the rebels, some lawmakers yester-day aftermoon suggested that the administration may be exaggerating the situation to increase political pressure for a resumption of aid to the Contras, which has been rejected twice by the House in recent weeks. They also pointed out that direct peace talks between the Contras and Sandinistas are scheduled to begin Monday in Nicaragua. "I am still in doubt as to what the real actions are in Central America," said Mr. Coeiho. "There is questionable trust with regards to the actions of the White House and the State Department" in that region. "I'm highly suspicious," said Sen. Christopher Dodd (D., Conn.) "We've seen it all too often in the past."

Legislators broadly challenged the credi-

Legislators broadly challenged the credibility of the Reagan administration, beyond the confused reports on the scope of the Sandinista incursion, in part because the administration has exaggerated the seriousness of similar situations in the past.

Congressional Iran-Contra investigating committees concluded that the administra-ion "misrepresented" intelligence on a San-finista incursion into Honduras in March tion imsrepresented intelligence on a San-dinista incursion into Hooduras in March 1985, when the late Central Intelligence Agency Director William Casey portrayed a short-lived incursion as a major effort in an attempt to muster congressional support for the Contras the Contras.

HOW TO ASSIST CONTRAIS

How Yo assert contrals

The administration has been in a quandary about how to assist the Contra rebets since Congress cut off U.S. assistance as of Feb. 29. U.S. intelligence and military officials were saying resterday that it may already be too lake to save the Contras, who, they said, have sustained "nevere damage" from 2,800 Nicaraguan troops equipped with Mi-24 helicopter sunsting and artilliery. The Democratic House leaders raised questions about the administration's report that between 1,509 and 2,800 Nicaraguan troops had entered Handuras.

Among the options the administration considered yesterday was the possibility of the U.S. artifiting Handurans the batterist in the U.S. artifiting Handurans have be far abown little interest in attacking the Eandinstan, Pentagan officials said. Administration sources said the U.S. has been urging the Hondurans to mount air strikes against Sandinists hese camps in northern Nicaragua and the Hondurans have demurred.

Mr. Pilmanter soundered Mr. Wright's conductant of the production of the product durans have demurred.

means save demurred.

Mr. Pitsmater countered Mr. Wright's contention that Sandinista troops were withfinwing: "An far as I know they're still engaged. No pull-back."

Ofrom the Washington Post, Mar. 17, 1988) TROOP ORDER TAKES PENTAGON CHIEFS BY SURFRISE—WRITE HOUSE WAITED USTIL HOMBURAS MADE PORMAL ERQUEST, DE-FERSE CIFICIALS MIFFED

(By Mally Moore)

The White House orders late last night to send more than 3,200 U.S. combet troops to Hunduras caught top Pertagon leaders by surprise and left several officials angry that

surprise and left several officials angry that they were not informed of the decision. It was a stormy conclusion to a long day of confusion and consternation. Although the decision to dispatch U.S. troops to Honduras was made during an afternoon meeting at the White House, the orders to deploy the troops weren't issued until the United States government received a formal request from the Honduran government, according to Pentagon officials. That request was received at about 7 p.m., after top Pentagon spokesmen went home with assurances from the White House that the final orders wouldn't come until Thursday morning.

day morning.

The orders to deploy two battalions of the Army's 82nd Airborne Division and two battalions of the 7th Infantry Light Division came about 9 p.m. But no one at the White House called key Pentagon officials. When reporters called for their reaction, Defense Department officials were left sputtering

populates cannot not the transfer in the properties of the properties and fuming.

Pentagon spokesman Pred S. Hoffman late last night began hastily assembling his staff to alert the media pool that was to accompany the units to Honduras.

The entire decision-making process had agitated officials at several levels of the Pentagon throughout the day. Some military leaders opposed sending any troops to Honduras, fearing a Vietnam syndrome of negative public backlash.

"The military does not like going in without specific orders and objectives," said one military official.

The airborne units will fly into Honduras near the Palmerola Air Base, headquarters

GRESSIONAL RECORD — SEN for the \$1,50 U.S. troops already stationed in Homeians. The light infantry smits and support groups will then disperse into the countryside with Hondourse troops on exercises, according to one Penlagon official. Hoffman said the troops will "not enter harm's way" and would not go within 26 makes of the Micaraguan border.

Yesterday's results of White House, Defense, State and National Security Council meetings came with the Penlagon's two highest ranking leaders out of town. Defense Secretary Frank C. Carincel was in Bern, Switserland, meeting with Soviet defense officials and Joint Chiefs of Staff Chaliman William J. Crowe Jr. was on leave. Although both men were in telephone contact with administration leaders, the face-to-face discussions were left to their deputies.

U.S. intelligence reports first revealed plans for the Sandinista incursion last week,

praise for the Sandinista incursion last week, according to smother Pentagon official. Pentagon sources said military officials then submitted several possible military octions to the White House.

"This is a political decision, not a military decision," said one runking Pentagon official

Of the 3,150 active duty, national guard and reserve troops based in Honduras, Pen-tagon officials said about 1,100 active troops are based at the Palmerola headquarters in a command, control and logistics until known as Joint Task Force Bravo. An additional 1,100 troops, primarily engineers, are in engineering field training and 850 guard, reserve and active troops are in a road-build-ing exercise in the Yora District in north central Honduras.

central Honours.

Milliary officials in Honours say U.S. troops, with a few exceptions, have remained at safe distances from combat along the borders. They add, however, that the CIA has operated extensively in the border areas with resupply operations

FOR FORT ORD, TIMELY PRACTICE

Four One, Califf., March 18-Fort Ord was in the midst of an emergency deployment readiness exercise today when word came that two of its haitations, consisting of about 1,590 soldiers from the 7th Light Infantry Division, would be sent to Hondows. Paul Boyce, a spokesman at Fort Ord, said

the emergency deployment exercise was routine and had started early in the day, All 11,400 members of Fort Ord's Rapid Deployment Force participated in the exerrepayment rorce participated in the exer-cise, in which troops were recalled to the base to check weapons, vehicles, identifica-tions and other equipment, he said. The Rapid Deployment Force is trained to respond at a moment's notice to assign-ments worldwide.

[From the Washington Post, Mar. 17, 1988] DEPLOYMENT ALARMS DEMOCRATS

(By Tom Kenworthy)

(By Tom Kenworthy)
Democratic congressional leaders reacted
with dismay last night to the White House
announcement that it will send 3,200
combat troops to Honduras, charging that
they had been misted earlier by senior administration officials and that the action
could herald a dangerous escalation of U.S.
involvement in Central America.
"There's been no justification yet for this
type of action," said House Majority Whip
Tony Coelho (D-Calif.). "What you have to
ask is why? What is the American interest
here? And you have to ask the president,
are we really headed into snother Vietnam?"

Coelho and other Democratic leaders said Secretary of State George P. Shultz, nation-

al security adviser Colin L. Powell and White House chief of staff Howard II. Baker Jr. had assured lawmakers during an afternoon briefing on Capitol Hill that the White House would not be dispatching troops in response to the Sandinista incursion into neighboring Honduras.

"There was a denial that any such decision was made or under way," said House Majority Leader Thomas S. Poley (D-Wash) as he attended a Democratic fundaristing dinner at the Washington Hillon. "They save the conoxile indication, that the

rusing dinner at the Washington Hilton.
"They gave the opposite indication, that the
president was considering various options,
but that the president was considering various options, but that the president had
made no decision."

made no decision."
Foley said he expected Congress to show
"concern about what the mission of the
troops will have in Honduras... It'd hape
every effort will be made to avoid U.S.
troops getting involved in hostilities."

troops getting involved in hortilities."
Some Democratic lawmakers and they fear the White House is attempting to create a crisia atmosphere in order to force Congress to renew deliveries of military sid to the rebels fighting the Sandinista regime, assistance that was cut off by a House were Feb. 3. One menth later, the House rejected a Democratic plan to provide \$9.0. million in humanitarian aid when the White House

in humanitarian aid when the White House and nearly all House Republicans opposed the proposal as inadequate.

"This administration has been desperate to create a situation in Central America to justify military aid," said Coetho, the most outspoken administration crisic in the House Democratic lendership. "You have to question whether it is almost at the cease fire talks and you have to be somewhat cynical and wonder whether the Hran-control indistrency today are part of le."

irre talks and you have to se comewant cyaical and wonder whether the Hran-contral
indictments today are part of it."

Other Democrats were considerably more
cautious. Rep. David E. Booler (D-Mich),
chairman of his party's task force an Nicaragua, said, "It's not unasual—they have
maneuvers every als measths."

Bonior said Congress' response weald be
cautious unless the troops weaked a congressional edict that U.S. troops stay at
least 20 miles from the Nicaraguan barder.

Rep. Jim Stattery (D-Karl, a member of
a key moderate bloc of Democrats that is
likely to be critical to any future wase on
contra aid, predicted that there "would be
broad congressional suppart for the predident taking any action necessary to prevent
the Nicaraguan intrusion into Honduras."

More liberal Democrats expressed outrage

More liberal Democrats expressed outrage at the White House action

at the White House action.

"This is not the first time the president has made use of his military authority after he lost a vote on the contras," said Rep. Edward J. Markey (D-Mass.). . . . It is an irresponsible involvement of American troops in the conflict in Central America and an unwise escalation of tensions in that region." region.

HOUSE ERUPTS OVER ACCUSATION ON CONTRA AID

(By Tom Kenworthy)

A partisan verbal donnybrook erupted on the House floor yesterday afternoon after a Democratic leader accused Republicans of abandoning the Nicaraguan contras, and a conservative Republican's microphone was cut off as he angrily responded to the

charge.

The skirmish—hours before the White House announced it was sending troops to Honduras—was the latest flarcup in the severely strained relations between the two parties in the House, and demonstrated how polarized the issue of providing assistance to the Nicaraguan rebels has become.

House Majority Whip Tony Coelho (D-Calif.) touched off the dispute during a speech at the start of yesterday's session, during the time reserved for one minute remarks by members on any subject.

Referring to the March 3 vote on a Democratic plan to send humanitarian aid to the

cratic plan to send humanitarian aid to the rebels, which was defeated when almost all Republicans voted against it, Coelho said: "After all the pius and sanctimonious taik about surrender and appeasement, charges leveled by Republicans, we now know the truth: Republicans abandoned the contras to the polities... of cynicism."

Coelho's remarks drew cries of "Shame! Sahme!" from GOP lawmakers and a denunciation from Rep. Polyet V.

ciation from Rep. Robert K. Dornan (R-Calif.)

"In 10 years, I have never heard on this floor so obnoxious a statement as I heard from Mr. Coelho, which means rabbit in Portuguese, as ugly a statement as he just delivered that we sold out the contras."

delivered that we sold out the contras,"
Dornan said.
"Thanks to the radical and liberal leadership in this House, the communists are winning a major victory," Dornan added in a
reference to the Sandinista offensive under
way in Central America.
After Drawla America.

way in Central America.

After Dornan had exceeded his minute by about 30 seconds, the presiding officer, Rep. Gary L. Ackerman (D-N.Y.), began to gavel him down, saying his time had expired.

But Dornan persisted, screaming a demand for more time and pounding the lectern as Ackerman attempted to drown him out with his gavel.

At Ackerman's roquest, Dornan's release.

him out with his gavel.

At Ackerman's request, Dorman's microphone was cut off so his remarks could no
longer be heard over the House television
system. That brought charges from Republican lawmakers that Democrats were trying
to stiff a members, and the country of the c

lican lawmakers that Democrats were trying to stille members' speech.

After Ackerman said he was merely enforcing a rule on decorum, Rep. Lynn M. Martin (R.III.) responded: "We are talking about speaking on the floor, not about a member throwing things at the speaker, as tempting as that might be."

Though Republicans attempted to introduce a resolution barring the Democratic

Though Republicans attempted to intro-duce a resolution barring the Democratic leadership from cutting off microphones in the future, it was declared out of order and the ruling was supported on a 237-to-167 party-line vote.

[Prom the Washington Post, Mar. 17, 1988] REAGAN ORDERS U.S. TROOPS TO HONDURAS (By Julia Preston)

MANAGUA, NICARAGUA, March 16—President Daniel Oriega, responding to accusations from Washington that his forces have invaded Honduras, acknowledged today that the troops are "exchanging fire" with contra reless across the northern border but did not say the Sandinistas entered Honduran territors.

did not say the Sandinistas entered Hondu-ran territory.

Ortega also issued a nationwide alert against the possibility of a direct U.S. mili-tary action against Nicaragus. He spoke at an emergency afternoon meeting with his Cabinet and about 100 more top members of the Sandinista National Liberation Pront. the miling oatty.

the commission various landscatter from the ruling party.

Ortega's account conformed with reports from the Nicaraguan Resistance, the contra alliance, that its fighters have suffered severe setbacks during an il-day Sandinista offensive in virtually inaccessible mountains along the Bocay River, only a few miles south of the Honduran border. Contra spokesman Bocco Matamoros said in a telephone interview that El Cuartelon, the contrast main command center inside Nicaragua, had been overrun.

[The United States has been pressing the Honduran armed forces for air strikes and

ground troops in support of the contras in Honduras, who are in danger of "losing ev-erything" without such aid, according to a diplomatic source in the Honduran capital hy special correspondent Wilson

crything without such his, according to a diplomatic source in the Honduran capital quoted by special correspondent Wilson Ring. "If they don't get the air strikes by to-morrow afternoon (Thursday) it will be too late," the source said,] Nicaragua called on the United Nations and the Organization of American States to send an observer team to monitor the fight-ing and clarify the situation at the border. Ordera accused Honduras of failing to comply with a seven-month-old regional peace plan by continuing to allow contra bases and airfields in its territory. The Sandinistas' massive operation "com-

bases and airficids in its territory.

The Sandinistas' massive operation "completely dislodgred" an estimated 3,000 contras from positions near the meeting point of the Bocay and Coco rivers and forced them back into Honduras, according to Ortega.

Ortega.

'This has given rise to returned fire against our forces from Honduran territory. Our forces are repelling the attack from the mercenaries, who have retreated into Honduras," Ortega said. Sandinista officials routinely refer to the contras as mercenaries. Sandinista troops recovered the bodies of 92 contra guerrillas and estimated overall contra casualites at about 400 dead or wounded. Ortega said, adding that 34 Sandinista soldiers were killed and 68 wounded. Contra leaders confirmed that their losses were high.

nista soldiers were killed and 68 wounded. Contra leaders confirmed that their losses were high.

The objective of the offensive, Ortega asserted, is to "defend our territorial integrity" by driving the contras into Hondoras, Top contra and government representatives are to meet for cease-fire talks Monday in the southern Nicaraguan town of Sapoa.

Ortega said he talked by telephone twice today with Honduran President Jose Azcona Hoyo to advise him that "Sandinista Army operations are under way to recover contra positions in Nicaraguan territory." Ortega quoted the Honduran president as assuring him that he had not called for any deployment of U.S. troops in the tense border area and would not allow U.S. troops to attack Sandinista forces from Honduran territory. Ortega asid he talked with Guatemalan President Vinicio Cerezo, Costa Rican President Oscar Arias and Salvadoran President Jose Napoleon Duarte to propose an urgent regional summit to discuss the crisis. INicaragua also announced that it was pulling back its forces in the border area in view of the tensions, the Nicaraguan Embassy said in Washington.)

The fightling is in forcest northwest of the mining centers of Bonanca and Silma.

sy said in Washington.)

The fighting is in forests northwest of the mining centers of Bonanzs and Siuna, where the contras, in coordinated Christmastime attacks, carried out their most successful operation of the six-year-old war. The area can be reached only by helicopter, cancer or on feet.

For months, the contras moved freely in For months, the contras moved freely in the mountains around the Bocay River, sending their supplies downriver in canoes to guerrillas deeper inside Nicaragua. The contras continued to maintain airatrips and sophisticated communications equipment provided by the CIA at bases on the Hondu-ran atte

provided by the CAR at obsess on the nonnerran side.

After U.S. aid expired Feb. 29, CIA-run air resupply flights from Honduras deep into Nicaragua stopped, leaving several months' worth of undelivered supplies in the pipeline on Honduras' Swan Island, a logistic center, contra sources said.

Hundreds of contras walked to several large, secret stockpiles in the Bocay River region to re-equip themselves. They were caught there when the Sandinista offensive started, contra and U.S. officials said.

[The diplomatic source in Tegucigalpa said the contras were in imminent danger of said the contras were in imminent danger of

losing the supplies, about 3,000 metric tons worth, to the Sandinistas, correspondent Ring reported. Loss of such a large quantity of supplies would effectively end the con-

of supplies would effectively end the con-tras' war, the source added.)
Ortexa charged that U.S. servicemen and helicopters have been deployed in the border area on the Honduran side to run supplies and excuate the contra wounded. Matamoros, the contra spokesman, said the contras have only one helicopter of their own in operation because they lack equip-ment to repair the other sireraft.
The unusual gathering of top-level Sandi-nista government and party officials was an

nista government and party officials nista government and party officials was an indication that they were taking Washington's invasion charges seriously and regarded them as a Reagan administration attempt to establish a pretext for direct U.S.

tempt to establish a pretext for direct U.S. military action.

"We are ready to go to the peace talks in Sapoa but we are also ready to resist with all the force of the Nicaraguan people any action the U.S. dares to try against us,"

Sandinista officials announced mobilization plans across Nicaragua to prepare for the feared U.S. military attack. In Managua. 15,000 Army veterans were called up and five battalions of reservists were summoned, according to Sandinista official Jose David

Correspondent Ring added from Teguci-

galpa:

The United States is prepared to use combat troops from the 82d Airborne Division to back up Honduran ground troops, who would be flown to the area to help the contras, said the diplomatic source here, who is in close touch with the Honduran militare.

who is in close touch with the Honduran military.

The United States tried all day to persuade the Honduran Air Force to underlake air strikes, but the Air Force was prevented from doing so by bad weather, the source

A second diplomatic source said he did not A second diplomatic source said he did not know if the Hondurans would launch air strikes Thursday, but said the Hondurans appeared ready to cooperate and help the contras. "They have their own reasons for helping the contras," the diplomat said. "It's put-up-or-shut-up time for the Hondurans," the first source said.

[Prom the New York Times, March 17, 1988]

U.S. SAID TO WEIGH SENDING AIRBORNE FORCE TO HUNDURAS (By Steven V. Roberts)

WASHINGTON, March 16,—The Reagan Administration placed a battalion of airborne troops on alert today and is considering a plan to send them to Honduras in a show of support for the Government there, according to diplomatic and military officials.

The move come as the Passens Administration

plan to senu them to anomal and plan to senu them to diplomatic and military officials.

The move came as the Reagan Administration charged that Micaraguan troops had invaded Honduras and attacked a major base camp for the Nicaraguan rebeis just across the border. President Daniel Ortega Sanvedra of Nicaragua, in a speech to his nation today, denied his troops had crossed into Honduras. The Honduran military spokesman said there was no solid information that Nicaraguan troops had crossed into Honduras. [Page A12.]

But American military and civilian intelligence officials here insisted Nicaraguan troops had done so, and high Administration officials have been briefing Congress.

Mariin Fitzwater, the White House spokesman, said earlier that Honduras had saked for American help, and an Administration official said tonight that the United

States had responded with an offer to Hon-States had responded with an other to mon-duras to send the airborne troops. He said a decision was expected on Thursday. About

decision was expected on Thursday. About 1,000 troops would be sent.

Secretary of State George P. Shultz briefed the Speaker of the House, Jim Wright, and other Congressional leaders, and said the meeting had been held "to describe to them a set of events we believe poses a genuine national security problem for the United States."

Mr. Reagan's chief of staff, Howard H. Baker Jr., and his national security adviser. Licut. Gen. Colin L. Powell, aiso briefed Congressional teaders.

DEMOCRATS EXPRESS SKEPTICISM

Democrats expressed caution and skepti-cism as they waited for more information about the military situation along the Nica-ragua-Honduras border.

ragua-Honduras border.

Senator Christopher J. Dodd of Connecticut said the Administration might be "creating a little hype" to pressure the Congress into passing new aid to the contras.

The flurry of activity on Nicaragua coincided with indictments being handed up in Washington on four key figures in the Iran-contra affair over the funneling of money to the Nicaraguan rebels from the sale of arms to Iran. Congress has been reluctant to approve new financing for the contras, and it was unclear whether the developments today will change this.

As reports circulated in the canital to-

today will change this.

As reports circulated in the capital tonight about plans to move troops from the
82d Airborne Division, Mr. Baker told reporters: "The President has made no decisions, He's identifying his options. We are
keeping very close touch on the situation."

The troops, based in Fort Bragg, N.C.,
would not be introduced into combat, the
officials said, but would be used to demonstrate United States support for the Honduran Government.

ran Government

ran Government.

"It would be a very tangible sign of U.S. support for Honduras, so Honduras doesn't feel like it's out on a limb at this point," a senior Administration official said. If the troops are sent, the official added, they "would have to cause the Sandinistas to think" about continuing their attacks on

the rebels.

From time to time, National Guard units go to Honduras to do engineering work, pri-marily to build roads. Members of the Na-tional Guard from Florida and Puerto Rico are in Honduras, working on roads, a Penta-gon spokesman said tonight.

'DON'T KNOW WHAT TO BELIEVE'

The situation in the capital was clouded The situation in the capital was clouded by sketchy information and confusing accounts of the activities along the Nicaragua-Honduras border. After a briefing this evening with top Administration officials, a Democratic leader said: "We don't know what to believe. How do you make heads or tails out of this?"

In Mangua, President Ortega denied that Sandinista troops had crossed the border, and invited foreign observers to visit the

and invited foreign observers to visit the region.

Honduran officials in Washington said that about 1,000 Sandinista troops had crossed the border. Prancisco Zepeda, a military attaché in the Honduran Embassy, called the operation an "incursion" and added, "We cannot allow our territory to be violated by Sandinista troops."

A possible explanation for the confusion would be if Sandinista troops had crossed the border briefly and then withdrew. A senior official from a Central American nation said that President Jusé Azcona Hoya of Honduras telephoned the other heads of state in the region Tuesday night to tell them that Nicaraguan troops had crossed into his country and that he wanted

to talk quietly with President Ortega by phone to have them withdrawn.

ADMINISTRATION PRESSES AID ISSUE

ADMINISTRATION PRESSES AID ISSUE.

Administration officials have select on the situation to try to persuade Congress to resume military aid to the contras. Democratic leaders in Congress have opposed all military aid to the rebels, and proposals for aid like food and clothing were defeated by the House on March 2

aid like food and clothing were defeated by the House on March 3.

Mr. Pitzwater called the reported Sandi-nista attack an "invasion in force," and added: "We consider this a very serious breach of regional borders and an offensive act that threatens the stability of all the countries in the region."

He described it as an "intrusion into the sovereign territory of Honduras," and said it "makes a meckery." of Sandinista premises

sovereign territory of Honduras," and said it "makes a mockery" of Sandinista promises about a peace plan for the region with other Central American countries.

A senior Democrat who attended the briefing with Administration leaders said the Democrats did not want to criticize the White House directly in case the reports of an invasion turned out to be true. "We'd look like fools if we're doubting Thomases," the Democrat said.

But he added that the Administration's "history is not good" in such matters. "The

But he added that the Administration's "history is not good" in such matters. "The list time they told us there was an invasion of Honduras it wasn't true," he said.

In March 1986 the Administration reported an invasion of Honduras and used American helicopters to ferry Honduran troops to the border region. A Government official in Honduras said later that the American assertions had been exaggerated.

Representative David R. Obey of Wisconsin, a leading critic of the Central American policy, said, "Right now, members are trying to ascertain the facts before we respond to Chicken Little."

"The tragedy you have is that Congress

spond to Chicken Little."
"The tragedy you have is that Congress has been lied to and balonied so many times that you have to have St. Paul on the television before you're willing to believe them."
Senator Dodd raised the possibility that the Administration was focusing on the Honduran situation to "divert attention" from the indictments in the Iran-contra affair.

But the Administration's primary But the Administration's primary effort today was aimed at Congress. Mr. Shultz, after meeting with Congressional leaders, said there were 1,500 to 2,000 Sandinista troops in Honduras and said their mission was "to damage critically the ability of the freedom fighters to represent themselves."

CONTRA ISSUE PROVOKES DISORDER IN THE House

Washington, March 16 .- Shouts and insults crupted on the floor of the House of Representatives today over whether the Re-publicans or the Democrats were at fault in the reported weakening of the contra forces in Nicaragua.

in Nicaragua.

Gary L. Ackerman, Democrat of Queens, sitting in for the absent House Speaker. Jim Wright, sought to rein in one Republican who had exceeded his one-minute time limit.

who has executed its offerminate time that by ordering his microphone shut off. That only made things worse. "Under what rule does the Speaker gag a member of the House?" Thomas D. DeLay, Republican of Texas, asked.

Mr. Ackerman, handed a book of procedure by a parliamentary aid, read of the Speaker's duties, "He shall preserve order and describer." and decorum.

That led Lynn Martin, Republican of Illinois, to say, "It is difficult to rather strange ruling of the chair

Mr. Ackerman repeated the statement and Miss Martin said: "This is an incredible right that is being abrogated and abridged. I don't mean to throw things at the Speaker.

don't mean to throw things at the speaker, as tempting as that might be."

At that, Lawrence J. Smith, Democrat of Plorida, leaped to his feet and declared: "I believe the lady's words are inciteful and spiteful

spiterin;
Miss Martin laughed and Mr. Smith said, referring to a procedure that could result in a reprimend, "I demand that they be taken

[From the Washington Times, Mar. 17, 1988]

REAGAN SENDS 3,200 TROOPS TO HONDURAS-AZCONA ASKS HELP AGAINST SANDINISTAS

(By Jeremiah O'Leary and Peter Almond)

IBy Jeremiah O'Leary and Peter Almond)
The White House announced late last night that it was sending four U.S. Army battalions to Honduras to counter an offensive by Marxist Sandinista forces against Nicaraguan resistance camps there at the request of Honduran President Jose Axona. The 3,200 troops were scheduled to be at the Palmerola Honduran Air Base by today in response to what Mr. Axcona characterized in a letter to Mr. Reagan as "a clear-cut case of agreesion" by the Sandinistas, a senior administration official said.

Despite assertions to the contrary by the Sandinista foreign minister as quoted yesterday afternoon by House Speaker Jim Wright, the official said heavy fighting was continuing in Honduras. The Nicaraguan forces were attempting to knock out resistance supply bases on the eve of cease-fire talks between the two sides.

talks between the two sides. White House spokesman Marlin Fitz-water, who described the mission as an Emergency Deployment Readiness Exercise, would not comment on what the troopsfrom the 504th Parachute Regiment of the 82nd Airborne Division at Fort Bragg, N.C., and the 7th Infantry Division at Fort Ord, Calif.—will do once they arrive in Honduras. He said the U.S. troops would not be sent to combat zones. In his letter received by the White House

In his letter received by the White House yesterday afternoon, Mr. Azoona also said he was ready to use the Honduran air force against Sandinista forces fighting in his country, the official said.

The president acted after consultations at

The president acted after consultations at the highest level of government over the past 48 hours and with the governments of Hondurus, El Salvador, Guatemala and Costa Rica, the White House said.

Meanwhile, lawmakers including Rep. Mickey Edwards, Oklahoma Republican, the Contra's chief supporter in the House, and Rep. Dick Cheney. Wyoming Republican, met with administration officials at the White Mercanhiest acted of the contraction of the con

met with administration officials at the White House late yesterday to discuss an aid package for the Contras.

A spokesman for Mr. Edwards said the lawnaker may announce details of a plan as early as today. A House source involved in the talks yesterday said Mr. Cheney and other Contra supporters "made it clear... they felt now military aid is essential."

The option of sending U.S. troops to Hondray was a specific and a contract was a contract which was a contract was a contract

The option of sending U.S. troops to Honduras was among several outlined to senior members of Congress yesterday afternoon by Secretary of State George Shultz. National Security Adviser Gen. Colin Powell and White House Chief of Staff Howard Baker in a meeting on Capitol Hill.

Mr. Shultz said, emerging from that meeting, that it was requested "to describe to them a set of events we believe poses a genuine national security problem for the United States of America."

Mr. Wright said Gen. Powell and Mr. Shultz "expressed apprehension" that the Nicaraguans were trying to "deliver a knockout blow to the forces of the resistance."

But several members of Congress, including Mr. Wright, Rep. Tony Coelho, California Democrat, and Rep. David Bonior, Michigan Democrat, questioned Mr. Shuttz' assessment of the situation in Nicaragua and said cease-fire talks between the Sandinistas and the Resistance were still on schedule for Monday.

During the 90-minute median, the admir-

During the 90-minute meeting, the administration officials also sought input from the

istration officials also sought input from the House leaders on a new aid package for the Contras, congressional sources said.

"Powell discussed what kind of a plan would be acceptable to the House," one source said. The House rejected a White House aid package which provided for military assistance on Feb. 3 and a Democratic "humanitarian" aid package two weeks ago. Gen. Powell is trying to craft a plan with Mr. Wright and Mr. Coetho, who is House majority whip, to provide "straight humanitarian aid," said a Senate source informed of the negotiations.

"They've tried and lost lethal aid," he said, discounting reports that the administration is planning to seek \$100 million in

tration is pianning to seek your military aid.

Mr. Wright said in a press conference following the meeting that he had been assured by Miguel D'Escolo, the Nicaraguan foreign minister, that the Sandinista troops had been ordered to "withdraw well into Nicaraguan Ierritory."

toreign minister, that the containess theoretoid by the had been ordered to "withdraw well into Nicaraguan territory."

Mr. Wright said Mr. D'Escoto called him shortly after 3 p.m. yesterday.

Mr. D'Escoto said Nicaraguan President Daniel Ortega had been in contact with the Honduran president several times yesterday and was seeking a direct meeting either yesterday or today, the speaker said.

"I could question the judgment of Ortega in launching this offensive at this time."

Mr. Wright said "If the armed forces of any country cross the border of any other country in the region, that's a serious situation."

But Mr. Wright said all the still does not believe there is support on Congress for any kind of new lethal aid for the Nicaraguan Resistance.

Resistance.

In light of yesterday's events, House Republican Leader Robert Michel of Illinois told reporters that military aid is "essential," adding "I don't think we can just sit idly by . . . It's a foreign policy issue and we ought to work on a bipartisan way to solve it."

On the House floor yesterday as news continued to unfold from Honduras, near-pandemonium crupted as Democrats and Republicans exchanged angry charges about the state of the plast of the rebels.

The Sandinistas launched their attack over the Honduran border on Tuesday morning, at a point where the Rio Bocay River enters the Rio Coco River in northern Jinotexa province of Nicaragua.

The target, apparently, was Resistance supply and transit points six to 10 miles inside the border, some distance to the north of the major Contra bases and in an area the Sandinistas had not visited in force for many months. On the House floor yesterday as ner

for many months.

for many months.
All day yesterday there was confusion as to what exactly had happened. U.S. Intelligence officials conceded their information was sketchy, and heavily dependent on the control of the c was sketchy, and heavily dependent on Contra reports. The area is mountainous,

Contra reports. The area is mountainous, sparsely populated.
On Tuesday night, State Department spokesman Charles Redman said U.S. intelligence officials estimated that 6,000 Nicaraguan troops, backed by Soviet-supplied helicopters, had moved into the Bocay River valley

variey.

By last night the official estimate had dropped to 2,000, but in spite of Sandinista vows to Mr. Wright that he had ordered his

men back into Nicaragua, Contra and ad-ministration officials said that fighting continued.

There's no indication that they are pull-

"There's no indication that they are pulling back," said one congressional aide with access to U.S. intelligence reporting. "In fact, intelligence officials characterized the fighting as approaching a bloodbath."

Resistance casualties were, however, initially described as relatively light, five killed and 11 wounded, against 40 dead and 80 wounded Sandinistas, according to Bosco Matamoros, political-military coordinator for the Resistance in Washington.

Several reports said the relatively few Contras guarding the bases were in no position to stand and fight against the heavily-armed, Cuban-trained Sandinista light infantry battalion special forces.

fantry battalion special forces.

Mr. Matamoros said the battle situation was "very serious" and "could become a grave situation." The Sandinistas, he said, were trying to divide and isolate the resistance forces.

"The Resistance," Mr. Matamoros said,
"was having difficulty evacuating their
wounded." The Contras reportedly have

wounded." The Contras reportedly have only one helicopter.
White House spokesman Marlin Fitzwater said before the Capitol Hill meeting yesterday that Mr. Reagan had received a series of options from his senior advisers. These recommendations, according to administration sources, included. Sending the 82nd Airborne Division to Honduras as a backup for the Honduran armed forces.
Sending U.S. (febtor places and the little series of the series of the Honduran armed forces.

ed forces.

Inding U.S. fighter planes and helicopto support the Honduras on a standby Encouraging the Hondurans to bomb the

basis.

Encouraging the Hondurans to bomb the Sandinista invasion force where it has crossed the border into Honduras.

Asking Congress to act immediately to pass a bill providing military assistance to the hard-pressed freedom fighters.

The Organization of American States has been asked to consider the emergency. And the presidents of Honduras, El Salvador and Guatemala will be asked to present their views on what should be done under the Rio Mutual Defense treaty.

The administration presented the Sandinista incursion into Honduran territory in stark terms yesterday. Mr. Fitzwater said, "The invasion in force began yesterday and continues at this time. More than 1.500 Sandinista troops are now inside Honduras attacking freedom fighter camps in an effort to destroy their remaining supplies.

[From the Washington Post, Mar. 17, 1988]

[From the Washington Post, Mar. 17, 1988] NICARAGUA ACCUSED OF VIOLATING TERRITORY

(By Lou Cannon and Don Oberdorfer)

President Reagan last night ordered that 3,200 U.S. combat troops be sent to Honduras in what White House spokesman Marlin Fitzwater called "a signal to the governments and people of Central America." Fitzwater said Reagan was responding to a request for aid made earlier in the evening by Honduran President Jose Azona. The spokesman called the Azona.

by Honduran President Jose Azcona.

The spokesman called the action "a meas-The spokesman called the action "a measured response designed to show our staunch support for the democratic government of Honduras at a time when its territorial integrity is being violated by the Cuban and Soviet-supported Sandinista Army."

The Nicaraguan troops apparently entered Honduran territory in an attempt to destroy the major supply depot maintained by anti-Sandinista Nicaraguan rebels near the Nicaraguan town of Bocay.

The late-night announcement caught Pen-

the Nicaraguan town of Bocay.

The late-night announcement caught Pentagon and congressional leaders by surprise.

Democratic leaders reacted cautiously but said they felt they had been misled by ad-

ministration officials earlier in the day. (Re-lated stories, Pages A30 and A31). Fitzwater said the United States would

send two battalions of the Army's 82nd Airborne Division, stationed at Fort Bragg. N.C., and two battalions of the 7th Infantry Division, based in Fort Ord, Calif. They will leave Friday morning. Pentagon sources said another 300 support troops would be

The units will be located at Palmerola Air Base near the Honduran capital of Tegucigalpa as part of an "emergency deployment readiness exercise" and would not be in-volved in hostilities. Fitzwater said. There are already more than 3,000 U.S. National Guard and Army Reserve troops operating in Hondura

Skeptical reporters repeatedly asked Fitzwater how the deployment of troops on a training exercise 125 miles from the border could affect the military situation. He replied the deployment would be an impor-tant show of solidarity and an important

tant show of solidarity and an important show of stength."

Administration sources said that Reagan is also likely within the next few days to ask Congress to approve a new package of U.S. military aid to assist the contras opposing the Marxist Sandinists government. The amount has yet to be determined.

Aid to the section

amount has yet to be determined. And to the contras has been among the most controversial Reagan administration policies and Congress recently rejected providing any military assistance.

The president's decision to send troops came after a day of conflicting statements by administration officials and rumors about prospective U.S. military intervention in the Central American conflict. As late as 5 p.m., the president assured Republican Senate and House leaders at a White House reception that he had made no decision on providing military aid to Honduras.

At the White House last night Fitzwater gave this account of the events leading to the announcement:

U.S. Ambassador Everett Briggs met

U.S. Ambassador Everett Briggs met Azeona "late this afternoon to discuss the Nicaraguan invasion of Honduran terri-

tory."

About the same time, which Fitzwater sald was between 5:30 p.m. and 7 p.m., the interagency Policy Review Group met in the White House situation room to consider op-"in support of a possible request"

tions "in support of a possible request" from Azcona.

Briggs spoke by telephone to Assistant Secretary of State Elliott Abrams, who called national security adviser Colin L. Powell at 7:45 p.m. to say that Azcona was "officially requesting the assistance of the U.S. government in this matter."

Powell and White House chief of staff Howard H. Baker Jr. briefed Reagan in the family quarters of the White House at about 8 p.m. "The president made the decision and steps were taken to put it into effect," Fitzwater said.

A cable from Azcona confirming his conversation with Briggs arrived about 8:45 p.m., shortly after the presidential decision. Azcona asked for "our effective and immediate assistance to maintain the sovereignty and territorial integrity of his country." Fitzwater said.

Fitzwater said.

Secretary of State George P. Shultz, Secretary of State George P. Shultz, Baker and Powell went to Capitol Hill late yesterday afternoon to brief House leaders about the situation along the Nicaraguan-Honduran border. They received a mixed reaction from Republicans about the need for U.S. military aid for the contras and skepti. action from Republicans about the need for U.S. military aid for the contras and skepti-cism from Democratic leaders. House Speaker Jim Wright (D-Tex.) said after the meeting that he had talked by telephone with Nicaraguan Foreign Minis-

ter Miguel D'Escoto who told him "the government has ordered the Nicaraguan troops to withdraw well into Nicaragua." Wright said he told D'Escoto that "we

Wright said he told D'Escoto that "we would regard an invasion as a very serious matter and it is most important that the troops be returned immediately." But Wright and other Democrats gave no sign they would favor any military aid request for the contras. The House speaker told Reagan Tuesday that he would be willing to bring up a \$30.8 million humanitarian aid package, similar to the one the House defeated two weeks ago, if the White House could persuade Republicans to vote for it.

Fitzwater said that as of 10 p.m. yesterday there was no evidence of Nicaraguan withdrawal from the remote battle area in the Bocay River valley.

Bocay River valley.

Rep. Dick Chency (R.Wyo.), who was present at the briefing, said that new military aid for the contras may be necessary because the Sandinistas, in driving the contras into Honduras, may have overrun stored supplier or may have overrun. stored supplies of ammunition and equip-

"It doesn't make any sense to provide hu-

ment.

"It doesn't make any sense to provide humanitarian assistance alone, when the contras are faced with Soviet-supplied helicopters," Cheney said. "The package has to have some military assistance to have any meaning. We've got an obligation to either pitch in and support the contras, which would be my preference, or be honest enough with them to pull them out."

Pentagon officials said the Sandinista incursion could cripple the contras' military efforts by selzing the rebels' primary supply depot near the border town of Bocay.

"If the supply base is overrun, the contras will vaporize." said a Pentagon official monitoring the situation. "This is the death knell for the contras." Most of the contras ammunition, supplies and other materials are concentrated at the Bocay post.

On Capitol Hill, Sen. Christopher J. Dodd (D-Conn.), saying he is "nightly suspicious of the administration's motives" in characterizing the military action as an invasion, recalled that in March 1986 the administration used very similar reports of a Nicaraguan cross-border attack—and a request from Azcona—to justify sending to Honduras \$20 million in emergency U.S. military assistance and an emergency artifit.

In 1986, Honduras first denied that there was any invarsion and then, after intensive discussions and much controversy, con-

In 1986, Honduras first denied that there was any incursion and then, after intensive discussions and much controversy, confirmed it along with the aid request.

Nearly a year later, John Fetch, who had been U.S. ambassador to Honduras at the time of the aid request, was quoted as saying he exerted pressure on Azcona, under instructions from Washington, to make a written request for the aid. "You've got to get a letter frequesting U.S. aid up there right now. They're going bonkers.

This is absurd but you've got to do it." Fetch was quoted by Knight-Ridder newspapers as having told Azcona.

William LeoGrande, an American University professor who specializes on Central

sity professor who specializes on Central America and has worked for Democrats on Capitol Hill, said he was disturbed by the recapitol fill, state he was disturbed by the re-ports that the administration was consider ing sending U.S. troops to Honduras. "With the contras in big trouble and the adminis-tration coming to an end, if they're ever going to try to knock the Sandinistas off, this may be the last excuse they get," he said

Shultz said the meeting with congression-Smittz san the meeting with congressional leaders was called to describe events that "we believe pose a genuine national security problem for the United States of America and that is the movement of Nicaraguan troops into Honduras." Shultz said the administration estimates that 1,500 to 2,000 troops are involved in an exercise he de-scribed as "trying to the extent they can to damage critically the ability of the freedom fighters to represent themselves."

According to an administration official, the situation that prompted last night's dethe situation that prompted last night's decisions began to develop in February, when the contra forces began to move substantial amounts of weaponry, ammunition and supplies to several caches inside Honduras near the Nicaraguan border in anticipation of a cutoff of U.S. assistance on Feb. 29.

"The supplies had to be several."

"The supplies had to be accessible to the troops, especially without any expectation of an air transport capacity." the official

Sandinista intelligence learned of the supply caches, according to his account, and began "probing actions" of company-sized units against them as early as March 2. Air strikes against the supply areas just inside Honduras were reported from March 2-4, the official added.

Signs of major Sandinista troop movements were detected by U.S. intelligence by March 9, according to the administration source, and by March 11 a heavy buildup was noted. "The evidence was strong by that point this was more than a probing action," the official said. Sandinista intelligence learned of the

By Tuesday, the threat to contra supplies and contra troops and morale had become serious enough that the administration and

serious enough that the administration announced through State Department spokesman Charles E. Redman that the Nicaraguan army was preparing "the largest offensive we have seen the Sandinistas undertake" in an effort "destroy military the weakened Nicaraguan freedom fighters."

Yesterday, Redman's statements and those of White House spokesman Fitzwater became even stronger. Fitzwater said the "intrusion into the sovereign territory of Honduras... makes a mockery of the Sandinista piedge to comply with the Guatemalan peace plan."

dinists pieage to comply with the Guaterna-lan peace plan."

Redman called the situation "dangerous" and said the Sandinistas' "primary objective appears to be to destroy resistance supplies" which represent "a large portion of the military equipment remaining in the hands of the resistance, and their loss would be a very serious blow to the resistance." be a very serious blow to the resistant

[From the New York Times, Mar. 17, 1988] CONTRA BASES CALLED TARGET OF MANAGUA

(By Bernard E. Trainor)

Washington, March 16.-The Nicaraguan attack along the Honduran border appears primarily aimed against rebel supply bases in Honduras that support anti-Government

in Honduras that support anti-Government operations in northern Nicaragua, according to United States military officials.

Although the Nicaraguan Government denied today that its troops had crossed the border into Honduras, the White House called the move an "invasion and placed a battalion of the Army's 82d Airborne Division on alert. The Hondurans have acknowledged the border region, but have not accused the Nicaraguans of a border violation.

TROOPS POSSIBLE ROLE UNCLEAR

The United States supports the rebels known as contras, but it is not clear what the missions of the American paratroopers will be if they are sent. The United States has a task force headquarters at Palmerola air base, which is near Comayagna in cen-tral Honduras, about 160 miles from the current fightling. American military aircraft has used the airfield during maneuvers with Honduras, and the United States keeps about two dozen helicopers there. The Sandinista offensive is taking place

along the Honduran border in a remote area of Nicaragus's Jinotega Province. A major supply and shipping base for the contras is known to exist in the vicinty of San Andres de Bocay just inside the Honduran border.

An American official said that half the an American supplies in Honduras that are destined for the contras are in this area. The jungleterian along the border is very rough, and it is unlikely that the supplies could be moved or defended without help from either Honduras or the United States.

U.S. AIRLIFT IN 1986

In March 1986, the United States provided helicopters to airlift Honduran troops into the border area when the Nicaraguans crossed it then.

The Hondurans now have their own helicopters, but those at Palmerola could be used by the American paratroopers if Wash-ington and Tegucigalpa decided to move American forces toward the border.

American forces toward the border.

The Managua Government has confirmed that it had launched an offensive in Jinotega Province while denying any invasion into Honduras. The Coco River marks the border in the area and must be crossed to enter Honduras. In the past Sandinista troops have often crossed the border to attack contra forces on the Honduran side, but the raids were short but the raids were short.

The Hondurans usually ignored the border crossing, but at the urging of the United States they took military action twice in 1986. In March 1986, they moved troops to the border and in December of that year they bombed the Sandinistas along the border.

PUZZLED BY TIMING OF ATTACK

American official said the Sandinistae an american olicial said the Sandinistas would probably withdraw to their own side once they have disrupted contra supply lines. But the official said he was purzied by the Uming and size of the Sandinista attack. He said it could backfire on the Sandinistas if Congress reacts by approving renewed aid to the contras.

to the contras.

The official did not rule out the possibility that the White House could use the San. dinista offensive as a justification for taking some form of direct American action in the

region.
According to United States and contra of

According to United States and contra of-ficials, it appears that a well-planned Sandi-nista offensive was launched in Jinotega and in other contra areas in Nicarggua a week ago and that the contras have been unable to stop it. The main attack is said to be the one along the Honduran border. Contra official say their forces are harnss-ing the Sandinistas with ambushes rather than fighting pitched battles. Casualties do not appear to be very high on either side as a result of these tackies. However, there are reports of Sandinista soldiers being wound-ed by unmarked mines they themselves ed by unmarked mines they themselves planted the area last spring.

MARSHY TERRAIN

MARSHY TERRAIM

Although the marshy and heavily forested terrain around the border reduces the effectiveness of high explosives, some contra casualities are coming from Sandinista artillery fire and rockets, the officials said.

The Sandinistas have virtually no air force, but have converted Soviet made Antonov transports into makeshift bombers. They have been bombing the contra base in Honduras since the weekend, but the amount of damage done is not likely to be extensive, because of the jury-rigged bombing system and the need for the planes to fly at high altitudes to avoid Americannade Redeye anti-aircraft missiles in the bands of the contras.

hands of the contras.

The Sandinistas reportedly started their offensive by infiltrating reconnaissance units into the Bocay River area to deter-

mine the location and activity of the contras and to screen the buildup of Sandinista forces around the mining town of Bonanza 175 miles northeast of Managua. Bonanza the scene of a successful contra attack last December.

PINCER MOVEMENT

The Sandinista then launched specially The Sandinista then launched specially trained counterinsurgency battallons in a pincer movement to encircle the contras and to close in on San Andres de Bocay from opposite directions. Troops in the northern pincer were flown in helicopters to a landing zone inside Nicaragua along the border. This force is said to be now advancing south inside Honduras. The other unit advanced to the border on foot and crossed it from

Their are conflicting reports on the number of Sandinista soldiers involved in the operation. Some estimates put the number as high as 7,500 while others are as low as 2,500.

[From the New York Times, Mar. 17, 1988] ORTIGA DENIES THAT HIS TROOPS CROSSED

INTO HONDURAS (By Stephen Kinzer)

MANAGUA, NICANAGUA, March 16.—President Daniel Ortega Saavedra to day rejected Reagan Administration charges that Nicaraguan forces are fighting inside Honduras, and he invited foreign observers to visit the border area to verify his statement.

Mr. Ortega said that since the beginning

of the month, Sandinista troops have been engaged in a major military campaign aimed at pushing the contras out of an 85 squaremile area along the northern border. He said contra forces had established bases and

said contra forces had established bases and built an airstrip there.

He said the campaign had succeeded in de-stroying the bases and asserted that the fighting had taken place "always inside

Nicaragua."
"There has not been a single combat, not a single confrontation with Honduran troops." Mr. Ortega said in a statement broadcast nationally this afternoon. He appealed to the United Nations and to the Organization of American States to send a mission to the border for sion to the border to carry out an on-site in-

Spection.

Diplomats and military officers in Managua today described the latest Sandinista military offensive as significant but no larger than the campaigns of past years. They were skeptical of the Reagan Administration's assertion that the offensive was a new threat to regional security.

NO HONDURAN CONFIRMATION

IN Honduras, officials said they could not confirm charges made in Washington that their territory had been violated by the Sandinista Army.

"We have no concrete information that

"We have no concrete information that Sandinista troops have crossed our border," said Col. Manuel Suárez Benavides, a spokesman from the Honduran Army, in a telephone interview from Texueigalpa. "What I can say for certain is that no Honduran Military units are engaged in any combat in that area or anywhere else." Nonetheless, the White House reported that President José Azcona Hoyo of Honduras had appealed for American help to repel hostile forces. Mr. Ortega appealed to all Nicaraguans to be "ready for combat" and said that the statements from Washington represented "the greatest threat of all these years."

years."

Mr. Ortega said Sandinista troops had exchanged mortar fire with contra units inside Honduras. He also charged that United States Army helicopters had carried supplies to the contras and had evacuated

wounded guerrillas from areas close to the border. "This exposes American helicopters to being shot down by our fighters if they come involved in combat in Nicaraguan territory," Mr. Ortega said.

U.S. COPTERS IN REGION

Charles Barciay, a spokesman for the United States Embassy in Honduras, said American helicopters have been operating in the border area on engineering missions but that they have not provided any form of support for the contras.

According to figures announced by Mr.

According to figures announced by Mr. Ortega, 34 Sandinista soldiers have died in the two-week offensive and 68 have been wounded. He said that contra casualties have totaled about 400 including at least 92

Ortega said Administration charges Mr. Ortega said Administration enarges that Nicaragua was invading Honduras were calculated to influence Congress. He said they were also aimed at undermining cease-fire talks with the contras, which were scheduled to begin on Monday.

Sandinista military officers said helicop-ters and fixed-wing aircraft were being used in support of ground troops. The clandes-tine contra radio station said the planes were bombing civilian areas. The radio station also charged that Sandinista units were planting mines along routes that they ex-pected the contras to use.

After a vote March 3 defeating a Democratic plan for providing such aid as food, medicine and clothing to the contras, the nature of the civil conflict here changed. Washington suspended the clandestine Cen Washington suspended the clandestine Central Intelligence Agency supply lights that had dropped ammunition, food and other supplies to contra units. Those flights had become the contras' lifeline, and without them many contras have been forced to retreat to bases inside Honduras.

CONTRAS SEKKING REFUGE

In Costa Rica last Priday, a senior contra leader, Alfredo Ceasar, said than about 20 percent of the contra force was making its way out of Nicaragua toward Honduran camps along the northern border with Nicaragua. He said Sandhista troops were responding by reinforcing their units along "exfiltration routes" in an effort to ambush contras moving toward Honduras.

contras moving toward Honduras.

contras poloseanan in Washington Bosco
Matamoros, estimated that the Government
might have deployed as many as 7,500 soldlers, many of them reservists, in the northern part of the country. Diplomats with
access to Western intelligence reports said
this figure could be accurate, but they said
that even with large numbers of troops sealing off the rugged and unpopulated border
would be difficult.
Nicaraguan radio stations were required to
join a national network for several hours
today, broadcasting only official information. "The United States is trying to create
a confrontation between the people of Nica-

tion. "The United States is trying to create a confrontation between the people of Nicaragua and Honduras." one announcer said. Throughout the day, the radio network repeated warnings that the United States was planning aggressive acts against Nicaragua. Announcers said unidentified planes flew over the Miskito Indian town of Puerto Cabezas. "In a threatening way," and asserted that American forces in Honduras were moving close to the border. moving close to the border.

MICARAGUAN BRES U.S. RUSH

RICARACIAN REES U.S. RUSE

Carlos Tunnerman, Nicaragua's Ambassador in Washington, told the radio audience
that the new allegations against Nicaragua
were almed at "pressuring the Congress of
this country to approve new aid for the
counter-revolution." He said the American
assertions could be a prelude to further
action against Nicaragua.

Both in 1986 and 1987, Sandinista troops nounted major offensives at this time of year, which is the height of the dry season. Rivers are now lower than at any other time, giving Government troops greater mo-bility. Mountains and hillsides that will soon be covered with vegetation are now

soon be covered with vegetation are now sparse providing little cover for the rebels. In the Central American peace accord signed last August, all countries pledged to close camps used by foreign guerrillas. Nonetheless, Hondunas, which is closely allied with the United States, has not moved content country to the charge of the country of the countr against contra camps in its territory

Nicaraguan troops have frequently pur-sued contras across the Honduran border. In northern Nicaragua, it is not unusual to meet Sandinista infantrymen who tell of en-tering Honduras either to chase contras or to attack contra installations.

[From the Washington Times, Mar. 17, 1988]

U.S. FLIFRS AIDING CONTRAS-ORTEGA

(By Glenn Garvin)

SAN JOSE, COSTA RICA.-President Daniel Oriega of Nicaragua charged yeslerday that American filers already were in action in 'direct support" of the Nicaraguan resist-ance and threatened to shoot down their

ance and threatened to shoot down their helicopters.

U.S. Chinook helicopters were carrying lo-gistical supplies and moving wounded in the fighting on the Honduran border, the leader of the Marxist Sandinista government said in a radio address monitored here.

A senior administration official in Wash-

A scalor administration official in Wash-ington said the charge was absolutely untrue. Mr. Ortega "has been throwing out about seven lies a minute," in said. "This activity exposes these American-manned helicopters to being ahot down by Nicaraguan military forces," Mr. Ortega

He charged the United States with "seek ing to escalate the war in Nicaragua by involving U.S. troops in order to save the Con-

volving U.S. troops in order to save the Con-tras," as the rebels are known. There has been no fighting between Honduran and Nicaraguan troops, he said.

Mr. Orlega did not directly confirm or deny U.S. statements that his troops had entered Honduras, though the Defense Min-istry said there had been no invasion. He called on the United Nations and the Orga-nization of American States to investigate the situation on the border.

Mr. Ortega acknowledges heavy fighting

Mr. Ortega acknowledges heavy fighting in the border region. He said government forces in the Bocay Valley were being fired on by resistance fighters from positions inside Honduras.

Government casualties in the Sandinistas offensive thus far are 34 dead and 68 wounded and the rebels have suffered over 400 dead and wounded, he said.

A spokeman said the rebels still were A spokeman said the rebels still were planning to attend cease-fire talks scheduled to begin Monday at Sapoa, just inside the Nicaraguan border with Consta Rica. The resistance said it was upgrading its negotiating team to include Adolfo Calero, Alfredo Cesar and Aristides Sanchea, three of the five directors of the resistance umbrella group

group.

If the talks take place, they will be the first on Nicaraguan soil and the first direct talks between the two sides without a mediator. Cardinal Miguel Obando y Bravo, who has served as mediator in past sessions, is to be an observer at next week's talks. Some analysts here have suggested that both the Sandinista government's Bocay Valley offensive and the tough talk emanating from the White House in Washington

were undertaken with next week's negotia-

were undertaken with next week's negotiations in mind.
"What did they expect? That we were going to send the Contras, bonbons?" said an announcer on Radio Sandino, the official Sandinista radio station, after reading a wire service story from Washington on the White House threats.

Three resistance directors flew to Honduras to confer with rebel military commander Enrique Bermudez about the situation on the border. Although concerned about the fighting, they also appeared disturbed by the severity of the language coming from the White House.

"Although we are very concerned about the military situation, it is more of a political message that the Sandinistas] are sending," one said, "They are trying to make us feel impotent next week at Sapoa." He saked to remain anonymous.

**Darksteace officials have were aware the

Resistance officials here were aware the Ortega government was planning an offensive but were caught off guard both by the size of the government force and its ability to maintain radio silence, they said. Mr. Ortega said the offensive began March 6.

As a result, the fighting was well under way by the time news of it reached Costa Rica. After aerial bombardment of the region, Sandinista ground troops already had captured a strategic position known as El Cuartelon by Saturday, a rebel official

El Cuartelon is two to three miles from the border on the Nicaraguan side of the Bocay River and has been fought over fre qently in the past three years. The Sandi nistas now are operating an advanced com nistas now are operating an advanced com-mand post there, the official said. Another command post has been established at Wina, on the river about 12 to 15 miles south of El Cuartelon, he said.

The command and control center for the entire offensive is believed to be in the mining community of Bonanza, which the

rebels themselves overran in an offensive in cember

The Sandinista force, estimated by rebel sources to number at least 4,500 men.

sources to number at reast 4,500 men, was said to be armed with heavy weapons and operating with precise timing.

The weapons included new aircraft weapons—SA-7 shoulder-held anti-aircraft missiles and a Soviet anti-aircraft gun mounted half-track, diplomatic and resistance

on a half-track, diplomatic and resistance sources said.

The radio silence maintained by government forces deprived the rebels of one of their main sources of intelligence.

"The total radio silence is the same way that we were able to achieve the elements of surprise in our December offensive at Bonanza," one official said. "They have copied our style very well."

There is a rebel military field hospital of the Honduran side of the border, a rebel of

There is a recel military ficia displace of the Honduran side of the border, a rebel of-ficial said, across the river from the small settlement of San Andres de Bocay. It was started as a clinic for the civilian population in the area but converted into a facility for wounded rebels after they moved a substan-tial portion of their opertions into Nicarawounded repeis after they moved a substan-tial portion of their opertions into Nicara-gua last fall.

It would not be surprising if that hospital been captured by the Sandinistas, he

said.

The Nicaraguan government took control of privately owned radio stations yesterday and linked them into a national network, a move traditionally reserved for a time of emergency. Virtually nothing was broadcast but news of the crisks.

The broadcasts made extensive use of quotations from White House and State Department officials in Washington, allowing

the harsh American rhetoric to stand with

During the day, Capt. Rosa Pasos, speak-During the day, Capi. Rosa Pasos, speaking for the Sandinista military, declared
that no Nicaraguan troops had set foot on
Honduran soil. Other commentators urged
people to be alert for "provocations and aggressions" in the workplace and at home.
In his speech, President Ortega called the
Washington statements "the gravest threat
ever from the United States."

versimited statements the gravest threat ever from the United States. "The United States government is saying the Nicaraguan government does not have a right to defend its territorial integrity and the Nicaraguan government does not have a right to defend its territorial integrity and fight the mercenary forces, but that the mercenary forces have a right to kill women and children and to attack schools and to burn buildings and even to kidnap U.S. citizens." Mr. Ortega said.

He said he had been in contact once Tuesday night and twice yesterday with President Jose Azcona of Honduras and with all other Central American presidents in the

Course of the day.

He called for a meeting of the presidents or foreign ministers as quickly as possible to discuss the crisis. He also suggested that the

onscuss the crisis. He also suggested that the head of Nicaraguan military forces meet with the head of Honduran forces.

Mr. Ortega called for a U.N. and OAS technical commission to inspect the border and oversee the "dismantling of mercenary base camps and disarming of mercenary forces," which he said were on Honduran soil in violation of peace agreements. In Honduras, the Foreign Ministry issued

an inolduras, the Foreign Ministry Issued a communique confirming that Mr. Ortega and Mr. Azcons had talked by telephone. The Nicaraguan president was told that if any of his troops had crossed the Honduran border, he should immediately order their return to Nicaraguan territory, the communications returns to

The Honduran Armed Forces, in a rate communique, said they were aware of a large concentration of Nicaraguan troops in the border area but that poor weather was blocking aerial reconnaissance, making it difficult to know the exact situation. Costa Rican President Oscar Arias warned

that any bilateral conflict in Central Amer-ica could "degenerate into a war which that any bilateral conflict in Central America could "degenerate into a war which would drag in all countries of the region, including Panama," Mr. Arias said he was trying to arrange a meeting of Central American foreign ministers.

A diplomatic source familiar with the situation on the frontier said there was sustained fighting on both sides of the border.

(From the Washington Times, Mar. 17, 1988)

TRIUMPH OR DEATH?

As House Speaker Jim Wright stalls administration efforts to get an up-or-down vote on military aid to the Nicaraguan free-

ministration citoris to get an up-or-down vote on military aid to the Nicaraguan freedom fighters. Sandinista ruler Daniel Ortega has instigated a military offensive under the revealing code name, "Triumph or Death." This Sandinista "peace plan" secks to produce peace by first killing the Nicaraguan resistance. Thus, even if Congress behatedly sends the resistance a check, there will be no one left alive to cash it.

"Triumph or Death" flows directly from the Arias peace plan of last August. Under that harebrained scheme, regional powers would achieve peace in Central America by disarming the Nicaraguan freedom fighters while the Soviets and Cubans continued sending fremendous shipments of arms to the Sandinistas. Ludierous as this concept may seem, the House Democratic leadership remains committed to it, as do Democratic presidential front-runners Michael Dukakis and Jesse Jackson.

Americans who insist that Nicaragua become a democracy—the terms by which the Sandinistas were installed in 1979—and who want Contra aid to continue until de-mocracy arrives have been blasted as right-wing warmongers, even if they are labor Democrats.

For their part, President Reagan and Vice

For their part, President Reagan and Vice President Bush have yet to say out loud that the Arias plan has totally failed. Instead the White House, with mantra-like repetition, pledges its continued commitment to the "peace process," while begging for passage of non-tethal aid. The administration, incredibly, has not even set a now or-never Sandinista compliance date for the passes and the plant of the passes of the passes. never-ending, phony "peace process" that more certainly than Bulgarian bullets, Victnamese mortars or Soviet gunships guaran-tees the death of the freedom fighters.

es the death of the freedom fighters. This may change. Administration officials urged the president yesterday to propose immediately a \$100 million package, includ-ing some lethal aid, for the resistance, which has been battered in the three weeks since American support dried up. Other sources reported that the government of Honduras had agreed to provide air support for the freedom fighters, and that White House officials were encouraging the president to send air forces to the region immedi

Certainly, the United States has received Certainly, the United States has received fair warning from former Sandinistas, such as Maj. Roger Miranda Bengocchea, and current Sandinistas, such as the Ortega brothers, that Nicaragua's Marxist-Lenhist regime wants to eliminate the freedom fighters and communize its neighbors. If the fighters and communize its neighbors. If the United States does not stop the Sandinista's war of subversion in Central America, a few years from now there will be little we can do to stop the destabilization of Mexico, the next target.

Some White House naifs, who learned nothing from the Wright-Reagan plan flasco, still talk of humanitarian aid, a second fire and giving reason for home controlled.

nothing from the Wright-Reagan plan fiasco, still talk of humanitarian aid, a crase-fire and giving peace a chance, even though the Arias plan is now a dead letter as Sandinista mobs attack the unarmed in ternal opposition and Mr. Ortega's army marches into Honduras. But the United States has reached decision time. We must either give the freedom fighters the means to fight for themselves—and for us—or, fall ing that, we must invade Nicaragua and fight for ourselves. The president must declare that the peace process is dead and demand an aid vote now. If he is refused, he has the power under Article II, section 3 of the Constitution to "convene both Houses, or either of them," which he should do this weekend, laying out the threat to our national security and demanding that Congress set unless it wants war.

The Sandinistus have demanded "Tri-

The Sandinistas have demanded "Tri-umph or Death." Now we must choose

[From the Washington Times, Mar. 17.

CASTING CALL ON AID TO CONTRAS

(By William Pascoe)

Supporters of U.S. military assistance to the Nicaraguan Resistance were encouraged two weeks ago when House Speaker Jim Wright's watered-down plan for humanitariaid failed to pass his own Democrat-con

an aid failed to pass his own Democrat-con-trolled Congress.

They were further buoyed earlier this week, amidst reports that the White House was seeking a quick vote on a new aid pack-age: Democrats, they believed, stripped of the political cover afforded by the Wright

plan, would virtually have to vote for assistance, or be blamed for the loss of Nicaragua. But recent history has demonstrated clearly that such a sanction is an empty threat. After all, Nicaragua was already lost once, during 1979-81, when the Sandinistas failure to live up to their promises to create real democracy in Nicaragua were overlooked by the only external power capable of enforcing them—the United States, Nothins happened to the liberals in Congress ing happened to the liberals in Congre pliance then.

Worse, many key officials of the Carter worse, many key officials of the Carter administration—which had helped bring the Sandinista-led regime to power in the first place—went on from the Carter administra-tion to accept new positions in the Reagan administration, without any questions being raised over their subs

raised over their subsequent failure to assure real democracy in Nicaragua. But that will not happen again. This time, supporters of aid to the resistance are watching closely, to see who makes real efforts to assure continued U.S. assistance, and who merely pays lip service to the idea or, worse, opposes it outright.

For instance, Secretary of Defense Frank Cariucei should use his formidable Capitol Hill contact network, built up over a lifetime of public service, to ensure an expanded aid program for the resistance.

Mr. Carlucci, who served as deputy directions of public desired and control of the resistance.

of all program for the resistance.

Mr. Carlucci, who served as deputy director of Central Intelligence in the Carter administration, is one of those officials who has witnessed for a decade the Sandinistas' actions to communize Nicaragua and to export subversion.

export subversion.
Given the threat posed to our allies by the continued aggression of the Sandinista regime, Mr. Carlucci's feeble efforts on behalf of the president last aid request (when Mr. Carlucci managed to find time to sign a letter to congressmen asking their support for the package just one day before the votel are inexcusable.

Mr. Carlucci is only the most visible of the

the vote) are inexcusable.

Mr. Carlucel is only the most visible of the former Carter administration officials who shared responsibility for Nicaragua in 1979 who now inhabit the upper reaches of the Reagan administration. Others include Michael Armacost, currently serving as undersecretary of state for political affairs, who served in the Carter regime as the Pentagon's top expert on Latin America and Asia; Lt. Gen. William Odom, director of the National Security Agency, responsible for companions. tional Security Agency, responsible for com-munications intelligence, who served as Carter National Security Advisor Zbigniew Brzezinski's chelf military aide; and current CIA Director William Webster, who as Mr. Carter's appointee to head the PBI was re-

Carter's appointee to head the PBI was responsible for domestic counterterrorism, and most likely sat in on Cabinet meetings discussing the terrorist activities of communist groups from Central America.

One person with no experience in the Carter administration aiso will be watched; Secretary of State George P. Shultz. Time after time, Mr. Shultz has pulled the Reagan administration position away from full funding of military aid for the Nicaraguan Resistance and toward minimal non-iethal assistance. Often he has done so even when Daniel Ortega's own political gaffes had given the administration a golden opportunity to win increased funding for the resistance.

instance, just last August, following For instance, just last August, following the riveting congressional testimony of Lt. Col. Oliver North, the door was open for a major request for military assistance. Public opinion pools at the time showed the strongest-ever support from the American electorate for U.S. military assistance to the resistance.

But instead of taking advantage of the im-proved public climate in support of aid to

the resistance, Mr. Shultz, working with the resistance. Mr. Shunta, working with White House chief of staff Howard Baker, cut a deal with House Speaker Jim Wright, postponing a vote on military aid to the re-sistance in exchange for Democratic support

sistance in exchange for Democratic support for a vaguely worded congressional agreement to permit a vote on Sept. 30, 1987.

Mr. Shultz failed to warn Mr. Heagan that Central American leaders likely would perceive this as the end of U.S. support for the resistance. Nor did Mr. Shultz or Mr. Carlucci, then National Security Council adviser, assure that this major foreign policy issue was discussed in a full meeting of the

issue was discussed in a full meeting of the NSC.

There the president could have heard about the risk that the Jim Wright proposal would likely lead to the defective "Arias Plan" being adopted at the Central American summit of Aug. 6-7, 1987.

New York Republican Rep. Jack Kemp tried to warn Mr. Reagan about this, but White House officials would not let his proposed on Aug. 7, Speaker Wright unceremoniously and unilaterally abrogated his Aug. 5 agreement with Mr. Reagan, and lauded the Arias Plan. Despite Mr. Wright's abandonment of the agreement, Mr. Shultz continued to advise Mr. Reagan not to ask the Congress for full military funding for the resistance.

The administration was given a second

Congress for full military funding for the resistance.

The administration was given a second chance when congressional leaders like Mr. Kemp and Republican Sen. Jesse Helms of North Carolina introduced legislation calling for \$310 million in U.S. assistance to the resistance, the vast majority to be lethal. But again Mr. Shultz prevalled, and the administration—which initially expressed support for the large amount of military assistance, and the same are gradually reduced the figure over time, until it announced in late January that it would formally request only \$36 million, with only \$3.6 million of it to be lethal. Hopefully, the administration has now learned its lesson. It makes no sense whatsoever for the president to argue that the Sandinista regime presents a direct threat to security of the United States, and then to ask for paltry \$35 million in mostly non-

ask for paltry \$36 million in mostly lethal assistance.

lethal assistance.

Instead, the administration should demand full funding of military assistance for the Nicaraguan Resistance, and the president should tell any misguided congressmen who oppose aid to the Nicaraguan Resistance that he will hold them politically accountable in the fall elections for the serious measures of the let estimates.

accountable in the fall elections for the seri-ous negative consequences of their actions. Conservatives, to be sure, have learned their lesson from the assorted Contra aid ef-forts over the years. They will be watching closely to see not only how the liberals vote, but which key administration officials sup-port full aid to the resistance in the days leading up to the next vote.

[From the Washington Times, Feb. 22,

ORTEGA THREATENS TO CRUSH CONTRAS (By John McCasin)

Nicaraguan President Daniel Ortega told hundreds of Marxist government officials if the Central America peace process fails, he has a plan that will "crush" the Nicaraguan Resistance

Resistance.
"We have already prepared a strategy which will lead to the crushing of the Contras," Mr. Ortega said in a speech Saturday in Managua, announcing a new Sandinista campaign against so-called "counterrevolutionary speculators."

The Nicaraguan comandante provided no

other details of what that strategy might be, but his harsh rhetoric came one day

after a second round of cease-fire negotiations between the warring sides broke down Friday in Guatemala City.

The mediator in the cease-fire talks, Catholic Cardinal Miguel Obando y Bravo, blamed the latest failure on the Sandinista regime for its lack of sincerity in approaching the negotiations.

Intelligence sources in Managua said earlior this month the Sandinistas were prepar-ing a "final offensive" against the rebels, code-named Operation Monimbo. The offensive reportedly was focused on the provinces of Zelaya, Bocao, Chontales, Matagalpa and Jenotava

It was still too early to tell what impact It was still too early to tell what impact Mr, Orlega's harsh words of Saturday might have on any congressional aid vote this week. Supporters of Mr. Ortega on Capitol Hill, including House Speaker Jim Wright who is guiding the development of a "humanitarian-aid-only" package for the Resistance, have cautioned him against using such militant language.

ance, nave cautioned nim against using such militant language.

The current aid package for the Resist-ance, passed by Congress in 1986, expires at the end of this month

the end of this month.

Mr. Ortega in his Managua address also leveled a warning to the opposition La Prensa, which only recently resumed publication, saying its editors had better watch the newspaper's content.

La Prensa "thinks the people are about to rebel against us. But they should be careful because with their attitude they can provoke an insurrection that would raze them," he said.

ne said.

Other "counterrevolutionary speculators" receiving warnings from Mr. Ortega Saturday included Managua's merchants who refuse to sell their products at prices regu-

refuse to sell their products at prices regu-lated by the government.

In Washington yesterday, Resistance rep-resentative Ernesto Palazio volced optimism that a new round of cease-fire talks would resume this week, but he also was fearful the Sandinistas would continue their policy "stalling."
"Why should the Sandinistas be that

eager for a cease-fire when in the long run, because of the Feb. 3 vote in Congress, they're going to get a de facto cease-fire anyway?" Mr. Palazio said in a telephone Interview

Interview.

He was referring to this month's vote in which the House narrowly rejected an administration proposal to provide the rebel forces with both military and humanitarian aid. Without ammunition and other lethal assistance, the rebels say they cannot remain a viable fighting force.

Later this week Congress is scheduled to vote on the scaled-down aid package crafted

Later this week Congress is scheduled to vote on the scaled-down ald package crafted by the House Democratic leadership. House Republicans are also preparing to introduce a larger package similar to the one rejected three weeks ago.

During the weekend, both Resistance and Sandinista officials said they were willing to resume the sporadic peace dialogue this week, but would first await agreement from the mediation team.

rediation team.

"We hope to resume them this week, but we're not sure when," Mr. Palazio said, echoing the words of a Sandinista official who took part in Friday's falled round of ne-

In his speech Saturday

In his speech Saturday, Mr. Ortega charged the Resistance delegation had intended from the beginning to "boycott" the negotiations in an attempt to win support on Capitol Hill for additional military aid.

In a related development, Resistance field commanders reported over the weekend that the Sandinista Army helicopter the Nicraguan government said had crashed Feb. 15 due to mechanical failure was actu-

ally shot down by its rebel forces with a shoulder-fired "Red Eye" missile.

And while the Sandinistas reported last week that seven of its officers had perished as a result of the accident, the rebels caimed that 15 bodies were actually recovered from the crash site.

The helicopter, a Soviet-built MI-17, crashed in the Chontales province near the town of Santo Tomas.

"Although it is true the Sandinista Air

crasneo in the Chombar's province hear the town of Santo Tomas.

"Although it is true the Sandinista Air Porce has serious difficulties of maintenance and even sabotage, we are capable of confirming that this helicopter crashed due to damage caused by the 'Red Eye' missile," the Resistance said.

(From the Wall Street Journal, Mar. 16, 1988)

JIM WRIGHT'S VIETNAM

It took more than a decade for three Presidents to lose Vietnam. It may take less than a year for one Speaker of the House to lose Nicaragus.

than a year for one Speaker of the House to the House to the New Nicaragua.

On Feb. 3, House Speaker Jim Wright engineered a dramatic defeat of President Reagan's aid request for the Nicaraguan Contras, and effectively took U.S. policy in Central America away from the executive branch and lodged it squarely in the legislature. Less than two months later, the U.S. has no policy whatsoever.

Yesterday, the Sandinistas made it clear that the road to "peace" runs along two tracks. Daniel Ortega announced in Managua that the Nicaraguan army has undertaken a large-scale millitary operation against the recently defunded Contras, code-naming the assault. "Triumph or Death." According to a State Department briefer, this offensive includes 12 combat battalions with some 6,000 troops and about 10 Soviet Mi/17 helicopters.

How this is possible in an economy that is

battalions with some 6,000 troops and about 10 Soviet MI/17 helicopters.

How this is possible in an economy that is reportedly flat on its back was indicated late last week by an Associated Press story, reporting that according to a Pentagon estimate the Soviet Union in the first eight weeks of this year has sent Nicaragua 3,100 metric tons of weapons and war materiel worth about \$100 million. So at the same time that Jim Wright is killing aid to the Contras, the Russians are sending the Sandinistas aid to kill the Contras.

Do the Democrats care? Not likely.

On Feb. 26, the House Democratic Study Group sent an extraordinarily revealing letter to the Central American Working Group, a collection of anti-Contra organizations. "Nothing will bring peace faster," the letter says, "than destroying Contra hopes for more military aid." The Democrats wanted to reassure their outside allies that they wished to "send a strong message to the Contras that our support of the war has ended. The sooner the Contras understand that fact, the sooner the fighting will end in Nicaragua and the sooner we can begin addressing the real problems in Central American and the ressing the real problems in Central American Nicaragua and the sooner we can begin ad-dressing the real problems in Central Amer-lea of poverty and the maldistribution of wealth."

This, then, is what the foreign policy of This, then, is what the foreign policy of the United States looks like when Congress expropriates a constitutional responsibility from the presidency. It looks like the Flying Dutchman-tattered, adrift, pathetic, Yes-terday, trying to regain control of the

NGRESSIONAL RECORD — SEN. rudder, President Reagan met with the congressional leadership. He is trying to design a Contra aid plan on which the Senate could vote sometime this week. There most likely will be "humanitarian" aid (largely medicine and the like to treat Contras who've already been shot) and possibly something vaguely "military" (spare helicopter parts). Much c'bate will go into whether this stuff would be delivered by the CIA (denounced as a kind of evil empire by House Democrats) or the Pentagon (which says It doesn't want to get involved).

While the country's foreign policy is floating in the Beltway void, the people of Nicaragua who aren't Contras are getting belted. Two Sundays ago, a peaceful demonstration by Nicaragua's political opposition was set upon with remarkable savagery by Sandinista gangs swinging clubs and metal bars. Women protesting the military draft were beaten up. A Washington Post reporter who had watched one Sandinista lead the gangs asked him if these violent attacks would affect Nicaragua's position in the peace talks, "Wilat violence?" he repiled. "There was no violence here." Tass, the Soviet news agency, also reported a version of Sunday's demonstration: "The attempt of Nicaraguan reactionary ultra-rightists ... ended in a failure." Indeed it did.

These Sandinista mob attacks on other Nicaraguans have occurred for several weeks now, and to our knowledge the congressional associates keep babbling about "giving the peace process a chance."

Surely it should be perfectly clear to any serious person what it going on in Nicaragua. The Sandinistas, financed by the Russians, are running their version of North Victnam's victory strategy—sign onto an endless negociation, let Congress defund its own ally, import Communist-bloc war materiel and roil over the weakened opposition.

Asked about a new presidential aid request, Jim Wright talked about morality, "If I schedule it, the President would have some moral responsibility to help pass it," he asid. "I don't want to run it out

isn't the one who has to risk getting hit over the head with a metal pipe.

[From the Washington Times, Mar. 16, 1988]

MANAGUA ATTEMPTS A "KNOCKOUT BLOW"

MANAGUA ATTRMITS A "KNOCKOUT BLOW"
Nicaraguan President Daniel Ortega said
yesterday that the Sandinista army is inflicting heavy casualities in a major offensive that the U.S.-supported rebels say could
make their situation "extremely serious."
U.S. and rebel officials said Sandinista
troops, supported by artillery and aerial
bombardment, have entered neighboring
Hunduras. The U.S. Embassy in Honduras,
though, said it could not confirm an incursion.

One State Department official, speaking n condition he not be identified, said initial eports suggested the Sandinistas hoped to reports suggested the Sa deliver a "knockout blow.

In a telephone interview with The Washington Times, resistance spokesman Bosco Matamores said: "Our situation is difficult and could become extremely serious."

He said the resistance was having severe difficulting the said the resistance was having severe difficulting to good a severe.

He said the resistance was having severe difficulties in aerial resupply and evacuat-ing its wounded. The Sandinista goal, he said, appeared to be cutting off rebels in the north from their operational areas in the in-terior of Nicaragua.

terior of Nicaragua.

The intention, he said, was to deal the insurgents a heavy battlefield setback to put the Sandinistas in a position of strength at crase-fire talks scheduled to begin Monday near Nicaragua's southern border.

Other resistance officials in Custa Rica and Mami told The Times that the talks were still on.

re still on.

They launched this offensive at a time

"They launched this offensive at a time when we are without aid, just before the cease fire talks are scheduled to begin," one said. "They want to further weaken our position. . . It does present problems for us politically at the next talks."

pointically at the next tauxs.

Mr. Ortega gave few details about the fighting except to say that Sandinista troops were "dealing serious blows" to the

In Washington, State Department spokes-man Charles Redman described the offen-sive as a Soviet-backed bid to finally crush the resistance.

the resistance. "Based on what we know, this would appear to be the largest offensive we have seen the Sandinistas undertake," he said. Mr. Matamoros said about 1,000 insurgents based in Nicaragua's Jinotega province had been pushed into Honduras where they were being hit by high-altitude Antonov bombers, long-range artillery and rocket launchers.

He said the Sandinistas, with their battle headquarters at Bonanza and forward con-

He said the Sandinistas, with their battle headquarters at Bonanza and forward com-mand at El Cuartelon, were bringing up troops and materiel in 13 Mi-17 helicopters. A new factor in the Sandinistas' favor is a

A new factor in the Sandinistas' favor is a new "extremely sophisticated communications system" that made it difficult for the insurgents to intercept enemy radio measages, he said. This is something the rebels have never faced before, he added. Resistance officials said the offensive involves 4,500 Sandinista troops. Mr. Redman said 6,000 troops could be involved. He said the offensive shows that the Sandinista see not excitate in the said the offensive shows that the

Sandinistas are not seriously interested in a ccase-fire

The rebel officials said the Sandinistas are using helicopters for transportation—but, apparently worried about anti-aircraft mis-

apparently worried about anti-aircraft mis-siles, are not using them as gunships.
"It is very serious. The situation is criti-cal," an official said, "Not only do we have to look at the immediate results of the combat, but we have to worry about the supply situation of our troops after this op-cration."

The attack also follows a renewed push by President Reagan for U.S. aid to the resist-

ance.
Since U.S. aid to the rebels expired Feb.
29 and the House voted narrowly on March
3 against a new humanitarian aid package,
the rebels have fallen back toward border areas to defend supply caches, Mr. Redman

NICARAGUA-THE MILITARY BUILDUP, AUGUST 1979 TO MAR. 1, 1988 (U)

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[From the Washington Times, Mar. 11, 1988]

SOVIET ARMS SUPPLIES TO SANDINISTAS

CONTINUE UNABATED (By Peter LaBarbera)

The Pentagon says the Soviet Union delivered \$100 million in arms to Nicaragua's Marxist government during January and

February,
Meanwhile, Nicaraguan Resistance lead yesterday accused the United States of

yesterday accused the United States of abandoning them.
During January and Pebruary, the Sandinistas received 3,100 metric tons—or 3,400 regular tons—of weaponry and other war material according to Pentagon figures re-The supplies were delivered in 10 shipments, the Pentagon said.

The value of Soviet bloc arms deliveries expected this year, if the pace is sustained, would be \$600 million, up from \$505 million

worth of weapons last year.
"The very minute that the Soviets are increasing aid to the Sandinistas the United States is shutting off aid to the Resistance."

States is shutting off aid to the Resistance," said Resistance Director Adolfo Calero in a telephone interview yesterday,
"This demonstrates once again that the Soviets are reliable and determined allies, while the United States leaves a lot to be desired."

stred."

Mr. Calero said in a Miami press conference yesterday that the Resistance will accept an open agenda for talks in Sapoa, Nicaragua, as the Sandinistas have pro-Nicaragua, as the Sandinistas have pro-posed. The Resistance earlier had demanded that the talks center on the issues proposed by Cardinal Miguel Obando y Bravo in Gua-

temala.

The cardinal, who has been dismissed as mediator by the Sandinistas but will act as a "witness" in the upcoming talks, had called for a 30-day truce, political annesty, press freedom, an end to the draft, and a dialogue with the opposition.

"We are ready to go to Sapoa," said Mr. Calero, who will head the Resistance peace delegation.

delegation

and fellow director Aristides Sanchez He and fellow director Aristides Sanchez proposed that the talks begin March 15 and that Managua's internal opposition be allowed to participate in them.

The two Resistance leaders called the United States "an inconsistent" ally for once again cutting off supplies to the anti-Sandinista forces.

The Defense Department figures for Saviet bloc aid to the Sandinistas reflect a

pace just below that of 1987, despite the movement in the region toward a regional peace accord.

If the pace is sustained, the Sandinista

peare accord,

If the pace is sustained, the Sandinista
army will receive at least 18,600 metric tons
of weaponry this calendar year, compared to
about 21,700 metric tons delivered last year,

Including the latest estimates, the Sandi-nista regime has received more than \$2.4 bil-lion in Soviet bloc aid since calendar year 1980, the Pentagon said.

The Pentagon said.

The Pentagon did not indicate the number of new tanks, armored vehicles, helicopters and other weapons sent to the Sandinistas in the two-month period, but said the numbers remain roughly at the 1987 levels. Some of the new deliveries could be replacement for the Saidiette. replacements for the Sandinista army, it

Rubin Robles, minister-counselor for the Costa Rican Embassy in Washington, said Soviet military aid to Nicaragua is an obstacle to the Central American peace negotia-

tions,

"We as democratic countries reject any
military aid, since we want a political solution to the problems in Central America,"
Mr. Robies said,

Costa Rican President Oscar Arias, architect of the Central American peace plan,
has called on the Soviets and Cubans to halt
their weapons deliveries to Nicaragua.

Mr. Calero, while criticizing the U.S. aid
cut-off to the Resistance, said rebel morale
remains high. "We will never surrender," he
said.

We will have the strength of our convic-"We will have the strength of our convictions and the inspiration of our fighting men," he said in an interview after his Miami press conference. He said the Resistance will go into the negotiations with "no U.S. support, no U.S. backing."

Focusing on the contrast between U.S. and Soviet support for their ailies, he said, "It reminds me of a Mexican saying, The Americans are weak enemies and dangerous

Americans are weak enemies and dangerous

[From the New York Times, Mar. 12, 1988] ORTEGA SAYS CONGRESS HURT THE CONTRAS

(By Stephen Kinzer)

MANAGUA, NICARAGUA, March 11. - President Daniel Ortega Saavedra says he thinks contra leaders will come to the negotiating table this month in "a position of weakness" because of the recent Congressional vote cutting off aid to their movement.

Mr. Ortega said the contras had agreed to three days of talks beginning March 21. The

Government, he said, is willing to remain at the negotiating table indefinitely if substan-tial progress is being made. In an interview Thursday night, Mr.

in an interview Thursday night, Mr. Ortega said he expected the contras to be concillatory to "accommodate themselves to a new situation." He said Sandinista military pressure was taking a toll on contra units, which he said were in retreat and "conserving their bullets."

"The Reagan Presidency is coming to a close," Mr. Ortega said, "If contras don't reach a negotiated solution, they face the prospect of total military and political defeat."

AFFECTING US MORE EVERY DAY

AFFECTING US MORE EVERY DAY

The principal contra leader, Adolfo
Calero, said Thursday that the Congressional vole March 3 against a Democratic plan
for contra aid showed that the United
States was an unreliable ally,

"It is said that the Soviet Union can be a
more consistent ally, and that the United
States is an inconsistent ally, not as it
should be," Mr. Calero said in a statement
broadcast over the clandestine rebel radio
station. "The cutoff of aid to the Nicaraguan Resistance is affecting us more every
day, because without resources it is very difficult to maintain a war against an ally that ficult to maintain a war against an ally that has full Soviet support."

has full soviet support.
"In the long run, the cutoff of aid from
allies could be fatal for the Nicaraguan Resistance," Mr. Calero said.
Government radio stations were planning

Government radio stations were planning to transmit portions of the Calero statement, Mr. Ortega said.

"This is the statement of a defeated leader," Mr. Ortega said several hours after Mr. Calero spoke. "The morale of a contra in the mountains is not going to be improved by hearing this statement on the radio." radio.

SUSPICION ON CONTRA MOTIVES

Mr. Ortega expressed concern over the possibility that the contras are coming to the talks only as part of a strategy to win new aid from Congress.

"The contras are interested in pressuring Congress to get a little aid by seeming to want negotiations," he said.

want negotiations," he said.
Several obstacles that had held up the
cease-fire talks were resolved this week. The
contral accepted the Government's suggestion that the talks be held in the southern
border village of Soppa, and that both delegations be headed by senior officials. Mr.
Calero is expected to head the contra nego-

tiating team. The Sandinistas will be represented by Defense Minister Humbarto Ortega Saaveda, brother of the President.

Ortegs saarcua, ortsiner of the President.
The Government had sought to remove
Miguel Cardinal Obando y Bravo, the
Roman Catholic Primate, from the media-Roman Catholic Primate, from the mediation role he has been playing since November. But agreement has now been reached to invite the Cardinal to Sapoa as a witness. The other witness is to be João Baena Soares, secretary general of the Organization of American States.

Mr. Ortega said Thursday that Cardinal Obando and Mr. Baena have agreed to come to the Sapoa talks on March 21.

Debate over the agenda was the final obstacle. The contras had asked for a preliminary meeting to set topics for discussion,

stacle. The contras had asked for a prelimi-nary meeting to set topics for discussion, and said they wanted to talk about press freedom and other political questions. The Sandinistas refused, saying they would dis-cuss only the mechanisms by which contras would disarm and resume civilian life. The contras finally dropped their insist-ence that topics be decided in advance. Mr. Ortega said that fixing an agenda would probably be the first order of business in Sopoa.

American lawyer who represents the Sandinistas, Paul Reichler, said this week that the Sandinista proposal in Sapoa would ot require the contras to surrender uncon ditionally,

ditionally.

"They would be able to keep their arms and ammunition after entering cease-fire zones." Mr. Reichler said in an interview in Managua. "This could be for as long as six months. It would be a kind of test period.
"As changes are made, they would gain the confidence to lay down their arms and reintegrate, themselves into the country.

the confidence to lay down their arms and reintegrate themselves into the country. They could conduct military training, as long as they don't shoot anyone, and they could receive humanitarian aid from the United States or anyone else."

ACCUSATIONS OF A CRACKDOWN

Leaders of opposition political parties in Nicaragua have charged that the Government is conducting a crackdown on their activities. Several times in recent weeks, crowds of Sandinista demonstrators, some of them violent, have clashed with anti-Gov nment protesters.

(From the Mismi Herald, Feb. 8, 1988) 5,000 NICARAGUANS PROTEST CONDITIONS WITH RALLY IN STREET

(By June Carolyn Erlick)

Managua. Nicaragua.—About 5,000 workers marched Sunday through the streets of Managua to protest lack of food and Sandi-nista labor policies.

Observers said the demonstration was the

Observers said the demonstration was the largest opposition labor march in the nearly nine years of Sandinsta government.

Workers from a coalition of conservative and Communist labor unions marched peacefully for two hours through the working class neighborhood of Ciudad Jardin and past the sprawing Eastern market.

They carried signs reading "Frough Al-

and past the sprawing Eastern market.
They carried signs reading "Enough Already!" and denouncing the government for
"Hunger, Misery, Unemployment and Repression." Some carried elaborate carloon
posters, some of which were copied from the

posters, some of which were copied from the opposition newspaper La Prensa.

One cartoon showed President Daniel Ortega confessing to Cardinal Miguel Obando y Bravo: "Father, forgive me, we lied about everything we said about the Central America peace plan." In the cartoon, Obando replies, "No one believed you to the first place."

In the first place."

But most observers attributed the large turnout and peaceful march to the political space created for the domestic opposition

under the peace agreement made last August by Central American leaders.

"There ought to be even more people here." sald Fanor Avedano. a Social Christian youth leader. "After eight years of repression, people are only beginning to lose their fear." She said the march would not have been possible before the peace agreement.

ment.

Workers apparently were catalyzed by the closing of 21 factories because of the country's energy crisis. The Sandinistas said Saturday that six more factories, including two beer factories, would be shut temporarily to conserve electricity. The 15 factories shut last week include soft drink, chemical and textile factories.

textile factories.

The government has said that workers will continue to be paid, but that they have been encouraged to pick coffee or participate in communal projects.

"Reagan's war has damaged the economy, but the greater are the same participates."

"Reagan's war has damaged the economy, but the comandantes share the blame," Roberto Moreno of the Communist Party Union, known as CAUS, told the crowd. "There are millions for mansions but no money for factories."

Four opposition union coalitions participated in the march. They are believed to have about 100,000 workers, including some peasant cooperatives.

The Sandinista Workers' Union, which was not in the march, has the majority of Sandinista workers.

was not in the march, has the majority of Sandinista workers.
"The march is a response to social inconformity because of the economic crisis," said Mauricio Diaz, president of the Popular Social Christian Party, "It is an answer to the government's lack of answers."

Diaz, who is the opposition party delegate to the Nationial Reconciliation Commission created under the peace plan, said the march was the largest opposition labor march in the history of the Sandinista revolution.

[Prom the Washington Post, Mar. 5, 1988] NEW PLAN PARALYZES NICARAGUAN ECONO-MY-PLENTY OF ROTTEN EGGS BUT NO RICE. No Beans

(By Julia Preston)

Managua, Nicaragua, March 4.—Rice and beans, Nicaragua's most basic daily fare, are gone from the markets of Managua. For two

gone from the markets of Managua. For two weeks there has been no corn for tortillas, no oil for frying. Eggs, though, are on sale by the thousands, putrifying in stacked cartons that clog hot market walkways.

On Feb. 14, the leftist government, seeking to rein in runaway inflation, enacted an economic program that has brought the most jarring changes in living conditions since the nationwide agrarian reform of 1979, just after the Sandinistas rose to nowe. The new measures rewrite the rules power. The new measures rewrite the rules for production and trade in both the state

and private sectors.

The lack of rice and excess of eggs are signs of the extraordinary chaos that these latest changes have unleashed, leaving the economy nearly paralyzed.

Economists say the measures, in principle

were the right ones to curb a wild inflationary spiral that came close to doubling the cost of living each month. But in practice, cost of living each month. But in practice, the government set several key rates—including the exchange for the dollar—at levels so unrealistic that they rendered many farms and factories unprofitable overnight. Scores of the abruptly bankrupted businesses belong to the government.

The results of the changes are expected to have a major political impact here. In adopting them, the nine-member Markist leadership turned sharply from the nith of

leadership turned sharply from the path of socialist-style state control of the economy, economists said.

The rulers opted instead for policies pro-The rulers opted instead for policies pro-moted by a small group of government offi-cials, known as "the technocrats," who are not part of the Sandinista party leadership and who drew on a mix of monetarist tenets of Latin American capitalism.

This is a reaffirmation of the view the so "This is a realiffmation of the view the so-cialist central planning is not viable in this country. The logic of these measures is a greater reliance on market signals," said U.S.-trained Nicaraguan economist Mario Arana, head of research at a progovernment think tank here. About three-quarters of Ni-caragua's economy tenains in private caragua's economy remains in private hands, mainly small-and medium-sized prop

erty owners, Arana noted.

If the measures ultimately fail, Sandinista leaders could respond by swinging leftward once again

The changes, spring by surprise on Nica-reguans for maximum shock effect, began in mid-Pebruary when the government issued in mia-Pebruary when the government issued a new cordoba and withdrew the old currency that was practically worthless. The new cordoba drops three zeros from its predecessor's face value.

The Sandinistas handled the currency

with like a military campaign, mobilizing 60,000 party followers to help with the transactions in rural areas.

60,000 party followers to help with the transactions in rural areas.

The government also quintupled wages, increased the prices of 46 basic goods by as much as 250 percent and froze them there, raised sales taxes and climinated gas and transportation subsidies. The price of a gallon of gasoline went in one day from the equivalent of 15 cents to \$1.50.

A knotty tangle of different dollar exchanges was made into one rate, 10 new cordobas to \$1. Until then, the rate had varied ludierously from the lowest official fixing of 70 cordobas for \$1 to the black-market 50 000 to \$1.

0,000 to \$1.

President Daniel Ortega ordered all minis-

President Daniel Ortega ordered all ministries to slash their budgets by 10 percent and combined several agencies into one Ministry of the Economy under Luis Carrion, one of the nine top Sandinista comandantes. The government hopes the package will case inflation by cutting back the money supply and reducing its big fiscal deficit, while also simplifying economic management and forcing all businesses, including its own, to operate more efficiently.

In fact, the changes seemed so similar to those advocated by fiscally conservative institutions such as the International Monetary Fund that one economist at the U.S. Embassy was asked Jokingly by several Nicarguans if he had had a hand in crafting them.

them.

By most accounts, the program quickly went awry, Last week the Central American Business Administration Institue, a Managua business school, convened managers from private and state-owned companies for an assessment. One manager after another amounced that his or her enterprise could

o longer function.

One problem is the new dollar cost. Many Nicaraguan firms, including dozens of pri-vate ones that regularly lambasted the San-

vate ones that regularly lambasted the Sandinistas for their Marxist bent, owed their survival during recent years to a government subsidy that provided them with dollars at the giveaway rate of 70 cordobas. For them, a dollar to purchase needed imports is suddenly 143 times more expensive.

"I've looked through the recent history books, and I can't find an other example anywhere in the world of a devaluation of that magnitude. I guess we can say it is an audacious move," said Nicaraguian economist Franciso Mayorga, who holds a doctorate from Yale. ate from Yale

Within a week, a black market reemerged, with the dollar trading at six times its legal

Even some desperate government

agencies were among the buyers.
Faced with soaring labor costs, fixed prices and a mood of uncertainty many farmers and manufacturers just ground to a

halt.

"Nobody can start to produce anything. There is general bankrupicy in both the private and public sector," said Mario Hanon, president of the national rice growers' association. But Hanon rejected the idea that the measures are a disguised Sandinista attack on private business.

"This is the there does him does of impacts of the product of th

This is just based on a big dose of igno

"This is just based on a big dose of ignorance." he charged.
As for the markets, prices of some basic goods—such as meat and the rotting eggs—were fixed so high that few shoppers can afford them. But the prices for rice and beans are so low that vendors are holding their stocks off the market, creating severe shortages.

In a property compairs against the block

shortages.

In a renewed campaign against the black market, police and gangs of pro-Sandinista factory workers broke up market stalls in nighttime raids, emptied unifernesed warehouses and arrested several dozen vendors. If they resisted, the police used clubs and a blinding mace-like spray.

Despite widespread confusion over prices, Managua police also summarily confiscated more than 20 taxis and trucks of drivers caught charging more than the legal price for their services.

caught charging more man the regal pine for their services.

"The battle is against the speculators, anyone who tries to raise prices, whether because they are enemies of our revolution or are supported by the American Embassy. Among them, there are no big or small lish," said Bayardo Arce, who runs the Sandinista National Liberation Pront, in an interview with the party daily Barricada. President Ortega said the government

interview with the party daily Barricada. President Orters and the government hopes to force black marketers to return to the countryside to work as farm laborers. At the headquarters of the opposition Labor Unity Confederation, the hallways teem with vendors, drivers, waiters and other workers seeking help.

"I want them to let go of my mother," said 8-year-old Yesena Altamirano, holding her year-old brother, Eduardo. She came to the union because their parents were failed after a scuffle with police at their stall in Managua's main Eastern Market.

The decision to take the measures under consideration since 1982, put new strains on the nine Sandinista leaders. According to a government consultant familiar with the deliberations. Orters supported the more on

the nine Sandinista leaders. According to government consultant familiar with the deliberations, Oriega supported the more on the counsel of two dozen advisers, but Agrarian Reform Minister Jaime Wheelock was skeptical but finally agreed.

In December, Wheelock signed a pact with private rice growers to control rice marketing. The idea was a joint effort to raise the farmers' income and lower prices to the consumer by eliminating black-market intermediaries. The pact was to be a model for other deals between the state and private agribusiness.

Now Wheelock finds himself with his pact shattered and dozens of state farms whose books suddenly do not balance.

[From the Washington Times, Feb. 10, 1968]

Nicaragua Mons Riot Against Military Draft

(By Glenn Garvin)

MASAYA, NICARGUA—An angry mob of 1,000 mothers attacked a police station and a Sandinista party headquarters here, burning vehicles and breaking windows to protest the military draft, witnesses said.

No injuries were reported during the Monday night riot, but two government ve-

hicles were burned and police reportedly ar-rested about 20 people. Both supporters and opponents of the Sandinistas scheduled, rallies and marches for late yesterday, and many residents were predicting more viomany residents lence last night.

The security forces have a hot coal on their hands, and they don't know how to handle it," said one resident who witnessed handle it," si the violence.

Sandinista officials, evidently agreeing that new disturbances were likely, sealed off
a several square-block area around the
police station and flooded the city with po-

licemen and plainciothes security officers.
"I can't tell you anything," said police Lt.
Roberto de Jesus Parra, "We have a very
difficult situation here."

Sandinista officials said the riot was touched off by "provocateurs." Including members of the country's old National Guard who have recently been released from prison under provisions of the Central

from prison under provisions of the Central American regional peace plan. But most witnesses said Monday night's rioting broke out spontaneously after security forces awept through three neighborhoods, grabbing teen-agers suspected of dodging the draft.

Witnesses said the security forces—from the so-called "preventive police" of the Ministry of the Interior-kicked in doors of homes and dragged away young boys during the awep, though some of them were obviously under the minimum draft age of 17.

One witness described it as "a hunt for children."

children.

"They were not taking young men," he said. "These were boys. These were children."

Several of the suspects were beaten after

Several of the suspects were beaten after they were arrested, witnesses said, and others fied in obvious terror.

"I saw one boy pedaling as fast as he could on his bleycle, while the police were chasing him on foot," one local resident said. "Pinal-ly he threw the bleycle down and ran and hid in a church school as they ran by."

Sandinista officials confirmed the police sween. They said no lice picked up about 150

Sandinista officials confirmed the police sweep. They said police picked up about 150 young men and released all but 29. The others, the officials said, presented proof that they were either too young for the draft or had already served.

Anti-draft demonstrations began Monday afternoon in each of the three neighborhoods. Around 8 pm., all the demonstrators marched to the police station downtown, where they began throwing rocks and

married to the police station downtown, where they began throwing rocks and screaming anti-Sandinista slogans. "They were all women," said farm worker Luis Sanchez, who lives a few hundred feet from the police station, "All kinds of women—little ones, big ones, old ones, vouns ones."

women-little ones, big ones, old ones, young ones."
"The women stretched for four blocks," said watch repairmen Francisco Alejo, who lives nearby. "They were screaming, "We don't want our children to be taken to the slaughterhouse!"

According to the witnesses, the women also attacked the local headquarters of the Sandinista Youth Organization, breaking windows and rolling a car out of the garage into the street, where they burned it.

The first security policemen called to the scene jumped from his Soviet-made jeep and drew a gun on the mob. But when the demonstrators rushed him he filed, and the crowd burned the jeep too.

onsitators rushed mm ne ned, and the crowd burned the jeep too.

Soon afterward, several jeeploads of police arrived, firing their weapons into the air, over the heads of the crowd. But sporadic contents are accountable to the crowd. violence continued until 1 a.m., area residents said.

denis saso. Interior Minister Tomas Borge, head of the vast Sandinista security apparatus, was called to the scene of the rioting Monday

night. Witnesses heard him tell reporters from the progovernment press not report his presence.

Sandinista police refused to say how many people they arrested in connection with the riot. But witnesses said that more than 20 were picked up-some at the scene, and some yesterday morning. Among those ar-rested were two opposition political leaders. Juan Jose Cerda of the liberal Independent Party, and Humberto Urbina of the Social Democrats.

Priends and political associates of the two men said they were not at the riot, and the Sandinistas were using it as a pretext to im-prison opposition leaders.

Yesterday, as Sandinista supporters circulated through the streets here urging people to attend their rally later, the anger that touched off Monday's violence was still appropriate the street of th parent.

parent.
"It's easy for you to talk," several house-wives shouled at the pro-government forces.
"You've got soap! You can cat!"
"The children belong to us," one of the housewives said to a reporter. "They're our bables. They were in our stomachs for nine mouths, and re nue holes due to give high." months, and no one helped us to give birth.

Now the government wants to take them

away."

Pro-sovernment citizens were just as vehement, "it's the reactionaries and the right-wingers who don't want pence," said Josefa Jose, who sells clothing in Masaya's central market. "They have been infilitrated by the criminals pardoned under the peace plan.

" " There's a war going on, and we all have to help." have to help.

Mrs. Jose said she would be attendin mrs. Jose said she would be attending the pro-Sandinista raily late yesterday. Other market women said they would go, too-but not always willingly. Several said the government had threatened to cut off their supplies and revoke their business permits if they didn't.

The didn'theres have meet the disturbance has a supplieration of the property of the said of the s

The disturbance here was the worst antiarit violence since a riot in the north-central town of Nagarote in 1985, when mothers attacked police with machetes to protect their children.

their children.

But there has been a steady stream of anti-draft incidents during the last year, as anti-Sandinista rebels, backed with new American aid, have upped the ante in Nicaragua's 6-year-old civil war.

Several mothers scuffed with police looking for draft-dodgers in a Managua neighborhood last week. And the official Sandinista newspaper, Barricade, reported recently that 500 soldiers had to be deployed in the city of Sebaco to "explain" the draft to local residents.

The draft applies to men aced 17 to 25.

The draft applies to men aged 17 to 25.
They enter the so-called Patriotic Military
Service (SMP), a militia force that lacks the
sophisticated weapons and training avail-

sophisticated weapons and sophisticated weapons and sophisticated weapons are sophistics of the Sandinistas say the government uses the SMP troops as cannon feetier, sending them out to draw ambusies. government uses the SMP troops as cannon fooder, sending them out to draw ambushes from the rebels. The regular army is committed only afterward, the critics say, when commanders know the exact location and strength of the rebels.

Even more alarming to the government than the venom of Monday's violence may be the place where it broke out. Massaya was one of the Sandinktas' toughest strong-

toughest strong-

one of the Sandinkstas' toughest strong-holds during the 1978-79 revolution against the old Somoza dynasty.

Many of Monday's rioters came from the Massya neighborhood of Monimbo, an Indian enclave where the original anti-Somoza riots broke out in January 1978. Camilo Ortega, the youngest brother of Nic-araguan President Daniel Ortega, was killed by the Somoza troops during the rioting,

and Monimbo became a sort of national catch-phrase for the revolution.

The reputation of Massaya residents—particularly Monimbo residents—for not putting up with much guff sent a ripple of rear through the city yesterday.

"People here don't have much patience, and when they explode, someone will pay," sald one resident yesterday. "Tonight, I think there will be real trouble." Some people were packing bags and heading 20 miles north to Managua to spend the night.

[From the Washington Post, Mar. 7, 1988] SANDINISTA SUPPORTERS DISRUPT OFPOSITION RALLY—POLICE WATCH AS CIVILIAN MOB CONFRONTS MARCHERS

(By Julia Preston)

(By Julia Preston)

Masaya, Nicaragua, March 6.— Gangs of club-wielding Sandinista party followers broke up an opposition women's march today, driving antigovernment demonstrators off the streets, hurling rocks, threatening them and then rampaging across the city for two hours.

It was the most aggressive use of Sandinista mob violence against the opposition in years and appeared to indicate a new government policy of using civilians to confront its political opponents.

Thursday, about 150 Sandinista party rabblerousers, called turbas, which loosely blerousers, called turbas, which loosely

Trutsday, about 150 Sandinista party rab-blerousers, called turbas, which loosely translates as "mob," disrupted a peaceful opposition union meeting in Managua. The turbas are drawn from Sandinista unions, block committees and other grass roots

Today's trouble in Masaya began with two Today's trouble in Masaya began with two outdoor milies in honor of International Womens' Day next Tuesday, which took place this morning in Masaya. One was led by the Democratic Coordinating Group, an opposition coalition, and another by the Sandinista National Liberation Front (FSLN), the ruling party. It was unclear which demonstration was scheduled first, but Sandinista police issued the required permits to both and established different parade routes for each march, organizers for both sides said.

Tensions have been running high in

for both sides said.

Tensions have been running high in Masaya, where there is strong popular sentiment against the military draft. On Feb. 8, an opposition protest against the draft in Massaya turned into an antigovernment richt.

Today's railies were located about 50 yards apart on opposite sides of the central park of Masaya, 20 miles south of Managua. At the center of the opposition march was a protest against the draft by about 100 women and girls, mostly from poor rural families, who wore blackdresses and vells. As the opposition speeches continued, scores of men carrying wooden clubs and metal bars and wearing the red-and-black kerchiefs of the Sandinista party, crossed over from their raily, taking up positions surrounding the opposition raily.

As the Democratic Coordinating Group

As the Democratic Coordinating Group sympathizers filed into the street to begin their march, hundreds of the club-wielding Sandinistas dashed across the park to block part of the street where the marchers were

One Sandinista man, Juan Ramon, who identified himself in an interview as a 27identified himself in an interview as a 27-year-old bricklayer, repeatedly taunted op-position marchers, tearing their placards out of their hands to rip them up. He con-fronted an opposition woman carrying a tiny infant and screamed insuits in her face. As the tension mounted, someone threw a

rock, and quickly rocks were flying on all sides. At the same moment, a Sandinista demonstrator bashed a boy in the back of the head with his club.

Most opposition protesters appeared to be unarmed, but one opposition man was seen carrying a club with nails protruding from one end.

one end.

The Democratic Coordinating Group president, trade unionist Carlos Huembes, acknowledged that his followers had engaged in lighting. "That's our response. We have to defend ourselves," he said.

The rock-throwing continued for several minutes, but finally the outnumbered opposition demonstrators fled. For the next two hours, Sandinista gangs roamed the streets bunting for them.

"Either you respect the Sandinists Dande

hunting for them.

"Either you respect the Sandinista Front or we'll make you respect us," was the slogan some chanted repeatedly.

Sandinista mobs burned one parked jeep based on a rumor that it belonged to Erick Ramirez, a leader of the opposition Social Christian Party. At least three other vehicles were damaged by stoning. They ripped out, broke up and urinated on chairs in the movie theatre where the opposition event movie theatre where the opposition event

Reporters and Sandinista police watched Reporters and Sandinista police watched as a Sandinista crowd approached Edda Bonilla de Gaudamuz, identified as an opposition member because she was still warring her black veli. Bonilla dropped to her knees, but the Sandinistas ripped off the veli and slapped her repeatedly. Then a woman dragged her behind a police line and beat her.

her.

One opposition man was cut in the face with a knife. A Sandinista man was severely beaten, apparently after his colleagues mistook him for an opposition member.

Huembes, the Coordinating Group leader, said, "It seems clear the Sandinista Front does not want to comply with the peace process in Central America. They want to substitute it with the terrorism of the turbas." He was referring to a peace pact signed last Aug. 7 by the five regional presidents, including Nicaraguan President Daniel Ortega. miel Ortega.

Federico Lopez, the FSLN party delegate for the Masaya region, said of the opposi-tion, "Those were just some perfumed people paid by the American Embassy. **

people paid by the American Embassy. "
It's a minority group. They offended our people, and our people won't accept it."
Asked if the day's violence might have a negative effect on Nicaragua's position in the peace process, which calls for broader democratic freedoms, Lopez said: "What violence? There was no violence here."
Lopez, unshaven and wearing a T-shirt and sneakers, was seen throughout the morning leading gangs of Sandinistas through the streets. When asked if the opposition would be allowed to demonstrate in the future in Massya, Lopez said, "That's their problem now."
Police subcommander Marcelino Rivas,

Pollec subcommander Marcelino Rivas, explaining why the police did not intervene, said, "There were no crimes here. It's just a demonstration."

[From the Washington Post, Mar. 8, 1988] NICARAGUA REVIVES GANG TACTICS TO BLOCK OPPOSITION

(By Julia Preston)

MANAGUA, NICARAGUA, MARCH 7.—The San-dinista party newspaper Barricada today de-scribed yesterday's street clashes in the city of Masaya between progovernment and op-position followers as "a true popular upris-ing against the right wing."

ing against the right wing."
But many Masaya citizens put it differently, "The turbas are back," one said,
The turbas, Spanish for "mob," are the civillan shock troops of the eight-year-old
Sandinista revolution, Drawn from the most dedicated ranks of the ruling Sandinista Na tional Liberation Front (FSLN), the club

carrying gangs include schoolboys, Army veterans, feminists, factory workers, even el-derly mothers who have lost sons in the war against the contra rebels. They were put in

against the contra rebels. They were put in force in Masaya yesterday.

The Sandinista party sends turbas to harass, intimidate and overwhelm its numerically smaller political opposition by painting progovernment graffiti, shouting slogans, throwing stones and swinging sticks, though Nicaraguans are rarely killed in turba attacks, many have been hurt.

The turba emerged in late 1980. For four years they acted frequently against right of

The turbas emerged in late 1980. Por four years they acted frequently against right-of-center political parties and churches associated with the conservative Roman Catholic leader, Cardinal Miguel Obando y Bravo. After the 1984 elections in which Sandinista President Daniel Ortega was elected, strict state-of-emergency laws were enforced, and activity by the turbas subsided.

Ortega lifted the emergency in January to comply with a regional peace plan, but since then the PSLN has begun mobilizing its militants again to maintain a measure of political control.

litical control.

Masaya, located 20 miles south of Mana-gua, strongly supported the Sandinistas in their 1978-79 armed insurrection against dictator Anastasio Somoze Debayle, Now, Masaya is known for its strong opposition to Masaya is known for its strong opposition to the Sandinista military draft and its eco-

the Sandinista military draft and its eco-nomic programs.

The opposition, particularly in Masaya, has street fighters as well, and opposition protesters also threw rocks yesterday.

The FSLN is the only party with trained, disciplined gangs who follow orders from higher officials. The turbas usually do not act without approval from some official at the highest level of the pretty and result the highest level of the party and govern-

Normally the party recruits its gangs from Normally the party recruits its gauge from unions, block committees and Sandinista youth groups the day before an event and issues precise instructions about the slogans to be used and actions to be taken, rank-and-file Sandinistas said in interviews.

and-file Sandinistas said in interviews.
They are often advised not to say that
they are closely affiliated with the PSLN,
but to describe themselves as spontaneous
demonstrators from "the people."
In Masaya, Federico Lopez, the FSLN
party chief and in practice the governor of
the Masaya region, led several hundred
Sandinistas on a chase after about 800 opposition demonstrators, who had gathered for
a Women's Day march.
In a midday speech to about 2000 scaling

a Women's Day march.

In a midday speech to about 3,000 excited
Sandinistas, Lopez first invited them to
"confiscate" a movie theatre where the opposition raily had started. The crowd
began breaking chairs in the theater, but
Lopez changed his mind, and the crowd
quickly obeyed his orders to stop.

Several hundred Sandinista men arrived

quickly obeyed his orders to stop.

Several hundred Sandinista men arrived at their party's rally yesterday with wooden clubs that had been issued beforehand, some bearing Sandinista flags.

At one point, one group of turbas discovered some opposition demonstrators hiding in a Catholic church on a sidestreet and banged on the door with their sticks.

Their leader, a Sandinista youth member, spoke briefly with a priest who had come to a window. The leader issued an order to leave the church alone, and the banging quickly ceased.

Recently two American diplomats got a small taste of turba-style tactics.

Sent by the U.S. Embassy to observe a major Sandinista rally Feb. 26 in Managus, they were watching an Interior Ministry contingent file into a plaza when one official in the ranks spotted them and shouted, "Those men are from the American embassey!"

Moments later, the Interior Ministry group broke ranks, surrounded the diplomals and lifted one of them bodily off the ground, knocking off his glasses and roughing him up slightly while chanting anti-American slogans. Then they suddenly put him down, fell back in line and marched on. The Interior Ministry is in charge of political security and is believed to be, along with the Sandinista party, in charge of the turbas.

turbas

turbas.

Nicaraguans who turn out for turba actions are dedicated to the PSLN. Many are
from the poorest families andhave been
close to the Marxist party since the mid1970s, when young, bearded Sandinista revoluntionaries were widely regarded as heroes
in the fight against the unpopular Somoza.

Yesterday, Ramon Gomez, a 36-year-old
shoemaker and Sandinista loyalist, was carrying a poster of a widely distributed photograph taken of him in Masaya in 1978 wearing a mask and clutching a contact bomb

ing a mask and clutching a contact bomb, fighting alongside the Sandinistas. "This is why I'm here today, repudiating the rightwing." Gomez said proudly, pointing at the picture. But their devotion has also bred in-tolerance and frequently spawns blanket condemnation of the opposition as being CIA-backed.

Opposition leaders said today that 27 per-Opposition leaders said loday line Ar persons were injured yesterday and II have not returned to their homes. A prominent leader of the moderate Social Christian Party Erick Ramírez, was dragged into the street from a house where he was hiding by Sandhistas who tore off his shirt and hit him his narry said. him, his party said.

[From the Washington Times, Mar. 5, 1988] TWO PROTESTERS SLAIN BY SANDINISTA

(From combined dispatch)

Managua, Nicaragua.—Nicaraguan sol-diera shot and hilled two protesters during a clash with anti-government demonstrators Sunday in northern Nicaragua, the Interior Ministry said yesterday.

ministry said yesterday.

According to accounts from the area, demonstrators in El Tuma in Matagalpa province, about 125 miles north of here, threw rocks at government soldiers who responded with sunfire. A man and a woman were reported killed.

ported killed.

The sources did not say what sparked the protest, which occurred the same day as a protest in Masaya opposing military conscription and new economic strictures. That protest was broken up by a pro-government mob and at least seven persons were interest.

The ministry confirmed the two deaths in El Tuma. It said the incident was a "provo-cation" by "counter-revolutionaries" among

cation" by "counter-revolutionaries" among the demonstrators.

Still, the ministry said it would appoint a special commission to investigate.

Also yesterday, a presidential communique said Cardinal Miguel Obando y Bravo and the accretary-general of the Organization of American States have agreed to be witnesses at talks between the government and estimators traders.

winnesses at talks between the government and resistance leaders.

The agreement by Joso Baena Soares, the OAS official, and Cardinal Obando, Roman Catholic archbishop of Managus, appeared to ease the way for negotiations to start this week in Sapoa, on the border with Costa Rica.

The cardinal way the leaders of the Costa Rica.

Rica.

The cardinal was the intermediary in cease-fire talks between the Marxist government and the U.S. supported resistance until President Daniel Ortega dismissed him last week. The rebels insisted that he attend the talks

Adolfo Calero, one of five directors of the Nicaraguan Resistance umbrella group, said

earlier that the rebels have received no word from the government about security arrangements or an agenda.

The government daily Barricada had

for the praise yesterday club-wielding youths, some masked and others in military garb, who broke up the Masaya march. What happened yesterday in Masaya was

a real uprising, a popular insurrection, alive, and in color * * * against the right, against the local agents of imperialism," it said.

An opposition leader vowed to continue the protests

the protests.

Also yesterday, a source at the U.S. Embassy in Managua said the government withheld nearly \$20,000 belonging to the embassy, and its employees when they turned in their money in last month's currency exchange.

The money withheld under a government-set exchange limit, should have been placed in a bank account. But neither the embassy nor the Central Bank could say whether

in a bank account. But neither the convergence in a bank account. But neither the convergence in a bank account and the condition he not be further identified, said the embassy turned in 208 million old cordobas in exchange for new ones, in accordance with last month's economic measures.

The total, which included private money and embassy funds, was worth about \$20,800. The government last month created a new cordoba worth 1,000 times more than the old one and pegged it at 10 to the U.S. dollars.

The government set an exchange limit of The government set an exchange limit of 10 million in cordobas per person or institution, or the equivalent of \$1,000. The U.S. Embassy was given \$1,000, and the rest was withheld. A Central Bank spokeswoman confirmed that the new law requires that the remainder be placed in a bank account but said she had no information on the U.S.

[From the Washington Post, Mar. 6, 1988] CONTRA AID OFFENSIVE FIZZLES AMID
CONTRADICTIONS—

BRILITINGS AT STATE DEPARTMENT WARY SHARP LY ON SCOPE OF SANDINISTA ARMY'S BATTLE

(By Lou Cannon and Tom Kenworthy)

The Reagan administration resterday mounted a major public information offen-sive against the leftist Sandinista government of Nicaragua, but by nightfall it had turned into a small and inconclusive skir-

Trying to build support for a new package of U.S. aid to the Nicaraguan contras, State of U.S. aid to the Nicaraguan contras, State Department spokesman Charles E. Redman said at a morning briefing for reporters that said at a morning drieting for reporters that the Nicaraguan army was preparing "the largest offensive we have seen the Sandinis-tas undertake" in an effort to "destroy mili-tarily the weakened Nicaraguan freedom

But a briefing later in the day at the State But a orienting later in the day at the oblace Department by two senior Army officers un-dermined the administration assertion that the Sandinistas were preparing a final of-fensive to crush the rebels in the Bocay

fensive to crush the rebels in the Bocay River valley.
Redman said the Sandinistas were mass-ing 12 combat battalions totaling 6,000 troops supported by 10 Soviet Mi17 helicop-ters and had "diverted a significant portion of their scarce gasoline supplies to fuel the helicopter sorties required to support this force." But the Army officers, speaking on condition they not be identified, placed San-dinists strength in the valley at between 1,000 and 1,500 troops and contra forces at 1,000.

President Rengan has often said that the Sandinistas need a 10-to-1 advantage to prevail over the rebels in any battle.

In what one White House official described as "a very frank discussion," Reagan yesterday appealed for a new contra aid package to replace one voted down March 3 in the House. The President was quoted as saying to House Speaker Jim Wright (Dsaying to House Speaker Jim Wright (D-Tex.) and other congressional leaders in a private session at the White House that it was no longer possible for the contras "to fight bullets with Band-Aids." LJ. Gen. Colin I. Powell, the national security adviser, told the congressional leaders that the contras are "entering the end game" and that their plight is "desperate."

But Democratic leaders, who clearly feel thay hold the upper hand, told Reagan they would be willing to schedule another vote on the \$30.8 million package of humanitari-an aid for the rebels only if the administra-tion can help deliver votes of two-thirds of

tion can neip deriver votes of two-thirds of House Republicans.

"The fact of the matter is if Republicans hadn't voted 97 percent against our pack-age, the kind of aid they are talking about would be on the way." said House Majority Leader Thomas S. Foley (D. Wash.).

Despite the deep differences between the administration and the Democratic leadership, a White House official said late in the day that another effort would be made today to see if a compromise can be found. There's a lot of political pressure on ev-erybody to do something," the official said.

Nobody is comfortable with where it's sit-

Reagan has repeatedly yowed to continue Reagan has repeatedly vowed to continue seek contra aid, a piedge be made again yes-terday in a speech to a group of Jewish lead-ers in which he also accused the Sandinistas of anti-Semitism and of co-operating with the Palestine Liberation Organization and "other terrorist groups." But the administration's persistent effort to aid the contri

tration's persistent effort to aid the contras appeared to be showing signs of strain, sowing contradictions as yesterday wore on. This was particularly evident in the two briefings at the State Department. The briefing by the two Army officers was in-tended to underscore Redman's claims that the Sandinistas were poised for a conclusion offensive, but instead it cast doubt on this

assertion. The officers said there has been "scat-tered" lighting and "there are indications that it could conceivably be" a decisive battle. But they said this would require the Sandinistas to do what they had been un-willing to do previously and commit helicop-ters to sending ters to sending many more troops remote border area, a maneuver that would

take many days.

Told they were being more cautious than Tedman, one officer cited the "sporadic and fragmentary" nature of intelligence reports from the area and said: "That's why we're hesitant; that's why we caveat the things we're saying because we don't want to say things that we don't know for sure."

If the Sandinistas do commit to a major battle with the contras it will be important, the officer said, because "they haven't done it before; that's what's significant about it."

The Democratic concressional leaders said

It before; that's what's significant about it."

The Democratic congressional leaders said that in their meeting with Reagan, even Republicans made the point that a military aid proposal for the contras cannot pass. Wright said that while Democrats are willing to explore "a mutually acceptable formula," the measure "has to be humanitarian aid."

Democrats said that administration statements sout an impending Sandinista offen-sive are part of a campaign to build support for military aid.

"They are trying . . . to create an atmos-phere of crisis," said House Majority Whip

Tony Coelho (D-Calif.), "But their credibilfly on this issue is a little bankrupt."

Correspondent Julia Preston reported from Miami:

Correspondent Julia Fresion reported from Miami:
Contra spokesman Bosco Matamoros, citing information he said was compiled from field reports by the contras top military command, said that as many as 7,500 Sandinista combat and support troops are involved in the Bocay operation.

Since March 7, Sandinista Soviet-made fixed-wing Antonov aircraft have been pounding the Bocay River region with 500-and 1,000-pound bombs, Matamoros said, while the Sandinistas also are using heavy artillery and Soviet BM21 multiple rocket-launchers. Contra fighters have detected at least eight, Sandinista battalions and 13 helicopters in the fighting.

iest eight. Sandinists battalions and 13 hel-koplers in the fighting.

"I have reports that some of our positions are overrun, and we have had to retreat. Some fighters are short of food. We are con-cerned about the ammunition supply," Mat-

(In Managua, a Nicaraguan Defense Min-stry spokesman said Sandinista troops were launching a major offensive against the con-tras, but denied reports that the govern-ment troops had penetrated into Honduras, the Associated Press reported.]

[From the Washington Times, Mar. 16,

SANDINISTAS HAMMER REBELS, ORTEGA

(By Jeremiah O'Leary and Jennifer Spevacek)

President Reagan asked congressional leaders yesterday to allow quick action on a new aid package for the Nicaraguan resistance, as the administration warned that the Sandinistas are about to "launch an all-out death blow to the Contras."

Mr. Reagan made the request for a new vote during an "intense and straightforward" 95-minute meeting with House Speaker Jim Wright and other lawmakers, said White House spokesman Marlin Fitzwater. "It think the general feeling of the group was that it's time to clean the slate and start over," Mr. Fitzwater said. "Fights and arguments of the past should be left there." But he emphasized that the two sides reached no agreement on how to proceed. President Reagan asked congressional

reached no agreement on how to proceed.
Mr. Fitzwater said National Security Adviser Colin Powell told the lawmakers that the rebels battling Nicaragua's Marxist San-

dinista regime are on the verge of collapse.
"It's only a matter of weeks," Gen. Powell told the leaders.

Sandinista forces appear to be preparing to launch an all-out death blow to the Co tras by destroying supplies, now in major Contra camps," Mr. Fitzwater said, "Every-one in that session agreed a cease-fire is what we're going after."

what we're going after."

Speaking to reporters after the White
House meeting, Mr. Wright said he would be
willing to revive the Democratic leadership's
30 million rebel aid bill, defeated in the
House earlier this month.
But he said it would be virtually impossible to get the House to suspend its rules to
allow a vote this week. "That's the only way
it can be done in a big hurry," Mr. Wright
said.

The House has voted down two rebel ald bills already this year. On Feb. 3, the House voted 219-211 to reject the President's \$36 million rebel aid bill—which included \$3.6 million for lethal aid.

Earlier this month, a coalition of Republi-cans and liberal Democrats joined forces to defeat the House Democratic leadership's \$30 million humanitarian aid bill 216-208.

Mr. Fitzwater said a new bill similar to the Democrats' defeated package is one of sever-

al options being considered, but he refused to give details.

Mr. Wright said he would insist on guar-anteed GOP support before scheduling a second vote on the Democratic leadership's bill

second vote on the Democratic leaders will.

Mr. Wright and other Democratic leaders were scheduled to meet with House Republican leaders today to discuss further action. Since a \$100 million package of lethal and non-lethal aid to the rebels expired in September, the rebels have received three short-term installments of humanitarian aid, the last of which expired Feb. 29.

Privately, administration officials believe the new Sandinista offensive—plus the Nicaraguan government's ouster of Cardinal Miguel Obando y Bravo as mediator for the cease-fire taiks—will boost prospects for passage of a rebel aid bill. sage of a rebel aid bill.

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Cease-fire talks between the Sandinista government and the rebels are scheduled to resume on Monday in the town of Sapoa, Nicaragua, 90 miles south of Managua near the Costa Rican border.

Earlier yesterday, Mr. Wright said he did not know the extent of any Sandinista military preparations, but said he has "earnestly implored" the Managua government to act in good faith in view of a resumption of cease-fire negotiations.

A few minutes later, in an apparent refer-

cease-fire negotiations.

A few minutes later, in an apparent reference to Mr. Wright and the House Democratic leadership, Mr. Reagan pounded the table and said: "There are some people around this table who don't seem to know who the bad guys are down there," congres-

who the bad guys are down there," congressional sources told The Associated Press.

In a speech to Jewish leaders yesterday,
Mr. Rengan also criticized the Sandinista
regime as blatantly anti-Semitic.

United States-Nicaragua

WASHINGTON.—The White House said today it was considering "everything "o" short of invasion" after National Security Officials met to discuss a Nicaraguan attack on Contra rebel positions in neighborin

Presidential spokesman Marlin Fitzwater said the Nicaraguan moves amounted to a

"very serious breach of regional borders."

He said that 1,500 Nicaraguan troops were already inside Honduras and that an additional 4,500 appeared to be in a staging area to cross the border.

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Fitzwater said that a series of National Security meetings has been held over the last 24 hours, and that "all options are under consideration, at this moment, everything is being considered short of (U.S.) invasion."

Fitzwater met with reporters one day after President Reagan met with Democrat-ic and Republican Congressional leaders to discuss a new humanitarian aid package for the Contra rebels.

Today, he said, "the situation has changed."

changed."
The spokesman indicated the administration no longer is thinking in terms of working with Congress on an aid package that would simply provide the resistance forces with food, medicine, and other supplies.
"More than 1,500 Sandinista troops are now inside Honduras, attacking freedom fighter camps in an effort to destroy their remaining supplies," Fizuwater said, adding, "There are nearly 4,500 Sandinista forces with strong helicouter support moving into

"There are nearly 4,500 Sandinista forces with strong helicopter support moving into the Rocay Valley, which is just below the Honduran border. They've established a new base for this operation. * * "In the last several hours, the United States Government has been in contact with the Presidents of the other three Democratic Governments in the region," he said, "We've had discussions concerning their re-

sponse to this incursion and its meaning for

sponse to this incursion and its meaning for the Gualemala Peace Plan."
"The United States Government today is examining its options," he said.
When word of the Sandinista operation came Monday night, Democratic sources in Congress portrayed it as a Nicaraguan attempt to strengthen their position in advance of cease-fire talks with the Contras, scheduled to begin Monday.
House Majority Leader Thomas Poley, D-Wash., acknowledged that "there is some military activity" under way but he declined to elaborate.

to elaborate.

A Democratic congressional source said, we don't know their intentions and they the administration) don't know their inten-

Today, one senior administration official, speaking on the condition of anonymity, said the Sandinista drive appeared to be aimed at a Contra camp complex and supply

If the depot is knocked out "there will b nothing left" of the Contra war effort, the

That official said that Contra Commander Enrique Bermudez is in the Rocky region and may be in "serious trouble" because he and his forces are surrounded by Sandinista

oops. Officials of both the Nicaraguan and Honduran Governments denied that Nicaraguan

duran Governments denied that Nicaraguan troops had crossed the border. Nicaragua did not report the offensive until Tuesday evening, when a defense ministry spokesman said it was under way but denied Contra claims that Sandinista troops crossed into Honduras, when the rebels have bases have bases.
"The army has undertaken major offen-

"The army has uncertagen major outer-sive operations, reports that the army has penetrated Honduras are not true," the spokesman told the Associated Press in a telephone interview. He cannot be identified for security reasons.

The Honduran Delense Ministry said that ¹² people had been killed in the Sandinista

The Honduran Defense Ministry said that 43 people had been killed in the Sandinista initiative, but denied that any of the fighting had taken place in his country. Heavy fightling was reported throughout Nicaragua's 5th military region, which includes Roaco, Chontales, Rio San Juan and Zelaya South. The Contras said Sandinista troops had overrun some rebel positions.

Manacua, Nicaragua.—About 6,000 Nicaraguan soldiers used helicopters and heavy artillery in a major offensive against Contra rebel forces. The defense ministry said today it was checking U.S. allegations that soldiers attacked positions in Honduras. In Washington, White House spokesman Marlin Flizwater said today the Reagan administration, was considering. "Georythica"

marini Filzwater said today the Reagan ad-ministration was considering "everything " " short of invasion" after National Secu-rity officials met to discuss what is said was a Nicaraguan attack on Contra rebel posi-tions in Honduras.

But the defense ministry refused to con-

firm or deny its troops entered Hondu

fighting in northern Nicaragua had crossed the border into Honduras.

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Fitzwater said the Nicaraguan moves amounted to a "very serious breach of regional borders." He said 1,500 Nicaraguan troops were already inside Honduras and that 4,500 more appeared to be in a staging area to cross the border.

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A State Department official in Washington, speaking on condition of anonymity, said on Tucsday that initial reports suggested the Sandinistas hoped to deliver a "knockout blow" to the Contras.

The defense ministry announced Tursday

"knockout blow" to the Contras.

The defense ministry announced Tuesday that the offensive was launched last Friday and intensified Monday and Tuesday.

The drive occurred a week before the leftist Sandinistas were to negotiate with the U.S. supported rebels about a cease-fire in their six-year war. Three days of talks scheduled to begin next Monday in the small southern town of Sapoa, near the border with Costa Rica.

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(From the Wall Street Journal, Mar. 16, 19881

JIM WRIGHT'S VIETNAM

It took more than a decade for three Presidents to lose Victnam, It may take less than a year for one Speaker of the House to lose Nicaragua. On Feb. 3, House Speaker Jim Wright en-

On Feb. 3, noise speaker 3 in wright en-gineered a dramatic defeat of President Reagan's aid request for the Nicaraguan Contras, and effectively took U.S. policy in Central America away from the executive branch and lodged it squarely in the legisla-ture. Less than two months later, the U.S.

branch and lodged it squarely in the legislature. Less than two months later, the U.S. has no polley whatsoever.
Yesterday, the Sandinistas made it clear that the road to "peace" runs along two tracks. Daniel Ortega announced in Managua that the Nicaraguan army has undertaken a large-scale milliary operation against the recently defunded Contras, code-named the assault "Triumph or Peath." According to a State Department briefer, this offensive includes 12 combat battalions with some 6,000 troops and about 10 Soviet MI-17 helicopters.

How this is possible in an economy that is reportedly flat on its back was indicated late last week by an Associated Press story, reporting that according to a Pentagon estimate the Soviet Union in the first eight weeks of this year has sent Nicaragua 3,100 metrie tons of weapons and war materiel worth about \$100 million. So at the same time that Jim Wright is killing aid to the Contras, the Russians are sending the Saudinistas aid to kill the Contras.

Do the Democrats care? Not likely.

Do the Democrats care? Not likely

On Peb. 26 the House Democratic Study Group sent an extraordinarily revealing letter to the Central American Working letter to the Central American Working Group, a collection of anti-Contra organiza-tions. "Nothing will bring peace faster," the letter says, "than destroying Contra hopes for more military aid." The Democrats wanted to reassure their outside allies that wanted to reassure their outside allies that they wished to "send a strong message to the Contras that our support of their war has ended. The sooner the Contras under-stand that fact, the sooner the fighting will end in Nicaragua and the sooner we can begin addressing the real problems in Cen-tral America of poverty and the maldistribu-tion of wealth."

This then is what the foreign policy of

tion of wealth."
This, then, is what the foreign policy of the United States looks like when Congress expropriates a constitutional responsibility from the presidency. It looks like the Plying Dutchman—tattered, adrift, pathetic. Yesterday, trying to regain control of the rudder, President Reagan met with the congressional leadership. He is trying to design a Contra aid plan on which the Senate could vote sometime this week. There most likely will be "humanitarian" aid (largely

medicine and the like to treat Contras who've already been shot) and possibly something vaguely "military" (spare heli-copter parts). Much debate will go into whether this stuff would be delivered by the

whether this stuff would be delivered by the CIA (denounced as a kind of evil empire by House Democrats) or the Pentagon (which says it doesn't want to get involved). While the country's foreign policy is float-ing in the Beltway void, the people of Nica-ragua who aren't Contras are getting belted. ragua who aren't Contras are getting belied. Two Sundays ago, a peaceful demonstration by Nicaragua's political opposition was set upon with remarkable savagery by Sandi-nista gangs swinging clubs and metal bars. Women protesting the military draft were beaten up. A Washington Post reporter who had watched one Sandinista lead the gangs asked him if these violent attacks would affect Nicaragua's position in the peace talks. "What violence?" he replied. "There was no violence here." Tass, the Soviet news was no violence here." Tass, the soviet news agency, also reported a version of Sunday's demonstration: "The attempt of Nicaraguan reactionary ultra-rightists * * * ended in a failure." Indeed it did.

These Sandinista mob attacks on other Nicaraguans have occurred for several weeks now, and to our knowledge the con-

weeks now, and to our knowledge the congressional Democratic leadership, normally vigilant for human-rights abuse, hasn't said a word to defend the Sandinists' opposition. Instead, various of Speaker Wright's congressional associates keep babbling about "giving the peace process a chance." Surely it should be perfectly clear to any serious person what is going on in Nicaragua. The Sandinistas, financed by the Russians, are running their version of North Victnam's victory strategy-sign onto an endless negotiation, let Congress defund its own ally, import Communist-bloc war materiel and roll over the weakened opposition.

Asked about a new presidential aid re-

Asked about a new presidential aid re-uest. Jim Wright talked about morality. quest. Jim Wright talked about morality.

"If I schedule it, the President would have
some moral responsibility to help pass it,"
he said. "I don't want to run it out there
and be defeated again." Mr. Wright should
be less timid in his convictions. After all, he
in't the one who has to risk getting hit over the head with a metal pipe,

Mr. ARMSTRONG, I do so. Mr. ARMSTRONG. I do so, Mr. President, because whenever the issue of Central America comes up, someone snys, "Well, it is all administration propaganda. It is all the Defense Department," or, "it is the White House," or, "it is the CIA passing on this information," which is exaggerated which is transparent to the property of the pro ed, which is wrong, which is prejudi-cial, which in some way is cut to the cloth of some preconceived notion of an administration that is bent on perpetuating the conflict.

petuating the conflict.

Nothing can be further from the truth. But it does seem to me that since that is always what comes up every time you start to talk about the abuses of the Ortega regime, about the promises that they have broken, you always hear, "Well, that is just State Department stuff, that is just the CIA."

Mr. President I have put in the

Mr. President, I have put in the RECORD, with permission of the body, quite a number of articles which I hope my colleagues will take the to read, and there is not a one of them that was prepared by any Government source, so far as I know, except for the fact that they were compiled, that is to say, they were clipped out of the

ewspaper and duplicated by the Republican Policy Committee of the United States.

I hope my colleagues will reflect well upon what is happening and upon the responsibility which we have for the outcome in that troubled region of the world.

I do not know what the next step will be. I hope that as a consequence of the tragic developments in Central America during the last 36 hours, that many of my colleagues had a sleepless pight last night, as well they should have. I hope many of them are think-ing again of their role in turning down ing again of their role in turning down the President's request, and that even now they are preparing themselves to change their minds. I do not know what the President's action will be, but I have urged the President to send up a renewed aid request, and I made two additional suggestions.

I spent about an hour with the President yesterday, in part discussing this matter, and I said, first, "Mr. President, don't send up another request for \$30 million." I hope he will send up a request for \$40 million." send up a request for at least \$100 milwant to make it clear I am not speaking for the President. I am just telling my colleagues what I have rec-ommended to him. The request for \$30 million was minimal. I think in view of the damage to the credibility of U.S. policy that has already resulted, we ought to ask for enough to make it clear that we are in for the long haul, that we do not intend to turn the support on for the democratic resistance and then withdraw it again.

So I think we ought to ask for enough to sustain the freedom fighters in the field for some time.

Second, I have recommended to the President that he not be too accommodating with those who really are not in favor of supporting the freedom fighters.

To his credit, I suppose, the President and those around him have at every step of the way tried to slice the issue thinner and thinner and thinner and to somehow find a formulation that would be broadly satisfying to every Member of the Senate and every Member of the House of Representa-tives. In the process of doing so—and this is the legislative process, but in the process of doing so, the whole issue has become so diffused that it is very difficult for people at home to know what is going on.

I do not think the issues are that complicated but when one gets trigger mechanisms, fenced appropriations, contingency plans, when the very words that are used to describe what is transpiring in the legislation that is introduced become so fuzzy, the inevitable result is that people at home do not know what the issue is.

Mr. President, I hope Senators know what the issue is. It is whether we are for communism in Central America or whether we are prepared to support people who are fighting bravely for their freedom and to oppose the per-

manent imposition of a Communist dictatorship in Nicaragua, a hazard not only to the freedom of people there but to security of other nations in the region and to our own country.

It really is just that. Are we pre-pared to back people who are fighting bravely for their own freedom?

Mr. President, there are other issues, and I would be the last one to deny and I would be the last one to deny that human rights are an issue, the Monroe Doctrine is an issue, banana republic is an issue, whether we are handling everything just right is an issue, whether all the people in the democratic resistance are of our choos-ing, and so on and so forth. There is a lot of collateral issues but they are not the main issue.

Someone has said, and I have forgot ten who it was-I used to know-that there is a difference between foxes and hedgehogs, that foxes know many things, hedgehogs only know one great thing. Well, the one great thing to know about this is the issue is communism or freedom. The rest of these matters are fundamentally intellectual cul-de-sacs, not unworthy but far re-moved from the main issue.

And so, Mr. President, while I make no predictions I express the hope that in very short order the President will send up a renewed request for aid to the democratic resistance in Central America and that the Congress will act promptly to approve it.

Mr. President, I thank the Chair and thank my colleagues. I suggest the

absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the

Mr. JOHNSTON. Mr. President. ask unanimous consent that the order

for the quorum call be reseinded.

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

PRICE-ANDERSON ACT AMENDMENTS

The Senate continued with the con-

sideration of the bill (H.R. 1414).
Mr. JOHNSTON. Mr. President, to
inform the Senate what we have in
mind here, Senator GLENN will soon lay down his amendment which would then expect, after he speaks for a couple of minutes on that, temporarily to lay that aside, then to seek a time agreement on the issue of the amount of time by which the Price-Anderson bill will be extended. That would be a 1-hour time agreement total, actually with a first-degree amendment on a 30-year extension, 30 minutes equally divided, and then a 30-minute time agreement on a second-degree amendment for a 20year extension. So it could be a total of 1 hour of debate with perhaps two votes. And we will place that unanimous consent very shortly. But that would mean we probably will have a

vote occurring at around 7:30, I would think.

I yield the floor.

AMENDMENT NO. 1677

(Purpose: To create an Independent over-sight board to ensure the safety of De-partment of Energy nuclear facilities, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, to ensure independent research on the ef-fects of radiation on human beings, and for other nurposes? for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 1677.

Mr. GLENN. Mr. President, 1 ask unanimous consent that further reading of the amendment be dispensed

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

The amendment is as follows:

On page 1, between lines 2 and 3, insert the following:

"TITLE 1-PRICE-ANDERSON ACT AMENDMENTS ACT OF 1987

On page 1, line 4, strike "Act" and insert

At the end of the bill, add the following

TITLE II-INDEPENDENT NUCLEAR SAFETY BOARD OVERSIGHT OVER DEPARTMENT OF ENERGY NUCLEAR FACILITIES

SHORT TITLE

SEC. 201. This title may be cited as the "Defense Nuclear Safety Board Oversight Act of 1987".

FINDINGS AND PURPOSE

SEC. 202. (a) The Congress finds that—
(1) there is a need for independent oversight of safety operations at nuclear facilities controlled by the Department of

Energy:
(2) continual review and assessment by expert outside authorities would be of as-sistance in identifying actual or potential safety problems, research requirements, and needed standards at these nuclear facilities;

(3) there will continue to be a requirement for an assured source of critical nuclear ma-terials as long as the United States conti-ues to rely on nuclear weapons for national curity.
(b) The purpose of this title is to establish

a Defense Nuclear Safety Board that will help to ensure the protection of public health and safety in activities at Depart-ment of Energy nuclear facilities by—

(1) reclieving and evaluating the implementation of health and safety standards, as well as applicable Department of Energy Orders at each nuclear facility:

(2) conducting independent investigations of the safety of operations at Department of Energy nuclear facilities;
(3) recommending to the Department of

Energy improvements in its nuclear facili-ties, operations, and health and safety standards, including suggestions for areas of needed research; and

(4) informing the Congress of its Iindings and recommendations.

ESTABLISHMENT OF DEFENSE NUCLEAR SAFETY BOARD

Sec. 203. (a)(1) The Atomic Energy Act of 1954 (68 Stat. 919; 42 U.S.C. 2011 et seq.) is amended by adding at the end thereof the following new chapter:

"CHAPTER 21, NUCLEAR SAFETY BOARD

"Sec. 311. ESTABLISHMENT.—(a) There is established as an independent establish-ment in the executive branch a Defense Nu-clear Safety Board thereafter in this chap-

clear Safety Board (hereafter in this chapter referred to as the 'Board').

"(bX1) The Board shall be composed of 5 members appointed by the President, by and with the advice and consent of the Senate, from among respected experts in the field of nuclear safety with a demonstrated competence and knowledge relevant to the independent investigative and oversight functions of the Board shall be of the same political party. Not later than 90 days after the date of the enactment of the Defense Nuclear Safety Board Oversight Act of 1987, the President shall submit such nominations for appointment to the Board only in the Board of the Board of the the Board of the Defense Nuclear Safety Board Oversight Act of 1987, the President shall submit such nominations for appointment to the Board.

or 1987, the Fresident shall submit such nominations for appointment to the Board. "(2) Any vacancy in the membership of the Board shall be filled in the same manner in which the original appointment

manner in which the original appointment was made.

"(3) No member of the Board may have any significant financial relationship with the Department of Energy or with any firm, company, corporation, or other entity engaged in activities under contract with the Department of Energy.

"(EX1) The Chairman and Vice Chairman of the Board shall be designated by the President. The Chairman and Vice Chairman and other Board members may be reappointed to such offices.

"(2) The Chairman shall be the chief executive officer of the Board and, subject to such policies as the Board may establish, shall exercise the functions of the Board with respect to—

"(A) the appointment and supervision of employees of the Board;

"(B) the organization of any administrative units established by the Board; and

"(C) the use and expenditure of funds.

(C) the use and expenditure of funds The Chairman may delegate any of the functions under this paragraph to any other member or to any appropriate officer of the

Board.
"(3) The Vice Chairman shall act Chairman in the event of the absence or in-capacity of the Chairman or in case of a va-cancy in the office of Chairman.

"(d)(1) Except as provided under paragraph (2), the members of the Board shall serve for terms of 6 years. Members of the Board may be reappointed,

"(2) Of the members first appointed—

"(A) one shall be appointed for a term of 2

years;
"(B) two shall be appointed for a term of 4

years; and

"(C) two shall be appointed for a term of 6 ars, designated by the President at the time

of appointment.

"(3) Any member appointed to fill a va-

cancy occurring before the expiration of the term of office for which such member's predecessor was appointed shall be appoint ed only for the remainder of such term. A member may serve after the expiration of the member's term until a successor has

'(4) Any member of the Board may be re-

moved by the President for inefficiency, ne-glect of duty, or malfeasance in office.
"(e) Three members of the Board shall constitute a quorum, but a lesser number may hold hearings.

"(f) The Board may, for the purpose of performing its responsibilities under this chapter-

"(1) employ such personnel as it considers necessary to perform administrative, clerical, technical, and other duties, but not more than the equivalent of 100 full-time employees:

employees:
"(2) procure the temporary and intermittent services of experts and consultants to
the extent authorized by section 3109(b) of
title 5, United States Code, at rates the
Board determines to be reasonable; and
"(3) prescribe regulations to earry out the
responsibilities of the Board under this

chapter.

"Sec. 312. Functions and Powers of the Board, Responsibilities of the Secretary of Energy.—(a) The Board shall have the following functions and powers:

"(1) The Board shall review and evaluate the implementation of the health and safety standards of the Department of Energy, including all applicable Department of Energy Orders, at each Department of Energy nuclear facility. The Board shall recommend to the Secretary of Energy those specific measures that should be adopted to ensure that public health and safety are adequately protected at Depart-ment of Energy nuclear facilities. The Board shall recommend necessary changes in the content and implementation of such

Orders, and recommend matters on which research or additional research is needed. "(2)(A) The Board shall investigate actual or potential nuclear incidents, if any, at a

or potential nuclear incidents, if any, at a Department of Energy nuclear facility.

"(B) The purpose of any Board investigation under subparagraph (A) shall be—
"(i) to determine whether the Secretary of Energy is adequately implementing the health and safety standards of the Department of Energy, including all applicable Department of Energy profers, at Department of Energy nuclear facilities.

"(ii) to secretain information concerning

"(ii) to ascertain information concerning

"(ii) to ascertain information concerning the circumstances of any actual or potential nuclear incident, and its implications for public health and safety; "(iii) to determine whether such actual or potential nuclear incident is related to other actual or potential nuclear incidents at other Department of Emergy nuclear facili-ties; and

ties; and
"(iv) to provide to the Secretary of Energy
such recommendations for changes in Department of Energy Orders and safety regulations and requirements, and such recommendations relating to research needs, as
may be prudent or necessary.
"(3) The Board shall have access to and
may systematically analyze design and operational data, including safety analysis reports, from any Department of Energy nuclear facility.

clear facility.

clear facility.

"(4) The Board may conduct special studies pertaining to safety at any Department of Energy nuclear facility.
"(5) The Board may evaluate information received from the scientific and industrial communities, and from the interested public, with respect to—
"(A) actual or potential nuclear incidents

at any Department of Energy nuclear facili-

ty; or "(B) suggestions for specific measures to improve health and safety standards, the implementation of health and safety standards, the implementation of health and safety standards, or research relating to health and safety standards at Department of Energy

nuclear facilities.
"(6)(A) The Board shall recommend to the Secretary of Energy those specific measures that should be adopted to reduce substantially the likelihood that actual or potential adversely nuclear incidents which would adversely affect public health or safety will occur at

any Department of Energy nuclear facility. In making its recommendations pursuant to this section the Board shall consider the technical and economic feasibility of imple-

technical and economic feasibility of implementing the recommended measures.

"(B) If the Secretary of Energy determines that any action recommended by the Board or any action proposed to be taken by the Secretary in response to the Board's recommendation might affect the ability of the Department of Energy to meet the annual nuclear weapons stockpile requirements established pursuant to section 91 of this Act, the Secretary shall inform the President, the Secretary of Defense, and the Committees on Armed Services and Appropriations of the Senate and House of Representatives of such recommendation and his determinaof such recommendation and his determina-tion and shall consult with the Secretary of Defense on such action.

"(7)(A) The Board may establish report-ing requirements which shall be binding upon the Secretary of Energy.
"(B) The information which the Board

may require to be reported under this para-graph may include any materials designated as classified material pursuant to any other provision of this Act, or any materials designated as safeguards information and protected from disclosure under section 147 or 148 of this Act.

"(C) The Board may, for the purpose of carrying out its responsibilities under this chapter use any facility, contractor, or em-ployee of any other department or agency of the Federal Government with the con-

ployee of any other department of agency of the Federal Government with the consent of and under appropriate support arrangements with the head of such department or agency and, in the case of a contractor, with the consent of the contractor. "(D) The Secretary of Energy shall fully cooperate with the Board and provide the Board with ready access to such facilities, personnel, and information as the Board considers necessary to carry out its responsibilities under this chapter. Each contractor operating a Department of Energy nuclear facility under a contract awarded by the Secretary shall, to the extent provided in such contract or otherwise with the contractor's consent, fully cooperate with the Board with ready access to such facilities, personnel, and information of the contractor as the Board considers necessary to carry out its responsibilities under this chapter.

"(E) The Secretary of Energy may deny secret le information provided to the Board were

"(E) The Secretary of Energy may deny access to information provided to the Board

access to information provided to the content of any person who—
"(1) has not been granted an appropriate security clearance or access authorization by the Secretary of Energy; or
"(ii) does not need such access in connectional the deliberation of the deliberation o

"(ii) does not need such access in connection with the duties of such person.

"(8) Before beginning construction of a new Department of Energy nuclear facility the Secretary of Energy shall give the Board the opportunity to review the design of such facility and to recommend to the Secretary, within a reasonable time, such modifications of the design as the Board considers processary to appare to the party of the secretary of the design as the Board considers processary to appare to the secretary to the secret monitoations of the design as the Board considers necessary to ensure adequate pro-tection of public health and safety. During the construction of any such facility, the Secretary shall give the Board the opportunity periodically to review and monitor the construction and to submit to the Secretary, within a reasonable time, such recommendations relations to the secretary. tions relating to the construction of that fa-cility as the Board considers necessary to ensure adequate protection of public health

and safety,
"(b)(1) The Board or, on the authorization of the Board, any member thereof, may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, and require, by subpoens ?

or otherwise, the attendance and testimony

or otherwise, the attendance and testimony of such witnesses and the production of such evidence as the Board or an authorized member may find advisable.

"(2)(A) Subpoenas may be issued only under the signature of the Chairman or any member of the Board designated by him and shall be served by any person designated by the Chairman or any member. The attendance of witnesses and the production of evidence may be required from any place in the United States at any designated place of hearing in the United States.

"(B) Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.
"(C) Any person who willfully neglects or "(C) Any person who willfully neglects or

appearing before the Board.

"(C) Any person who willfully neglects or refluxes to qualify as a witness, or to testify, or to produce any evidence in obedience to any subpocna duly issued under the authority of this paragraph shall be fined not more than \$500, or imprisoned for not more than \$500, or imprisoned for not more than \$6 months, or both. Upon certification by the Chairman of the Board of the facts concerning any willful disobedience by any person to the United States Attorney for any judicial district in which the person resides or is found, the United States Attorney may proceed by information for the prosecution of the person for the offense.
"SEC, 313. Board RECOMMENDATIONS.—(a) Subject to subsection (h), the Board shall make all recommendations submitted to the Secretary of Energy by the Board under

make all recommendations submitted to the Secretary of Energy by the Board under this chapter available to the public in the Department of Energy's regional public reading rooms and shall publish in the Federal Register such recommendations and a request for the submission of public comments on such recommendations to the Board. Interested persons shall have 30 days after the date of the publication of such notice in which to submit comments, data, riews, or arguments to the Board concerning the recommendations.

"(b)(1) The Secretary of Energy shall transmit to the Board, in writing, a statement as to whether he accepts or rejects, in whole or in part, the recommendations submitted to him by the Board under this section, a description of the actions to be taken in response to the recommendations, and

tion, a description of the actions to be taken in response to the recommendations, and his views on such recommendations. The Secretary of Energy shall transmit his response to the Board within 45 days after the date of the publication, under subsection (a), of the notice with respect to such recommendations or within such additional period, not to exceed 45 days, as the Board may grant.

may grant.
"(2) At the same time as the Secretary of Territor At the same time as the Secretary of Energy transmits his response to the Board under paragraph (1), the Secretary, subject to subsection (h), shall publish such response, together with a request for public comment on his response, in the Federal Paragraph

"(3) Interested persons shall have 30 days
after the date of the publication of the Secretary of Energy's response in which to
submit comments, data, views, or arguments to the Board concerning the recommenda-

"(4) The Board may hold hearings for the purpose of obtaining public comments on its recommendations and the Secretary of En-

he Board shall furnish the Secre-"(c) The Board shall furnish the Secre-tary of Energy with copies of all comments, data, views, and arguments submitted to it under subsection (a) or (b).
"(d) If the Secretary of Energy, in a re-sponse under subsection (b)(1), rejects any

sponse under subsection (b)(1), rejects any recommendation made by the Board under section 312(a)(6)(A), the Board shall either reaffirm its original recommendation or make a revised recommendation and shall notify the Secretary of its action. Within 30

daya after receiving the notice of the Board's action under this subsection, the Secretary shall consider the Board's action and make a final decision whether to implement all or part of the Board's recommendations. Subject to subsection (h), the Secretary shall publish the final decision and the reasoning for such decision in the Federal Register and shall transmit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a report, in writing, containing that decision and reasoning.

that decision and reasoning.

"(e) The Secretary of Energy shall prepare a plan for the implementation of each recommendation submitted by the Board under section 312(a86/A) that is accepted by the Secretary. The Secretary shall transmit the implementation plan to the Board within 90 days after the date of the publication of the Secretary in a decision on such recommendation in the Federal Register. The Board may extend, by not more than 45 days, the time for the Secretary to transmit the plan. The Secretary may implement any such recommendation before, on, or after the date on which the Secretary to transmits the implementation plan to the Board under this subsection.

ransmits the implementation plan to the Board under this subsection.

"(1) In any case in which the Board determines that a recommendation submitted to the Secretary of Energy under section 312(ax66)(A) relates to an imminent or severe threat to public health and safety the Board, in addition to taking the actions required by subsection (a), shall transmit that recommendation to the President, the Secretary of Defense, and the Committees on Armed Services and Appropriations of the Seance and the House of Representatives at the same time that the Board transmits the recommendation to the Secretary of Energy, If the Secretary of Energy remits the recommendation to the Secretary of Energy, If the Secretary of Energy rejects the recommendation after considering the Board's action on the recommendation under subsection (d), then, notwithstanding that subsection, the Secretary shall submit the recommendation to the President. The the recommendation to the President. The President shall review the Secretary of Energy's response to the recommendation, the Board's action on such response, and the Secretary's determination under subsection (d) and shall make the Jinal decision concerning acceptance or rejection of the recommendation.

"(RX1) Subject to paragraphs (2) and (3), not later than one year after the date on which the Secretary of Energy receives a recommendation from the Board under section 312(a×6×A), the Secretary shall implement that recommendation if accepted by the Secretary.

the Secretary.
"(2) If the Secretary of Energy determines that the implementation of a recommenda-tion referred to in paragraph (1) is impracti-cable because of budgetary considerations, the Secretary shall submit to the President cable because of budgetary considerations, the Secretary shall submit to the President a report containing the recommendation and the Secretary's determination. The President shall determine whether to request Congress to appropriate funds for the implementation of the recommendation. If the President does not provide for the implementation of such recommendation in the next budget submitted to Congress under section 1105(a) of title 31, United States Code, after the date on which the President receives the report from the Secretary and, before the date of the submission of such budget to Congress, has not submitted a request to Congress for the appropriation of funds for the implementation of such recommendation for any fiscal year ending before the fiscal year for which such budget is submitted, the President shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a report containing the recommendation and a discussion of the budgetary consequences, safety consequences, national security consequences, and other implications of implementing or not implementing the recommendation.

endation. "(3) If the Secretary of Energy determines that the implementation of a recommendation referred to in paragraph (1) would affect the Secretary's ability to meet the annual nuclear weapons stockpile requirements established pursuant to section 91 of ments established pursuant to section 91 of this Act, the Secretary shall submit to the President a report containing the recommendation and the Secretary's determination. The President, in consultation with the Secretaries of Defense and of Energy, shall review the determination of the Secretary of Energy. If the President determines that, for reasons of national security, the recommendation should not be implemented, the President shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a report containing the recommendation and a discussion of the reasons for his determination.

"(h) Notwithstanding any other provision of this section, the requirements to make in-

"(h) Notwithstanding any other provision of this section, the requirements to make information available to the public under this section shall be subject to the orders and regulations issued by the Secretary of Energy under sections 147 and 148 of this prohibit dissemination of certain in-

"Sec. 314. Reports.—(akl) The Board shall submit to the Committees on Armed shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives each year, at the same time that the President submits the budget to Congress pursuant to section 1105(a) of title 31, United States Code, a written report concerning its activities under this chapter, including all recommendations made by the Board, during the year preceding the year in which the report is submitted. The Board may also issue periodic unclassified reports on matters within the Board's responsibilities.

"(2) The annual report under paragraph

the Board's responsibilities.

"(2) The annual report under paragraph
(1) shall include an assessment of—

"(A) the improvements in the safety of
the Department of Energy nuclear facilities
during the period covered by the report;

"(B) the improvements in the safety of
the Department of Energy nuclear facilities
resulting from actions taken by the Board
or taken on the basis of the activities of the or taken on the basis of the activities of the Board: and

"(C) the outstanding safety problems, if any, within or in the operation of the De-partment of Energy's nuclear facilities.

"(b) The Secretary of Energy shall submit to the Committees on Armed Services and Appropriations of the Senate and House of Representatives each year, at the same time that the President submits the budget to Congress pursuant to section 1105a.) of title 31. United States Code, a written report concerning the activities of the Department of Energy under this chapter during the year preceding the year in which the report

year interesting the year in which the report is submitted.
"Sec. 315. Assistance From Certain Agencies of the Federal Government.—(a) With the consent of and under appropriate sup-port arrangements with the Nuclear Regula-tory Commission, the Board may obtain the advice and recommendations of the staff of the Commission on matters relating to the Board's responsibilities and may obtain the advice and recommendations of the Advisory Committee on Reactor Safeguards on such matters

"(b) The Director of the Naval Nuclear Propulsion Program may provide to the

Board assistance and advice on matters relating to the Board's responsibilities

c. 316. Assistance From Organiza-Outside the Pederal Government.— THOSE OUTSIDE THE PTORMAL GOVERNMENT.—
The Board may enter into an agreement with the National Research Council of the National Academy of Sciences or any other appropriate group or organization of experts outside the Federal Government chosen by the Board to evaluate and inter-pret the differences between Nuclear Regu-latory Commission regulations and Departnatory Commission regulations and pepart-ment of Energy Orders governing nuclear facilities, including the implications for public health and safety. The agreement should provide for the council, group, or or-ganization to transmit to the Board any recganization to transmit to the Board any recommendation for issuance of a new safety standard by the Department of Energy or for amendment of a Department of Energy or organization considers appropriate.

"SEC. 317. JUDICIAL REVIEW.—Chapter 7 of title 5. United States Code, shall apply to activities of the Board under this chapter.

"SEC. 318. DETINITION.—AS used in this chapter, the term 'Department of Energy nuclear facility' means—
"(1) a moduction facility or utilization for

nuclear facility means—
"(1) a production facility or utilization facility under the control or jurisdiction of
the Secretary of Energy, but does not include any facility or activity covered by Exceutive Order numbered 12344, dated February 1, 1982, pertaining to the Naval nuclear
propulsion program, or facilities or activities involved with the testing or transportation of nuclear explosives or nuclear material;

'(2) a nuclear waste storage facility under "(2) a nuclear waste storage facility under the control or jurisdiction of the Secretary of Energy, but does not include a facility developed pursuant to the Nuclear Waste Policy Act of 1982 (86 Stat. 2201; 42 U.S.C. 10101 ct seq.) and licensed by the Nuclear Regulatory Commission.
"Sec. 319. Termination.—(a) The Board shall terminate upon the expiration of the 6-year period beginning on the date of the enactment of the Defense Nuclear Safety Board Oversight Act of 1987.
"(b) This chapter shall not be effective after the date on which the Board terminate of the date on which the Board terminate of the date on which the Board terminate the date on which the Board terminate the date of which the Board terminate the date of the dat

"(b) This chapter shall not be effective after the date on which the Board terminates under subsection (a).".

(2) The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by adding at the end the following:

"CHAPTER 21-DEFENSE NUCLEAR SAFETY BOARD

"Sec. 311. Establishment.
"Sec. 312. Punctions and powers of the Board; responsibilities of the Secretary of Energy.
"Sec. 133. Board recommendations.
"Sec. 314. Reports.
"Sec. 315. Assistance from certain agencies of the Pederal Government.
"Sec. 316. Assistance by organizations outside the Federal Government.
"Sec. 317. Judicial review.
"Sec. 318. Definition.
"Sec. 319. Termination."
(b) The fifth sunual report submitted by the Defense Nuclear Safety Board to the Committees on Armed Services of the Senate and House of Representatives under section 314 of the Atomic Energy Act of 1954 (as added by subsection (a)) shall include—

clude—

(1) an assessment of the degree to which the overall administration of the Board's activities are believed to meet the objectives of the Congress in establishing the Board's (2) recommendations for continuation, termination, or modification of the Board's functions and programs, including recommendations for transition to some other in-

dependent oversight arrangement if it is advisable: and

(3) recommendations for appropriate tran-sition requirements in the event that modifications are recommended.

SALARY LEVEL FOR BOARD MEMBERS

SEC. 204. Section 5314 of title 5. United States Code, is amended by inserting after "Members, Nuclear Regulatory Commis-"Members, Nuclear sion." the following:

"Members, Defense Nuclear Safety Board.". TRANSFER

SEC. 205. The Secretary of Energy shall SEE. 205. The Secretary of Energy shall transfer to the Nuclear Safety Board established by section 311 of the Atomic Energy Act of 1954 (as added by section 203 of this Act) \$7,000,000 to be derived from funds appropriated or otherwise available to the Department of Energy for fiscal year 1988. The amount transferred under this section shall be available to such board to carry out its responsibilities under chapter 21 of the Atomic Energy Act of 1954 (as added by section 203 of this Act) and shall remain available until expended able until expended.

TITLE III—APPLICATION OF OSHA AND NIOSH TO DOE NUCLEAR PACILITIES Spc. 301. (a) Congress finds that-

SEC. 301. (a) Congress finds that—
(1) worker health and safety at Department of Energy nuclear facilities could be made substantially safer by applying the standards developed by experts in the field of occupational health and safety.
(2) the Secretary of Labor has a long-standing responsibility for the health and safety of workers (including the enforcement of occupational health and safety standards and other protective labor standard programs) and could provide substantial assistance in developing, improving, and en-

assistance in developing, improving, and en-forcing the standards at Department of Energy nuclear facilities; and

(3) the Secretary of Health and Human Services has a continuing responsibility for evaluating health and safety needs related to radiation and toxic substances standards and could provide substantial assistance in improving and enforcing the standards at Department of Energy nuclear facilities. (b) The purpose of this title is to improve and enforce standards for employee health and safety at Department of Energy nuclear facilities.

APPLICATION OF OSHA TO DOE NUCLEAR PACILITIES

Szc. 302. (a) Section 4(bX1) of the Occupa-tional Safety and Health Act of 1970 (29 U.S.C. 653(bX1)) is amended—

U.S.C. 653(b)(1) is amended—
(1) by striking out "Nothing" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), nothing"; and (2) by adding at the end thereof the following new subparagraph:
"(B)(1) Notwithstanding any other provision of this Act, this Act shall apply with respect to graphlyment performed the street to graphlyment performed the street to graphlyment performed the street of the street to graphlyment performed the street the street of the street of the street of the street the street of the s

spect to employment performed in—
"(I) a production facility or utilization fa-cility (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) under the control or jurisdiction of the Secretary

the control or jurisdiction of the secretary of Energy;
"(III) a facility subject to such Act (42 U.S.C. 2011 et seq.) under the control or jurisdiction of the Secretary of Energy; and
"(III) a waste storage facility under the control of or jurisdiction of the Secretary of

control of or junishment.

Energy.

"(ii) This subparagraph shall not apply to a facility or activity covered under Executive Order 12344 (42 U.S.C. 7158 note).".

It was all completions and standards relations.

(bx1) All regulations and standards relat-ing to occupational health and safety applicable to Department of Energy nuclear fa-cilities described in section 4(bk1)(BK) of the Occupational Safety and Health Act of

1970 (as amended by subsection (a)) that are 1970 (as amended by subsection (a)) that are in effect on the date of enactment of this Act shall remain in effect until superseded by regulations and standards promulgated by the Secretary of Labor in accordance with paragraph (2).

(2) The Secretary of Labor shall promulgate specific regulations to govern the application of such Act to such Department of

cation of such Act to such Department of Energy nuclear facilities. The regulations shall include-

(A) the occupational health and safety standards to be applied to such facilities;

(B) the manner and process for enforce-ment of the standards, which shall include provisions for-

(i) the safeguarding of information, con-sistent with the needs of employees of the Occupational Safety and Health Adminis-

tration;
(ii) mechanisms and processes for enforcement, including the right of entry for unaninspections without probable

(iii) receipt of complaints from individuals and protection of the individuals from retri-bution for making the complaints;

(iv) procedures for inspection at such fa-cilities not less than once each year; and (v) such other regulations as are necessary

to carry out this title and the amendments made by this title.

PERFORMANCE OF NIOSH FUNCTIONS AT DOE NUCLEAR PACILITIES

SEC. 303. Section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) is amended by adding at the end thereof the following new subsection:

of the following new subsection:

"(S/L) Notwithstanding any other provision of this Act, the Director and the Institute shall perform functions authorized by
this Act at Department of Energy nuclear
facilities described in section 4(bX1)(BXI).

"(2) The Institute shall conduct hazard
evaluations at such facilities, including iontring radiation evaluations."

izing radiation evaluations.".

COOPERATION WITH INSPECTIONS AND INVESTIGATIONS

Szc. 304. Section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657) is amended by adding at the end there-of the following new subsection:

"(h)(1) Except as provided in paragraph
), the Secretary of Energy and each contractor operating a nuclear facility de-scribed in section 4(b)(1) shall—

scribed in section 4(b)(1) shall—
"(A) cooperate with the Secretary of Labor and the Secretary of Health and Human Services in the conduct of an inspection or investigation under this Act at such

"(B) grant access to such facility to enable the conduct of such inspection or investiga-"(C) provide all information that is neces-

sary to conduct such inspection or investiga-

(2) To protect the confidentiality of information, the Secretary of Energy may deny access to any person who— "(A) has not been granted a security clear-

ance or access authorization by the Secre

(B) does not require such access in connection with the duties of such person to enforce this Act.".

TITLE IV-RADIATION STUDY ADVISORY BOARD ACT OF 1987

SHORT TITLE

SEC. 401. This title may be cited as the "Radiation Study Advisory Board Act of

FINDINGS

Sec. 402. The Congress makes the follow

SEC. 402. The Congress makes the following findings:

(1) After many years of study there remain unresolved questions about the health effects of radiation exposure from many sources, including nuclear weapons manufacturing and testing, nuclear reactors, radioactive wastes, and the medical uses of nuclear materials.

(2) Radiation-caused injury and disease, including cancer, birth defects, and genetic damage, must be further examined and better understood.

(3) Public health authorities must be able (3) Public health authorities must be able to direct research efforts on the health effects of radiation so that effective means of protecting the public against dangerous exposure to radiation can be developed and

(4) The Secretary of Energy is primarily responsible for the production of nuclear materials and nuclear weapons. In addition the Secretary is required to study the health impact of activities of the Department of Energy. These dual responsibilities have the potential to create public concern as to the integrity and value of the health studies conducted by the Secretary of

ADVISORY BOARD

ADVISORY BOARD

SEC. 403. (a)(1) To advise and assist the Scerctary of Energy in conducting studies of the effects of radiation under section 103 of the Energy Reorganization Act of 1974 (42 U.S.C. 5813), and any other law, the Secretary of Health and Human Services shall establish an advisory board known as the Radiation Research Board (hereafter referred to as the "Board").

(2)(A) The Board shall consist of 8 members appointed by the Secretary of Health

(28A) The Board shall consist of 8 mem-bers appointed by the Secretary of Health and Human Services, 1 member appointed by the Secretary of Energy, and 2 members appointed by the Secretary of Labor. The Secretary of Health and Human Services shall make appointments to the Board so that the membership of the Board includes individuals who are expert in the health ef-fects of radiation, epidemiology, or toxicol-ogy, and public health officials who are con-cerned with such health effects.

cerned with such health effects,
(B) The Secretary of Health and Human
Services shall consult with the Director of
the Centers for Disease Control, the Director
for the National Institute for Occupational Safety and Health, the Director of
the National Cancer Institute, the Director
of the Center for Devices and Radiological
Health, the Director of the National Institute of Environmental Health Sciences, and others in formulating the membership of

(bXI) Prior to any authorization or ex-penditure of funds in an amount greater than \$250,000 by the Secretary of Energy for studies of the health effects of radiation, the Secretary of Energy shall provide the Board with all proposals concerning such studies.

(2) The Board shall review the proposals (2) The Board small review the proposate provided under paragraph (1) and make appropriate recommendations to the Secretary of Energy in writing if the Board believes the proposal should be modified or not

(3) The Secretary of Energy shall periodically report to the Congress concerning the implementation of the recommendations of the Board. Such reports shall include specific reasons for each decision by the Secretary not to implement a recommendation made

(4) The Board shall annually review the studies conducted pursuant to this title, and advise the Secretary of Energy as to the

suggested scope and direction of future these plants. And that is true, I can

studies needed.

(5) The Secretary of Energy, with the assistance of the Board, shall—

(A) Insure that all studies undertaken under this title shall be subject to peer

review, and

(B) promulgate guidelines for the provision of data from such studies to qualified researchers who are not associated with the Department of Energy in order to implement subparagraph (A).

ment subparagraph (A).

(c) The Secretary of Health and Human Services shall provide such funds, facilities, and staff as are necessary for the Board.

Mr. GLENN. Mr. President, some years ago I was contacted by the people from the Feed Materials Production Center in Fernald, OH. It is a Department of Energy plant and is the one of the first steps in the production process for our nuclear weapons. It is where the first uranium ingots are put together and sent for radiation in the production reactors. It radiation in the production reactors. It starts the whole process as far as our production of nuclear weapons fissile material: They were having some problems at that plant with public health and safety.

They had difficulties at that particu-

lar time with what they called the bag house. The bag house is a very com-monplace name for something that was very, very important. It is literally the filter system, the filter bags, that filter out the uranium oxide dust that is used in that plant and prevents it from going out and being spread over

the community.

Mr. President, we found when we went out there that there had been rips in the filters in the har house Uranium oxide dust as a result had been pumped out over not only the site, the Department of Energy's nuclear plant site at Fernald, but uranium oxide had been coming down all over that community. We did not know what effect that may have. But that led to some other investigations out there. We found there was ground water contamination. We found eventually that some 300,000 pounds of uranium oxide dust had sprayed down or filtered down over that community over a number of years. Drinking water wells in the nearby areas on farms were contaminated with uranium from the plant, from Fernald, This whetted our interest in this particular subject.

We did some things with regard to Fernald toward getting that cleaned up, and progress has been made in that area But it led us to look into the whole DOE system, and over the past 7 or 8 years myself and others have commissioned, a series of reports by the GAO on this issue. We now have 21 reports over the past several year that go into the safety and health difficulties in the whole production process that we use for producing nuclear explosive material for our nuclear weapons.

The basic problem has been this: production of fissile material has been emphasized far beyond the emphasis placed on health and safety matters at say without any fear of refutation, throughout Department of Energy

complex, from coast to coast.

What happened was back in the days when those plants were first established, everything was secret, very secret around those plants. It still is for many of the processes being used, but much more is now known about those plants. And what we have found is that during those years when the secret nature of what was going on at those plants was emphasized to the extent that it was, and production was paramount, that we let some horrible things happen around those plants as far as safety and health matters go. DOE allowed contamination of the plants, contamination of the individuals who worked there, contamination of the ground water, of filter sys-tems—In other words, we did not pay the same attention to safety around those plants as we have for civillan plants, civilian nuclear electrical gen-crating plants around this country. For those plants, NRC has oversight responsibility as far as safety and health matters go.

Here is one example. OSHA rules apply in these plants only when DOE agrees to them. DOE says yes, they have complied with OSHA regulations in these plants. But we find evidence that DOE perhaps has not been nearly as stringent as OSHA has with regard other manufacturing processes this country. So safety and health matters, to summarize, have taken short shrift. They have taken a deep

second place to production.

I am the last one in this country who is going to say that we should shut down production if production is needed. So I am not proposing we shut down production. What I am propos-ing is that we tighten up tremendously on safety and health concerns around these plants.

Through the years as we have pointout difficulties around these plants, DOE has responded by saying, well, we have a new study, we have a new committee, we have a new advisory group, we have a new division we are putting in within the Department of Energy. or a new agency or a new group. They formed an Office of ESH, Environment, Safety and Health. So they have done some things. But the problem has always been that it lacked the emphasis that the production side of the House has had. This will continue to be the case as long as DOE has sole re-sponsibility for health and safety.

We have had testimony before the overnmental Affairs Committee Governmental Affairs Committee from experts that not one single De-partment of Energy fissile material manufacturing plant could pass an NRC muster, the same safety standards that we give as an every day ex-ception in our nuclear electrical gener-

ating capacities.
When environment, When environment, safety, and health recommendations have been

made over at DOE, DOE has often found some reasons why they could not do anything to implement them.

Mr. JOHNSTON. President. would the Senator yield?

Mr. GLENN. Certainly.

Mr. JOHNSTON, I do not want to interrupt the Senator's debate, and I would be glad to debate the amendment at this time. But we had told Senators the vote on the other, if we could get a unanimous consent, would occur about 7:30. So if we are going to

go that, I think perhaps—
Mr. GLENN. No. I would be happy
to pick up tomorrow where I left off
and set this aside. I did not realize we were waiting for this. I thought we were still waiting for them to prepare. I would be happy make the motion to

set this aside.

Mr. President, I ask that my amendment, the pending amendment, be set aside temporarily for consideration of a unanimous-consent request by the majority leader.

PRESIDING The PRESIDING OFFICER. Is there objection? If not, it is so ordered. Mr. BYRD. Mr. President, I believe this request has been agreed to by all of the principals involved, including

the two managers.

ask unanimous consent that the action on the McClure amendment numbered 1674 be vitlated; provided further that the rights to offer an amendment by Messrs. McCain, Humphrey, and Kenry be vitiated; provided further that Mr. McClure may offer an amendment to extend the Driga Andrews independent and the Price-Anderson indemnity authority to 30 years; that Mr. Breaux be authorized to offer an amendment in the second degree to the McClure amendment to extend the indemnity authority to 20 years.

Provided that there be 30 minutes of debate on each amendment—the amendment by Mr. McClung, the amendment by Mr. Breaux; that no tabling motion be in order with respect to either amendment; that the time in opposition on each amendment be divided as follows: 5 minutes to Mr. KERRY, 5 minutes to Mr. Humphrey, 5 minutes to Mr. METZENBAUM.

Ordered, further, that no other amendments on this subject matter be in order, which would leave then the amendment by Mr. Glein pending following the disposition of the McClure amendment and the Breaux amend , and would also leave in order the three amendments that were or-dered as being eligible under the order entered on March 16—namely, a John-ston amendment, a McClure amend-ment, a Murkowski amendment.

PRESIDING OFFICER

there objection?

. JOHNSTON, Mr. President, reserving the right to object, there is reserved, also, an Exon amendment to the Glenn amendment.

Mr. BYRD. That is correct. Mr. EXON. That is what I was rising

a 20-year extension to the Price-Anderson Act Mr. BYRD. Yes. Mr. JOHNSTON. So, with the vitiation of that action, we would be back to the present act, which is for 10

action of yesterday which adopted

Mr. BYRD. Yes.
Mr. JOHNSTON. So that these mendments would be to extend that 10 years to 30 years on the first-degree amendment, and to 20 years on the

second-degree amendment? Mr. BYRD. Yes.

Mr. JOHNSTON, I have no objec-The PRESIDING OFFICER, With-

out objection, it is so ordered.

Mr. BYRD. Mr. President, I thank

all Senators. As I understand it, before I yield the floor, the managers expect at least one

mr. McCLURE, Mr. President, will the distinguished majority leader yield?

Mr. BYRD, I vield

Mr. McCLURE. It is my understanding that the Glenn amendment will be temporarily laid aside now, so that we deal with the amendments that in order under this unanimousconsent agreement, and then we will return to the Glenn amendment, after the disposal of this time extension amendment

Mr. BYRD. Yes. It is my under-standing that the vote would not occur on the Glenn amendment today.

Mr. JOHNSTON. That is correct.

Mr. BYRD. So the vote would occur on the amendment by Mr. Breaux, Would there be a vote on the amend-ment by Mr. McClure in the event the

BREAUX amendment were to be adopted?
Mr. JOHNSTON. We would hope not. I think that will be the will of the body, and a vote then on the McClure amendment would probably be redundant; but it would be the right of Sen-ators to ask for that vote if they wish.

Mr. BYRD. So Senators should be on notice that there will be at least

one rollcall vote today.

Mr. McCLURE. It would be my expectation that if the Breaux amendment were adopted, there would be no need for a rollcall vote with respect to the McClure amendment, as amended So I hope there would be a rollcall vote; and if the Breaux amendment is adopted, the remaining action could be

done by voice vote.
Mr. BYRD. In the alternative, there yould be another rollcall vote being on the McClure amendment.

Mr. McCLURE. That is correct.
Mr. BYRD. Should Senators order the yeas and nays now on the Breaux amendment?

amenament:

Mr. BREAUX. Yes.

Mr. BYRD. Mr. President, I ask
unanimous consent that it be in order

to order the yeas and nays on the Breaux amendment, even though it is not before the Senate

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

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I thank all Senators.

respective cloakrooms notify Senators that there will be at least one rollcall vote yet today. It will be a 15-minute rollcall vote, and I hope that Senators will be present during the 15-minutes, so that they will not miss the vote

The text of the agreement follows:

The text of the agreement follows:
Ordered, That at 10:30 a.m. on Tuesday,
March 22, 1988, there be 1½ hours of debate
on the President's veto message on S. 557. a
bill 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, with the
time to be equally divided and controlled in
the usual form by the Senator from Massachusetts IMF. KENNENY) and the Senator
from Utah IMF. HATCH.
Ordered further, That at 12:00 noon on

Ordered further, That at 12:00 noon on Tuesday, March 22, 1988, the Senate vote on overriding the President's veto of S. 557.

AMENDMENT NO. 1678

(Purpose: To extend the indemnification au-Purpose: To extend the indemnification authority under the Price-Anderson Act for 30 years, until August 1, 2017; and to require the Nuclear Regulatory Commission to report to Congress by August 1, 2013, and the Secretary of Energy by August 1, 1997, and every 10 years thereafter, on the need for modifications to the Price-Anderson Act movisions! son Act provisions)

Mr. McCLURE, Mr. President send an amendment to the desk and

ask for its immediate consideration.
The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. McClune] roposes an amendment numbered 1678.

Mr. McCLURE. Mr. President, I a unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER, Without objection, it is so ordered. The amendment is as follows:

On page 7, line 5, strike the date "1997" and insert the date "2017".
On page 7, line 16, strike the date "1999" and insert the date "2017".
On page 19, line 9, strike "1997" and insert

On page 19, line 9, strike "1997" and insert in lieu thereof "2017".

On page 30, line 18 and 19, strike ""and the Secretary shall submit to the Congress by August 1, 1993, detailed reports;" and insert ""shall submit to the Congress by August 1, 2013, and the Secretary shall submit to the Congress by August 1, 1997, and every ten years thereafter, detailed remorts;":

Mr. McCLURE. The President, this is the amendment I offered yesterday, which would extend the time period for the extension of the Price-Anderson Act from the bill's 10-year extension to 30 years. That amendment was in discussion then and modified to 20 Q

years, which was then adopted. That has now been set aside by the unanimous consent agreement.

The bill already provides for infla-tion indexing, so that the \$7 billion will be inflation proof over time. This would assure the public that there will be no lapse in coverage when waste begins to be accepted in the waste repository around the year 2000 and well into the period of full operation, around 2010.

In any event, where Congress identifies the problem, it can also amend the act before the end of the 30-year act before the end of the 30-year period. The reports provided by NRC annually and by DOE every 10 years will help Congress identify any prog-lems and keep Congress adequately informed.

Mr. President, it seems to me that it is wise, in view of the pacing of the program, as well as the difficulty of obtaining an extension, that we ought not have simply a 10-year extension of time. I think our experience has indicated that it takes us about 5 years to cated that it takes us about 5 years to act, and we are behind already on the last cycle. It does not seem to me, in view of that experience, that it is wise to limit the extension to a 10-year period and then 5 years from now have to start the process of extension in order to avoid a long at the end of in order to avoid a lapse at the end of that time.

Mr. President, I reserve the remain-der of my time.

BREAUX. Mr. President, I should like to make a couple of com-ments on the amendment offered by the Senator from Idaho.

The issue before the Senate at this point in the debate is whether we are going to extend the Price-Anderson insurance program for 10 years or for 20 years or for 30 years.

The Senator from Idaho makes the argument that we should do it for 30 years because it provides stability. It does provide stability, but what is even more important is what it does not provide 320 years what it does not provide. A 30-year extension does not provide the money that is needed in case of an accident, which we hope

will never occur.

The PRESIDING OFFICER. The Chair interrupts the Senator to ask who has yielded time to the Senator from Louisiana.

Mr. JOHNSTON. Who is in control of the time?

The PRESIDING OFFICER. The Senator from Idaho is in control of 15 minutes. On this amendment, Schator KERRY, Senator HUMPHREY, and Senator METZENBAUM have 5 minutes each, in opposition.

Mr. McCLURE. How much time does

the Senator require?
Mr. BREAUX. Three minutes

Mr McCLURE. I yield 3 minutes to the Senator.

Mr. BREAUX. I thank the author of the amendment for allowing me to speak in opposition to his amendment.

on his time.

The only point I make about the amendment is that after 30 years, if

something happened, we would not have enough money to pay out the claims. The amount of money in the fund is based on the number of reactors, because the reactors make contributions in case of an accident.

The projection is that there will be very few, if any, new reactors. Therefore, after these reactors live through their useful life and are closed, less money will be available to pay out in claims

claims.
So, 30 years, I suggest, is too long a period. After 30 years, the amount that is projected to be available would be only \$3.75 billion. We are talking about having a fund that has at least \$7 billion in it. Therefore, this is a very clear argument as to why the 30-year period should be rejected, and I will offer an amendment to modify the amendment offered by Senator amendment offered by Senator McClure, to make it a 20-year pay-Senator ment period. I think that is an appropriate period.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY addresed

The PRESIDING OFFICER. The Senator is advised that he controls 5 minutes

HUMPHREY. Five minutes

have been reserved to this Senator?
The PRESIDING OFFICER. Yes, and 5 minutes to Senator METZENBAUM and 5 minutes to Senator KERRY.

Mr. HUMPHREY. I thank the Chair for the clarification.

Mr. President, if anything, 10 years is too long a reauthorization period, and I will explain why. But to propose 30 years or even 20 years is preposter-

If anything is the hallmark of the nuclear industry at this point, it is un-certainty. There is great uncertainty in the industry these days, in number of reasons, fair or unfair.

The events at Three Mile Island and Chernobyl have shaken the confidence of the American people in the safety of nuclear power. Whether that shaking of confidence is justified or not, it has occurred and the American people are worried about nuclear power. They are no longer willing to support it in And for that they did a decade ago.
And for that reason and others, economics, fewer and fewer plants are
now projected in the future.

Instead, the Nuclear Regulatory Commission projects that the number of operating plants is going to decline, not increase, in the years to come What that means in economic terms is that the mutual assistance program which the nuclear utilities have created, in which they mutually insure each other, since there are going to be fewer and fewer plants in the years ahead, according to the Nuclear Regulatory Commission estimates, the dollar amount of this insurance is going to decline. This mutual insur-ance is going to decline in the future years and, as that declines, the liability of the public will increase commen-

ity of the public will increase commensurately. That is the basic problem.

There is a great deal of uncertainty out there about the industry. We ought not to be reauthorizing Price-Anderson for 30 years. That is preposterous. Twenty years, that is preposterous. Frankly, I think 10 years, given the uncertainty in the publicar power. the uncertainty in the nuclear power industry, is itself unreasonable. Five

rears might be more reasonable.

I urge my colleagues, on that basis, to oppose 30 years or 20 years and to support the 10-year authorization that is in the bill as it now stands unamended, inasmuch as the Senator from Idaho and the Senator from Lou-Islana have graciously vitiated the vote on the previous amendment that was adopted last night. As the bill now stands, reauthorization is for 10 years.

The amendment before us is for 30 The amendment before us is for so years—30 years—before this authorization would come before us once again. On the face of it, it is unwise and imprudent. I think that is self-evident. So is a reauthorization of 20 years.

So is a reauthorization of 20 years.

I would urge my colleagues to support a reauthorization of 10 years, as is in the bill; in other words, to defeat these amendments that are coming before us in this debate.

Mr. President, I reserve the balance of my time

The PRESIDING OFFICER, Who yields time?

The Senator from Massachusetts, Mr. KERRY, Mr. President, how is the time allocated?
The PRESIDING OFFICER. The

Senator has 5 minutes.

Mr. KERRY. And I take it this will

not be taken out of my time, I under-stand, but we have a subsequent 5 minutes on the second one? The PRESIDING OFFICER, Yes.

Mr. KERRY. Thank you, Mr. President.

Mr. President, I join my colleague from New Hampshire in opposing the concept of a 30-year reauthorization. I am not going to go at great length into reiterating his argument in its entirety, but for years now-the 1966 reauthorization and the 1975 reauthorization-we have had an acceptance of a 10-year reauthorization.

The danger in the 30 years is two-fold. First, the financial danger. Be-cause of the proportional payment program by which existing reactors or plants pay into the liability fund. In a 30-year period, at the current projection of the Commission's own statetion of the Commission's own state-ments, we would be at a level where we would be some \$4 billion below the re-quired amount for compensation. That is a danger, Mr. President. We simply would not have the money available that we need for compensation. The second set of arguments I think are countly as important and they

are equally as important and they apply not only to the question of 30 years, but they apply to the question of 20 years, and they go to the heart of the matter of why we are today at 10 years. This reauthorization process,

just as each reauthorization process before it, has produced significant advancements in the liability process itself. It has produced greater accountability.

All of us know that there are dangers which have developed in the nuclear industry over the years. And to say that we as a Congress are going to abdicate our responsibility to review that nuclear liability process by agreeing to a period of 30 years, all of a sudden, is wrong. Particularly at a moment when, issues of waste as well as the whole question of nuclear power itself are issues that are uncertain and heightened and are as important to the public as they have ever been. To not review them for a 30-year period of time, I think would be an extraordinary abdication of the accountability process which we have accepted for all these years.

Mr. President, we have had reports

Mr. President, we have had reports from the GAO and others on drug use and the safety problems at nuclear facilities. It is our responsibility to guarantee that down the road we are going to review issues that are necessary to guarantee that the citizens of this country are adequately protected.

guarance that the charts of this country are adequately protected.

Mr. President, the industry claims that 30 years or 20 years will provide stability. I would like to point out that if Price-Anderson expires in 10 years, those reactors that have licenses will still be covered by this act. Even the lapse of Price-Anderson last August saw us extend contracts under another law to three new entities. So we are not going to hamper the ability of the industry to move forward.

What we are going to do is provide the citizens of this country and the Congress with the mechanism necessary to be able to understand where we are going.

Mr. President, I thank the distinguished Senator from Louisiana and the Senator from Idaho for their courtesy in rescinding the order of last night. I think they have given us an opportunity to air this issue on the floor and to have a vote. I applaud the process by which they have done that and their generosity in doing so.

I reserve my additional time.
The PRESIDING OFFICER. Who

yields time?
Mr. JOHNSTON. Mr. President, will

the Senator yield to me?
Mr. McCLURE. How much time do I
have?

have?
The PRESIDING OFFICER. The

Senator has 11 minutes.

Mr. McCLURE. I yield 5 minutes to the distinguished Senator from Louisiana.

Mr. JOHNSTON. I thank my distinguished friend.
Mr. President, we seem to have lost

Mr. President, we seem to have lost sight, in the consideration of Price-Anderson, of whose benefit this bill is passed for. This is not for the protection of the nuclear industry so much as for a prospective possible injured party or parties. That is what this bill is about.

Without a Price-Anderson bill, then people injured in a nuclear catastrophe would be limited to suing the one utility or the one party at fault, and then they would have to prove fault. They would have to prove their own lack of contributory negligence or assumption of the risk, All of the common law defenses would be available to the defendent.

So what this bill is really doing is

So what this bill is really doing is giving to injured parties tremendous amounts of rights which they do not have. What this particular bill does, in terms of the extension of Price-Anderson, is to increase many times over, by a factor of over 12, the amount of protection available for individual parties. In other words, if we did not pass this bill, then each utility would have to put up only \$5 million in the event of catastrophic accident; with the passage of this bill, it is \$63 million.

sage of this oil, it is so million. Now actually, Mr. President, the question of whether we extend for 10 or 20 or 30 years with respect to electric utilities is irrelevant. It is irrelevant because in the next 10 years all plants that can be licensed will be licensed. And once licensed they are subject to Price-Anderson and its limits to the full extent as if it were extended for the life of that license. And these licenses are typically 30-year licenses.

year licenses.

In that respect, a 10- or 20- or 30year extension is irrelevant. Where it
is important, where it is essential is
with respect to nuclear contractors,
those who manage, for example, the L
reactor at Savannah River, the Pantex
plant down in Texas that makes nuclear munitions, and the new waste depository will be covered under this. It
is very important, Mr. President, that
we have a policy in place so that when
you get a contractor, hopefully you
can get the best contractor in the
country and he can have long-term
protection. That is the reason for a 30year extension.

It is demonstrably in the interest of the people, those who might conceivably be hurt by an accident, that you have this big pool, a \$7.846 billion pool, of protection for potential injured parties.

It is important with respect to those contractors that we have that protection as long as we can.

As far as the nuclear utilities are concerned, as I say, it is irrelevant. So I would hope we could go along with the McClure amendment at 30 years; if not at 30 years, then surely at 20 years. For one thing, Mr. President, it takes about 3 or 4 years to get one of these extensions passed. It produces more heat than light. We have been working on this thing for 3 or 4 years and, if we follow the suggestion of my friend from New Hampshire and had it every 5 years, that is all we would be doing in the Energy Committee.

I plead with my colleagues, give us something else to do rather than extend Price-Anderson. I hope that we can go along with the McClure amend-

ment; and if not the McClure amendment, the Breaux amendment. Frankly, we were willing to agree to the Breaux amendment yesterday as a compromise and did agree as a compromise yesterday. While I think McClure is better, Breaux is good. In any event, one of the two ought to be passed.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Who yields time?
Mr. HUMPHREY. Parliamentary inquiry, Mr. President. Which of the

quiry, Mr. President. Which of the parties on the agreement as to this amendment have time? The PRESIDING OFFICER. Sena-

tor METZENBAUM has 5 minutes. Senator KERRY has 1 minute left. You have 2 minutes left. And Senator McClune has 6 minutes left.

Mr. HUMPHREY. I thank the Chair,

The PRESIDING OFFICER. The Senator from Ohio.
Mr. METZENBAUM. Mr. President,

Mr. METZENBAUM. Mr. President, 1 yield myself 3 minutes, reserving 2 minutes.

Mr. President, bad enough that we are passing this renewal of Price-Anderson without placing any responsibility on the individual contractors, as far as the civil obligation is concerned. We do not know what is going to happen in the nuclear industry 1 year from now or 5 years from now or 10 years from now. But for us to be talking about extending this for 30 years, or 20 years, is just sort of unbelievable to me.

When it was originally enacted, it was enacted for a 10-year period, and then it was enacted for another 10-year period. It just is not logical, no matter how strongly you feel about the rightness of the legislation. Let the Congress have an opportunity to review the issue 10 years down the road. To suggest, at this point, that we give them a 20-year or 30-year renewal is beyond this Senator's understanding.

I appreciate the fact that the original amendment was vitlated. That came about last night when some of us were not aware of it. But now the Senate has an opportunity to deal with the issue this evening. In that opportunity we ought to say whether we believe that nuclear plants should or should not have liability. We are not revisiting that issue.

What we are really saying is, Should this Congress, in an industry that is so fraught with danger, that has such an exposure to harm, that may cause so many thousands or possibly even hundreds of thousands of people to be exposed to loss, should we, some time in 1988, lock in the law for the next 20 or 30 years?

My own feeling is that if we had this law renewed every 5 years, we would be doing far better. Maybe that is an amendment that should be considered. Maybe we ought to cut it down to 5 years. But I think that 10 years is a

reasonable enough compromise and I hope the Members of this body will not see fit to extend the 10-year provision that was in the original legislasion that was in the original legisla-tion. I believe that is the time period that is in the House bill and I would hope that none of the Members of this body would see fit to extend it to 20 or 30 years.

I reserve the balance of my time Mr. McCLURE, Mr. President, I have not much to add and then if others are ready, to yield back the time, I would, too, to get on the

Breaux amendment.

I just want to remind Members that as we are talking about compromise here, the bill that was reported by the Energy and Natural Resources Com-mittee last year had in it a 30-year extension and the bill that was reported to the Senate by the Committee on the Environment and Public Works had in it a 30-year extension.

So, to talk about a compromise, we ought to be talking about the Senate committee provisions, two different committees with two different ap-proaches to the problem; but both the Senate committees agreed on a 30-year

extension.

The reason we are here with this amendment now is that for other reasons the two committees that are involved here elected to use the House bill as the vehicle by which we would legislate, rather than using either of the two committee measures that I have referred to. But both committees in the Senate, after full debate and de-liberation, voted to have the 30-year extension

Mr. President, I reserve the balance

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, if all Senators are ready to yield back time on this amendment, we can save our arguments until the next one. I am willing to under those circumstances

McCLURE. I am prepared to yield back the balance of my time if the other parties to this amendment

do the same.
Mr. METZENBAUM, Parliamentary inquiry. The Senator from Ohio had 5 minutes available on the Breaux

The PRESIDING OFFICER, That is correct

Mr. METZENBAUM. I yield back

the balance of my time.

Mr. KERRY. Mr. President, just to answer the Senator from Idaho, it is my understanding that Senator Mov-NIHAN was prepared to offer a 10-year reauthorization in committee and I understand he had the votes. I am not certain why he did not at the time. But I think we all know that the diffi-culties in bringing this to the floor is surrounded by the question of 10 years. I think we ought to understand, the House of Representatives agreed to 10 years. Jumping to 30 years is not necessarily the position from which to begin to find a compromise.

Mr. President, I yield back the rest of my time on this amendment.

Mr. McCLURE. Mr. President. I am repared to yield back the balance of my time

The PRESIDING OFFICER. time having been yielded back—the Senator from Louisiana.

AMENDMENT NO. 1679

Purpose: To extend the indemnification authority under the Price-Anderson Act for 20 years, until August 1, 2007, and to require the reports to Congress by the Secretary of Energy by August 1, 1993, and August 1, 2003, on the need for modifications to Price August 2, 1993, and tions to the Price-Anderson Act provi-

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

PRESIDING OFFICER. The

amendment will be stated.

The legislative clerk read as follows: The Senator from Louisiana [Mr. BREAUX] proposes an amendment numbered 1679 to Amendment No. 1678.

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

The PRESIDING OFFICER, With-

out objection, it is so orde

The amendment is as follows:

In lieu of McClure amendment substitute

In licu of McClure amendment substitute the following:
On page 7, line 5, strike the date "1997" and insert the date "2007".
On page 7, line 16, strike the date "1999" and insert the date "2007".
On page 30, lines 18 and 19, strike "and the Sceretary shall submit to the Congress by August 1, 1993, detailed reports"; and insert "and the Sceretary shall submit to the Congress by August 1, 1993, and by August 1, 2003, detailed reports".
On page 19, line 9, strike "1997" and insert in licu thereof "2007".
Mr. RREFAUX. Mr. President, our

Mr. BREAUX, Mr. President, our colleagues and anybody colleagues and anyoody who may be listening through television, the issue before the Senate is very clear. We are deciding whether Price-Anderson deciding whether Price-Anderson should be extended for 10 years or whether it should be extended for 20 years, as my amendment provides, or whether it should be extended for 30

The problem with the 30-year extension is it is simply too long to provide the money in case of a major accident in the out-years. As we have fewer reactors, we have fewer contributions to the fund. In the out-years, the fund drops dramatically down to just a little over \$3 billion. Therefore, if they have an accident that is a \$7 billion accident, you simply would not have enough money to meet the commitment of this Congress to the victims of an accident.

The reason why our Environment and Public Works Committee had agreed to a 30-year amendment is because we had a third tier. We had a third tier that protected that drop in funds. Without that third tier, which we do not now have, it points out the obvious fact that without that third tier, 30 years is far too long because you will not have enough money to meet any potential catastrophic accident. That is why 30 years is completely and totally unacceptable.

Let me address the 10-year proposition. Other Senators have pointed out that when we initiated the Price-Anderson bill, that we authorized it for 10 years. There were at least two good reasons why we did it for 10 years at that time which are no longer present today

No. 1, it was the hope that after 10 years we would have private insurance available so we wanted to make it a very short extension so that, if in the event that insurance became available, that we would go to a private insur-ance system instead of having the Government or the utilities bear the brunt of any cost to the victims. We extended it one other time for 10 years with the hope insurance would be available. It is not available.

It is clear beyond any doubt that insurance from the private sector will not be available at any time in the future to insure nuclear activities in this country. Therefore, that reason for a 10-year, short-term extension is no longer there.

The second reason is because, when it was first started, this was a very immature industry, in the sense of a de-

veloping industry.
In 1954, 34 years ago, it was deemed appropriate to keep the insurance proappropriate to keep the insurance program at a short period of time to see what this industry was going to do, how it was going to develop, would it in fact survive. There was no sense in having a longer period if we did not know what the industry was going to look like down the road.

That argument is no longer valid. We now have an industry that has been with us for over 34 years. It is functioning, not as well as we would like to have it function in many cases but it is functioning. It is part of our society. Therefore, the 10-year shortterm extension is no longer justifiable.

One thing that is absolutely critical for this industry to have, with all of the problems that it has, and there are many, one thing that is critically needed is some predictability, some ability to say that 20 years from now we are going to know that there is in fact an insurance program available. If we make it more uncertain we create additional problems for an industry which is struggling to overcome their problems

Therefore, by amendment, I think for very logical reasons, Mr. President, splits the difference, but it splits the difference not just because it is an easy number to come up with between 30 and 10. It splits the difference because there are some very logical reasons I think why 20 is an appropriate. proper, reasonable and rationale com-promise. Mr. President, I reserve the remainder of my time.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire. Mr. HUMPHREY. Mr. President, do

The PRESIDING OFFICER. That is correct

HUMPHREY, Mr. President.

the Senator from Louisiana has pointed out an important additional fact. That is that the insurance companies are unwilling to insure each power-plant for more than \$100 million. It is

obvious that an accident that would inflict damage to property and persons in the surrounding areas is going to be billions of dollars. If they are only willing to insure \$160 million per plant, that presents quite a problem. What does the insurance industry,

which is experienced in weighing risks tell us? They tell us that they are not willing to insure above \$160 million per plant, or as I read it maybe it is not all as safe as the industry cracks it up to be.

What is the upshot? The upshot is that the taxpayers, the Federal Government, becomes the insurer of last resort and will be stuck with all damges exceeding the \$160 million per plant, plus a contribution from each of

plant, plus a continuous from each of the other operating plants of \$63 bil-lion, which, with 112 plants now oper-ating, comes to \$7 billion. In the case of damages exceeding \$7 billion, and they could easily and likely go way above that, the Federal Government would pick up the difference. So we are making the taxpayers the insurer of last resort. That is why

this bill is of such great importance.

And not only that, but by frequent review and fairly short authorizations and reauthorizations of Price-Anderson, we hold accountable the nuclear power industry. That is what short periods of reauthorization are all about, accountability. Shall we lock this away for 30 years or even 20 years? That would be absurd. We need to look at this frequently. Ten years is a long enough span between the reauthorizations, in my view. That seems to be the best we could do.

I would urge my colleagues to reject the Breaux amendment and also the McClure amendment and stick with the 10-year reauthorization which is in the bill, a figure of 10 years, which is the span of time we have allowed to pass between the previous two reauthorization bills.

Mr. President, I reserve the remain-

der of my time.
The PRESIDING OFFICER (Mr. DASCHLE). Who yields time?
Mr. KERRY. Mr. President, I yield
myself 4 minutes.

Mr. President, I understand exactly what the Senator from Louislana is saying, and I respect his position here. But I respectfully submit that there is something more than just the finan-cial picture to which he refers.

He is right, in 20 years there will be more money, somewhere over \$7 bil-

lion. So we are closer to the amount. But with 20 years we lose what we have had in each reauthorization up to this date. We lose what the House of Representatives has passed. A 10 year period offers us the adequate time to restate and assert the obliga-tion of the U.S. Congress to protect people, to guarantee that the hysteria and concerns created by a Chernobyl Three Mile Island are adequately

addressed by the U.S. Senate. Mr. President, we have through a number of alarming reports, and through the committee's exten-sive testimony that there has been a consistent lack of concern to address unsafe standards in DOE nuclear facilities. We continue to hear of drug and alcohol abuse in some nuclear facilities. GAO has issued roughly 20 reports documenting unresolved safety and environmental problems in DOE nuclear facilities. The National Academy of Science has sharply criticized DOE's programs at defense production reactors

As we are debating this here today, DOE operates an estimated 280 facilities which pose nuclear risks significant enough to warrant special indemnity coverage under Price-Anderson, and there are 112 nuclear powerplants that are currently covered under Price-Anderson. That is not a small number, Mr. President. To sit by for 20 years without being able to review these matters, with the uncertainty that we have seen in the industry where plants have increased their osts to billions of dollars, where literally more than 100 plants have been canceled, where we have seen enormous changes in the technology-to sit by for a 20-year period and not review that it would be to reneg on the responsibility that we have to countless people in this country.

Mr. President, the 20-year period is opposed by many people: the League of Conservation Voters, the National Consumers League, the Environmental Policy Institute, the National Resources Defense Council, the Union of Concerned Scientists, the National Taxpayers Union, Friends of the Earth, the National Insurance Council, the Consumer Coalition. public ens, and many others. I think we ought to heed these people who speak for consumers and not abdicate our re-

sponsibilities

I reserve the remainder of my time. Mr. HECHT. Mr. President, I am strongly in favor of Price-Anderson legislation, but I am opposed to ex-tending the reauthorization period for this legislation beyond 10 years, or 12 years for Department of Energy con-

Sometime about the turn of the cenury the Energy Department may, despite my strong opposition, begin con-struction of a high level nuclear waste repository in the State of Nevada. I think that the Congress ought to reexamine Price-Anderson before

Energy Department starts pouring concrete for a repository.

We have never built a repository in

this country. Indeed, no nation in the world has ever built or operated a repository. A repository is therefore a completely unknown quantity. I think it would be very unwise for us not to have a meaningful opportunity to revise Price-Anderson prior to con-struction or operation of a repository.

We may find that the coverage in the current bill is inadequate in the context of a repository program. may find that there is some type of accldent or event that is not covered by this legislation, but that could result from the construction or operation of

a repository.

Mr. President, the legislation before us has worked for several decades. It has protected the people of America, and allowed us to develop nuclear energy in a safe and proper manner for the benefit of our entire society. I support this bill, but I also believe that as far as the Nuclear Waste Program is concerned, we need to make sure that the Congress revisits Price-Anderson before a repository is contructed or begins operation. I there.

fore oppose a 20-year reauthorization. The PRESIDING OFFICER. yields time?

Mr. JOHNSTON. Mr. President, will the Senator yield me 30 seconds? Mr. BREAUX. Certainly. I will yield

whatever time the Senator wishes. Mr. JOHNSTON. Mr. President, I think my colleague from Louisiana [Mr. Breaux] makes a very persuasive case for 20 years. While I would mildly perfer the McClure amendment for 30 years, I am prepared to support the 20-year amendment. We agreed on that yesterday. But because some Senators did not feel they had had adequate notice, we expunged that action so we could give Senators the chance to debate it again. But I think the action was correct yesterday at 20 years

I hope we will pass the Breaux amendment. As an extra added bonus, if we adopt the Breaux amendment, I believe that will be the last vote today.
The PRESIDING OFFICER. Who

yields time?

Mr. METZENBAUM, Mr. President, yield myself 2 minutes. Mr. President, if you are opposed to

extending the law for 10 years or any period beyond that date, do you vote no on the Breaux amendment and then no on the McClure amendment?

I would guess that you do, but I am afraid that some will be voting yes on the Breaux amendment as an indication that they do not want the McClure amendment. It is obvious, as Senator Johnston has already indicated, that they are prepared to accept the Breaux amendment at 20 years, which is where they were last night.

I just want to say to my colleagues

in the Senate, it probably ought to be even a lesser period than 10 years.

There is not any logical reason under the Sun to extend it 1 day beyond 10 years, and I think that we ought to vote down the Breaux amendment. I think we ought to then vote down the McClure amendment for 30 years.

If you believe there is an exposure the people of this country have if they live near a nuclear plant, then you cannot very well in good conscience vote to extend this law for more than the 10 years presently in effect

In every previous instance that this law has been dealt with, it was on a 10 year basis.

So I urge my colleagues to vote down the Breaux amendment and, in turn, vote down the McClure amendment. I do not believe we ought to go beyond the 10 years that has been the law for a number of years in the past. There is

no rhyme nor reason to doing so.
The PRESIDING OFFICER. The
Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield myself 5 minutes. I probably will not take it all.

The PRESIDING OFFICER. The

Senator is recognized.

Mr. BREAUX. Mr. President, I would only take this time to address concerns expressed by the Senator from Massachusetts with regard to the idea of a concept that we need to keep the heat on this industry because there are a lot of problems, and we should not extend it 20 years. Bear in mind what we are talking about is an insurance program. Price-Anderson does not address issues of safety, standards, licensing, or the things which make nuclear powerplants work better or prevent them from not working at all. Price-Anderson is only the issurance plan.

The insurance plan we have in place after 20 years will take care of the commitment that we are telling the American people we are going to make. That is 7 billion dollars' worth

Another way we address safety issues is through the Nuclear Regulation protory Commission's authorization process. That is where we tell the Commission the type of standards we want. That is where we tell the Commission the inspections they have to do. That is where we direct the Commission on how to handle the revoking of licenses for licensees who are not doing what they should do. This is only the insurance plan.

argument is that we have an insurance plan that is good for 20 years. If you have a plan that is workable for 20 years, you do not need to make it for only 10. The statistics tell us that if we made it for 30, that would be too long because fewer plants would have fewer contributions and would have less than \$7 billion.

Utility companies should be petrified of a 30-year extension because I guarantee you, if we showed everybody that after 30 years the coverage, because of fewer plants, dropped down to \$3.75 billion, Congress would assess each plant left a lot more money.

I suggest 20 years is a reasonable compromise for an insurance plan. It has nothing to do with addressing safety standards for nuclear power-plants. This is an insurance policy, an insurance plan, and every indication is 20 years is acceptable. It guarantees our \$7 billion plus commitment and is

workable and should be accepted.
Mr. McCLURE, Will the Senator
yield me 1 minute?

Mr. BREAUX. I will be happy to.
Mr. McLURE. I agree with everything the distinguished Senator has
said, and I particularly want to strongly agree with the fact that this is an insurance program. This is not the regulatory program.

The distinguished Senator

Ansachusetts a moment ago said we would have no opportunity to look at the nuclear industry if we extend this. Obviously, we will. There are annual reports to Congress required by NRC.

reports to Congress required by Nike. There is a 10-year requirement for review of this program by DOE.

I just want to take this time to say while I prefer 30 years, and I do indeed and I am serious about that, and I would be the figure that was fixed. and I prefer the figure that was fixed in the Environment and Public Works Committee bill and in the bill reported by the Committee on Energy and Natural Resources, most of which were 30-year programs, that I am willing to accept, as a compromise, the 20-year figure that the Senator from Louisians has expected. ana has suggested.

I urge all of those persons who are

in favor of the extension of Price-Anderson to vote yes on the Breaux amendment when the roll is called.

Mr. HUMPHREY addressed

The PRESIDING OFFICER. The enator from New Hampshire.
Mr. HUMPHREY. Mr. President,

how much time do I have?.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. METZENBAUM. Will the Senator from Louisiana

HUMPHREY. Mr. President, Mr. who has the floor?

Mr. METZENBAUM. I am sorry. I yield to the Schator.
The PRESIDING OFFICER. The

Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, the Senator from Louisiana speaks correctly when he says Price-Anderson is an insurance program. It is an insurance program. One of the difficulties in operating an insurance program is not being able to see accurately into the future.

The statistics that have been used to project the number of operating plants have not been that accurate. I think it would be most unwise and unfortunate for the Senate to lock away

this insurance program for 20 years. Let me cite one developing problem in the industry. The NRC is beginning to grow concerned about the embrittlement of structural steel components

of plants that are well along in their operating cycle, 25, 30 years. More and more plants are going to fall into that category. There is more and more un-certainty in this insurance program where the public is held liable for most of the damages, most of the dollar amount of damages that most likely would ensue in the event of an accident. These accidents, thank goodness we have not had a severe one, can be very expensive

The General Accounting Office, in studying the Indian Point plant New York, found that damages could well exceed the \$7 billion, which would now be covered by the mutual insurance fund and could get as high as \$15 billion or more, depending upon weather conditions at the time of the accident. So there are great uncertain-

If we are going to play insurance company to America's nuclear power industry, let us limit our liabilities by reauthorizing this insurance program for 10 years, have another look, then after 10 years, at the conditions and the statistics and the amount of risk, and then reauthorize it at that point. To lock it away for 20 years, it seems

to this Senator, is highly irresponsible and unwise. Mr. President, I ask unanimous consent that an article from Wall Street Journal dealing with this subject be printed in the Recorn.

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

(From the Wall Street Journal, Jan. 22, 1988)

NUCLEAR REGULATORS, SCIENTIFIC ADVISERS ARQUE OVER REACTORS' STRUCTURAL SAFETY (By Bill Paul)

(By Bill Paul)

A study suggesting that nuclear reactor supports may grow brittle much faster than expected has started a fight between the Nuclear Regulatory Commission and its scientific advisers over nuclear plant safety.

The study, by the federal Department of Phenty's Oak Ridge National Laboratory, also raises questions about the NRC's relationship with the nuclear industry, and about NRC plans to extend the life of existing commercial reactors.

The study found that, in a test of the steel to be used in structural supports for the reactor vessel containing the Oak Ridge lab-

to be used in structural supports for the reactor vessel containing the Oak Ridge laboratory's test reactor, the steel was turning
prittle at a much faster rate than predicted.
A vessel houses a power plant's nuclear fuel
and sils on steel supports that can be long
or short columns or other designs. The steel
becomes brittle over time because it's exposed to a constant neutron bombardment.
If very brittle supports were to fail, coolingwater places would running experience.

If very brittle supports were to fail, cooling-water pipes would rupture, releasing radioactivity into the containment building, which regulators have indicated could fail during the early stages of a severe accident. In a recent letter to William Kerr, chairman of the NRC's Advisory Committee on Reactor Safeguards, Victor Stello, the NRC's executive director of operations, acknowledged that the "embrittlement" problem "Is not a welcome situation." However, Mr. Stello said the problem does "not appear to pose any safety problems."

Mr. Kerr disagreed, telling Mr. Stello by return mail that he was "concerned and perplexed" by Mr. Stello's letter. "It is not

clear that we know . . . with any certainty at all reactors are safe. Mr. Kerr wrote.

clear that we know . . . with any certainty that all reactors are safe, Mr. Kerr wrote. While he doubled that any supports were yet fully brittle, Mr. Kerr urged the NRC to launch an immediate investigation, rather than fit the problem into longer-term research, as Mr. Stello proposed.

A spokesman for Mr. Kerr said his letter speaks for itself. An NRC spokesman said only that a response to Mr. Kerr's letter is being prepared. James Asselstine, a former NRC commissioner and now a Wall Street utility analyst, said Mr. Kerr's letter was "much more critical" than the usual letter from a scientific adviser.

Richard Cheverton, a senior engineer at Oak Ridge, said Mr. Stello misrepresented Oak Ridge's position when he told Mr. Kerr that the Oak Ridge study backs up NRC's assessment that support-structure brittleness isn't a safety problem. "My letter (to the NRC) said there might be a problem" in "some" plants, Mr. Cheverton said, adding

the NIC) said there might be a problem" in "some" plants, Mr. Cheverton said, adding that some designs "look suspicious." Mr. Cheverton thought this misrepresentation might have stemmed from a "misunderstanding." But he also said Mr. Sicilo's letters.

tation might have stemmed from a "mishiderstanding." But he also said Mr. Stello's
letter reflected the nuclear power industry's
position that there isn't a problem in such
structures. Last month, a House subcommittee charged the NRC with showing "an unhealthy empathy for the needs of the nuclear industry to the detriment of the safety of
the American people." The NRC denied it.
Mr. Cheverton also said the Oak Ridge
study is "very significant" for NRC's plans
to extend the life of existing commercial reactors beyond their 40-year license. Noting
that the "embrittlement" problem wasn't
predicted by anyone, Mr. Cheverton said
Oak Ridge has recommended that a number
of nuclear power plants be studied to determine the full extent of the problem, adding,
"We believe it's a real problem, that our
data are good."

But a spokesman for the Electric Power
Research Institute, the electric utility industry's research unit, said the Oak Ridge

Research Institute, the electric utility in-dustry's research unit, said the Oak Ridge findings have limited significance for the NRC's plant-extension plans. The study "could have some potential impact (but) on a relatively few number of plants," the spokesman said.

The PRESIDING OFFICER. The

Senator from Massachusetts.
Mr. KERRY. Mr. President, how
much time do I have?

The PRESIDING OFFICER. The

The PRESIDING OFFICER. Inc Senator has 2 minutes remaining. Mr. KERRY. Mr. President, let me just say quickly, my colleagues are cor-rect, this is an insurance program, but It is an insurance program which is structured in a way which by virtue of its liability requirements helps to police the industry, and helps to create accountability.

Just in this particular go-round in

reauthorization, we have increased the statute of limitations, we have had a significant increase in the limit on liability, and we have created accountability. Plus we have even added exemptions. There are whole segments of the industry exempted by virtue of what we have done here.

To say that we will not revise it, whether some of them should lose that exemption or whether the kind of strict liability we have should be maintained, increased, or diminished is irresponsible.

Furthermore, we do not even know as we stand here what the life, the

true life of some of our nuclear facilities is. We hear of cases where nuclear machinery is obsolete and where some DOE facilities are unable to get parts to ungrade them.

Ten years is a long time. It is an appropriate period of time for us to come back and guarantee that as an insur-ance program, it is maintaining the accountability of the industry that we need, that it is covering the people who ought to be covered, that it is exempting the people who ought to be exempted.

Given the changes this industry will see in the next years, I hope our colyears past in both reauthorizations up until now, and as the House of Repre-sentatives has done, which is keep 10 years. There has been no compelling reason shown here as to why the 10 years should change, and I hope we will not change it.
The PRESIDING OFFICER. The

Senator's time has expired. Who yields

Mr. BREAUX. Mr. President, I yield 2 minutes to the ranking member of the subcommittee, Senator Simpson. The PRESIDING OFFICER. The

Senator from Wyoming is recognized.
Mr. SIMPSON. Mr. President, I rise
to speak in behalf of the Breaux second degree amendment.

Mr. President, I have just a few brief points that I would like to make in support of the amendment offered by my good colleague and subcommittee chairman, Senator Breaux, to extend the Price-Anderson Act for 20 years.

Before I get to the merits of the pending amendment, though, Mr. President, I think it is important to note that both committees that considered the Price-Anderson issue—the Environment and Public Works Committee and the Energy and Natural Resources Committee-voted extend the act for 30 years. And we did so for what was a very sound reason—Price-Anderson have proven to be an effective, equitable, and effi-cient mechanism for compensating victims in the unlikely event of a nuclear accident. Indeed, it proved to be remarkably effective and fair when it was applied during and following the Three Mile Island accident. And I think we in the committees all felt that Price-Anderson has withstood the test of time and should be extended for a longer period than that authorized in previous extensions.

Having said that, I think the amendment offered by my good friend from Louisiana is a sound compromise, in view of the concerns that have been expressed by some about the proposed 30-year extension. In fact, this amendment has a number of advantages that

I want to discuss just briefly.
First, based upon the information that the Nuclear Regulatory Commission, has provided to the subcommittee on the expected operating life of the nuclear plants currently in operation and under construction, it be-

comes evident that the number of plants operating at the end of 20 years—and therefore, the amount of years—and therefore, the amount of funds available to compensate vic-tims—is virtually identical to the number of plants operating at the end of 20 years. The NRC estimates that there will be 122 reactors operating in 1997 and 120 reactors operating in 2007. As a result, the amount of coverage available at the end of 20 years does not diminish in any significant degree below that available at the end of 10 years—and this does not account for the fact that this bill includes an inflation index for the limit on liability, a further assurance that the amount of funds available to compensate victims will continue to be quite

generous. Second, this amendment will ensure that the benefits of Price-Anderson-benefits that I think we all agree are benefits that I think we all agree are significant—will be available at the time that we open up nuclear waste disposal and storage facilities under the Nuclear Waste Policy Act—currently scheduled to come on line roughly around the year 2003. In fact, this amendment—as opposed to the 10 year extension—will ensure that we need not reopen the contentious issue of liability just prior to the opening of of liability just prior to the opening of these facilities.

For these reasons, Mr. President, I ioin with my subcommittee chairman and urge my colleagues to support this

amendment.

I cannot help think as we grapple with this thing, we talk about it as an insurance program, but what we forget to say is that it works. It is time to extend it. Twenty years is alright. I prefer 30, but if anyone wants to go back to another system, there is a good place to look for an example.

Try the Bhopal case in India. The attorneys have not figured out where the money is yet, and the claimants have not got anything. Everything we have done so far under Price-Anderson, has resulted in immediate, swift payment to the people who were in-jured and needed the compensation.

So as we keep going here. I hope the people who resist this and want to go to 10 years will help us when we get to the issue of what are we going to do with the high-level nuclear waste and spent fuel rods. I never hear them in the debate helping us figure out what to do with 15,000 metric tons of high-level nuclear waste sitting in demineralized water at 110 reactors. And are they going to help us with that or just kind of go into the romanced fear with what we are doing here. We are going to have a real problem in this country, and we cannot move it and nobody will let us do anything with it.

It is a fascinating adventure when you get to talking about nuclear waste. rice-Anderson is an insurance policy that works. It pays the victims. There have not been too many, but there are going to be a lot more when we do not do something with 43,000 metric tons

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of high-level spent fuel that we will have at the end of the century.

The PRESIDING OFFICER.

The PRESIDING OPPICER. The Senator's 2 minutes have expired.
Mr. KERRY. Mr. President, has all time in opposition been yielded back?
The PRESIDING OFFICER. The Senator from Ohio retains 3 minutes

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.
The PRESIDING OFFICER. The

clerk will call the roll. The legislative clerk proceeded to

call the roll. Mr. KERRY. Mr. President, I ask unanimous consent that the proceed-ings under the quorum call be dis-

pensed with. The PRESIDING OFFICER, With-

out objection, it is so ordered.
Mr. KERRY. Mr. President, there has been some question, and I just want to clarify it with the distinguished manager so that colleagues understand what—

The PRESIDING OFFICER. The Chair will inform the Senator from Massachusetts he does not retain the time, so the Chair cannot recognize

Mr. KERRY. Mr. President, I ask unanimous consent that I be granted 2 minutes to pose a question.

Mr. METZENBAUM. I yield the Senator from Massachusetts I minute.

Senator from Massachusetts I minute.
The PRESIDING OFFICER. The
Senator is recognized for 1 minute.
Mr. KERRY. Mr. President, is it accurate that we are voting now on the
Breaux amendment which is a 20-year
time period? The Breaux amendment would be voted on up or down. If the Breaux amendment carries, that will be the last vote of the evening and there will not be a vote on the 30 years. If, on the other hand, the Breaux amendment is defeated, that will also be the last vote of the evening, there will not be a vote on 30 years; is that accurate?

Mr. JOHNSTON. If the Scnator will yield, if the Breaux amendment carries at 20 years, then a further vote would be redundant, but any Senator would have the right to ask for a second vote, in effect, a vote on the 20 years again.

I hope no Senator would ask for that. I hope they would accept the re sults of it, but they would have a right to do that

Mr. McCLURE. Will the Senator vield? The technical situation would be if the Breaux amendment is adopted, that amends the McClure amendment and there would technically have to be a vote on the adoption of the McClure amendment, as amended

by the Breaux amendment.
Mr. KERRY. I understand.
Mr. McCLURE. That would be a repetitious, redundant vote. If, however, the Breaux amendment is not adopted, then indeed there would have to be a vote on the McClure amendment

Mr. BYRD. Mr. President, will the Senator yield? What about those Sen-

ators who may prefer neither the 20 nor 30? They may want a rollcall vote. I am saying we may need a second rollcall vote

Mr. KERRY. It is my understanding, Mr. President, if the Breaux amendment is defeated, we are at 10 years; is that correct?

Mr. JOHNSTON. Mr. President, if

the Senator will yield——
Mr. KERRY. Then we are at the 30-

year Mr. JOHNSTON. If the Breaux amendment is defeated, then we would vote on the McClure amendment at 30

Mr. BREAUX addressed the Chair The PRESIDING OFFICER. Senator form Louisiana has 4 minutes remaining. The Senator from Louisiana is recognized.

ana is recognized.

Mr. BREAUX. Mr. President, I would conclude that we have come up with an agreement I think a majority of Senators would respect and find is the proper course of action. The issue, for Senators who may have just arrived, is whether we extend Price-Anderson for 30 years or 20 years or 10 years. I think the case has clearly been made that everybody is protected at 20 years.

I would ask a yea vote on my amendment which would set it at 20 years to ensure everybody is adequately protected

Mr. JOHNSTON. Will the Senator yield?

Mr. BREAUX. I will be happy to vield

Mr. JOHNSTON. The Senator's position is supported by the Committee on Environment and Public Works as well as the Committee on Natural Resources; is that correct?

Mr. BREAUX. I thank the Senator for his comment and agree with him. So we are asking for a yea vote on 20 years. I yield back the remainder of my time

The PRESIDING OFFICER. The question is on agreeing to the amend-ment. The year and navs have been or-

Mr. BYRD, Mr. President, I ask for unanimous consent to proceed for 30 seconds.

I see that Senators are lined up to vote and maybe anticipating that this is the last rollcall vote. It may not be. There may be those who vote for the 20 years, it may carry, and then instead of having a voice vote on the McClure amendment, as amended, they may prefer the 10 years that are in the bill to the McClure amendment. and they may want a rollcall vote on the McClure amendment, as amended. I am just holding that out as a possi-bility, so I hope Senators will not leave prematurely

Mr. President, I yield the floor. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that
the Senator from Washington [Mr.
ADAMS], the Senator from Florida [Mr.

CHILES], the Senator from Tennessee [Mr. Gore), the Senator from Iowa [Mr. HARKIN], the Senator from South Carolina [Mr. Hollings], the Senator from Hawaii [Mr. Inouve], the Senator from Arkansas [Mr. PRYOR], the Senator from Illinois [Mr. Stwowl and the Scnator from Mississippi [Mr. STERNIS are necessarily absent

I also announce that the Schator from Delaware [Mr. Biden] and the Senator from Hawaii [Mr. MATSUMAGA] are absent because of illness

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Nevada [Mr. HECHT], the Senator from North Carolina [Mr. Helms], the Senator from Vermont [Mr. Stafford], and the Senator from South Carolina [Mr. Thurmond] are essarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote

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

The result was announced-year 50. nays 34, as follows:

(Rollcall Vote No. 57 Leg.)

	YEA850)
Armstrong	Exon	Nickles
Bentsen	Ford	Nunn
Jingaman	Powler	Presiden
3oren	Oraham	Quayle
Breaux	Oranim	Reid
Bumpers	Halch	Sanford
Burdick	Heftin	Basser
Byrd	Heinz	Shelby
Chatee	Johnston	Simpson
Cochran	Karnes	Specter
O'Amato	Lugar	Stevens
Danforth	McCain	Symma
DeConcini	McClure	Trible
Dixon	McConnell	Wallop
Dole	Melcher	Warner
Domenic	Moynihan	Wirth
Evans	Murkowski	

NAYS-34 Hatfield Humphr Kasseba Kasse... Kasten medy

Boschwitz
Bradley
Cohen
Connad
Cranston
Daschle
Dodd
Durenberger
Glenn
Orasley

Packwood Pell Proxmire Riegle Rockefeller Kerry Lautenberg Roth Rudman Surbance Weicker

NOT AGITUG-10					
Adams	Hecht	Simon			
Biden	Helms	Stafford			
Chiles	Hollings	Stennis			
Gam	Inouve	Thurmond			
Gore	Mateunagu				
Markin	Prvor				

Leshy Levin Metzenb Mikulski

Mitchell

So the amendment (No. 1679) was agreed to. Mr. METZENBAUM. Mr. President,

I ask for the yeas and the nays on the McClure amendment, as amended. The PRESIDING OFFICER. Is

there a sufficient second? The yeas and nays have been re-quested on the amendment offered by

the Senator from Idaho. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. BREAUX. Mr. President, I ask the Chair, what has been ordered?

The PRESIDING OFFICER. The Senate will be in order. The Senate is not in order

The Senator from Louisiana

Mr. BREAUX. Mr. President, my question is this: We have just adopted the Breaux amendment, and the secbeen ordered on what amendment?

The PRESIDING OFFICER. The McClure amendment, as amended.
Mr. BREAUX. Has that amendment

been offered?

The PRESIDING OFFICER. The amendment has been offered.

Mr. BREAUX. A parliamentary in-quiry, Mr. President. The seconds have been ordered on the McClure amend-

The PRESIDING OFFICER. The McClure amendment, as amended.

Mr. BREAUX. As amended by the Breaux amendment, which is really the same vote we just had. Mr. METZENBAUM. Mr. President,

I ask unanimous consent that I may be allowed 1 minute

Mr. WEICKER. Regular order. I object.

The PRESIDING OFFICER. Objection is heard.

The yeas and nays have been or-dered. No debate is in order. The clerk will call the roll

The assistant legislative clerk called the roll.

Mr. CRANSTON, I announce that the Senator from Washington [Mr. Adams], the Senator from Florida [Mr. Chilks], the Senator from Tennessee [Mr. Gore], the Senator from Iowa [Mr. Harkin], the Senator from South Carolina [Mr. Hollings,], the Senator from Hawaii [Mr. INOUYE], the Scnator from Georgia [Mr. Nunn], the Senator from Arkansas [Mr. Payon], the Senator from Illinois [Mr. Simon], the Senator from Mississippi [Mr. Sten-MIS], and the Senator from Colorado (Mr. Wieth), are necessarily absent.

I also announce that the Senator from Delaware [Mr. Biden] and the Senator from Hawaii [Mr. Marsu-MAGA], are absent because of illnes

Mr. SIMPSON. I announce that the Senator from Utah [Mr. GARN], the Senator from Nevada [Mr. HECHT], the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. QUAYLE], the Senator from Vermont [Mr. STAFFORD], and the Senator from South Carolina [Mr. THURMOND], are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND], would vote

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

The result was announced—yeas 45, nays 36, as follows:

[Rollcall Vote No. 58 Leg.] VEAS_45

	1 6/10-1	•
Armstrong	Evans	Melcher
Baucus	Exon	Murkowsk
Bentsen	Ford	Nickles
Bingaman	Powler	Pressler
Boren	Graham	Reid
Breaux	Gramm	Sanford
Bumpers	Grassley	Sasser
Burdick	Hatch	Shelby
Cochran	Heflin	Simpson
D'Amato	Heinz	Specter
Danforth	Johnston	Stevens
DeConcini	Karnes	Symms
Dixon	McCain	Trible
Dole	McClure	Wallop
Domenicl	McConnell	Warner

NAYS-36 Mitchell Moynihan Packwood Hatfield Halfield
Humphrey
Kassebaum
Kaslen
Kennedy
Kerry
Lautenberg
Lexhy
Levin
Lugar
Metsenbaun
Mikulski Boschwitz Bradley Packwood Pell Proxmire Riegle Rockefeller Roth Hudman Sarbanes Welcker Wilson Bradley Byrd Chafee Cohen Conrad Cranston Daschle Dodd Durenberger Glenn

	NOT VOTING	- 19
dama	Helms	Simon
tiden	Hollings	Stafford
hiles	Inouve	Stennis
(HA	Matsunaga	Thurmond
ore	Nunn	Wirth
larkin	Pryor	
lecht	Quavle	

So the amendment (No. 1678), as

so the amendment (No. 1678), as amended, was agreed to.
Mr. BREAUX. Mr. President, I move to reconsider the vote by which the amendment was agreed to.
Mr. JOHNSTON. Mr. President, I move to lay that motion on the table.
The motion to lay on the table was agreed to

agreed to,
Mr. BYRD. Mr. President, that will be the last vote, rollcall vote for today. The Senate will begin discussing the amendment tomorrow morning at 9:30. There will be one or more rollcall

Mr. President, I suggest the absence

of a quorum.
The PRESIDING OFFICER. The

clerk will call the roll.

The assistant legislative clerk pro-

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 placetion it is a conference.

out objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for morning business not to extend beyond 20 minutes, that Sena-tors may speak therein up to 5 min-utes each.

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

THE ADMINISTRATION'S PASH ACTION IN CENTRAL AMERICA

Mr. PELL, Mr. President, I am startled by the administration's decision to dispatch army units to Honduras, particularly as there was no prior consultation with the Congress on such a

momentous act of escalation of the conflict in Central America. To call hot pursuit an incursion or invasion is an exaggeration.

This creates a crisis atmosphere which some may have thought would squeeze more money out of the Congress for the Contras. Then, too, it almost looks like an attempt to destroy the peace process, which had been gaining momentum by virtue of the agreement between the Sandinistas and the Contras to conduct direct, high-level cease-fire negotiations on Nicaraguan soil this coming Monday. I am not convinced that any of the events on the ground in the Nicara-guan-Honduran border area warranted this action.

In the end, the United States may well be a greater threat to Honduran sovereignty and political stability by constraining that country's freedom of action and reducing that nation to client status in furtherance of the administration's Contra policy than would any border incursion by Nicara-guan forces. The actual request for assistance from President Azcona is reminiscent of the somewhat vague circumstances surrounding the Honduran President's request 2 years ago in response to similar circumstances

At the same time, bad Sandinista judgment in Managua invited this rash action. This so-called final offen-sive against the Contras may have made sense militarily, but it was bad politics. Even without an incursion across the Honduran border, the concentration of Nicaraguan forces in the Contra areas in and near Honduras provided all the ammunition necessary for the administration to raise the specter of a Nicaraguan invasion as well as to charge bad faith in the

cease-fire negotiations.

Now is the time for cool heads to prevail. President Ortega has announced that the troops are being withdrawn from the border area and withdrawn from the border area and has offered to open up the border area to monitors from the OAS. If we are serious about defusing this situation rather than inflaming it, let us address the issue through the subplished the issue through the established Inter-American security mechanism.

CALENDAR

Mr. BYRD. Mr. President, I seek recognition to ask the distinguished acting Republican leader, Mr. Wilson, if the three following measures have been cleared on that side of the aisle:

Deen cleared on that side of the assic.

Calendar Order Nos. 582, 584, 588?

Mr. WILSON. I am advised by the senior Senator from Idaho that he wishes to make remarks on Calendar No. 584. These items have been cleared but he does make that request.

Mr. BYRD. 584. Very well.
They have been cleared?
Mr. President, I ask unanimous consent, then, that the Senate proceed to the aforementioned items seriatim.

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

AGE DISCRIMINATION CLAIMS ASSISTANCE ACT

The PRESIDING OFFICER. The clerk will report the first bill.

The legislative clerk read as follows: A bill (S. 2117) to extend the statute of A bill (S. 2117) to extend the statute of limitations applicable to certain claims under the Age Discrimination in Employment Act of 1967 that were filed with the Equal Employment Opportunity Commission before the date of enactment of this

The Senate proceeded to consider the bill

Mr. MELCHER. Mr. President, on March 2, I was joined by 24 colleagues in introducing the Age Discrimination Claims Assistance Act of 1988. I introduced S. 2117 because an investigation by the Special Committee on Aging, and subsequent admissions by Equal Employment Opportunity Commission, revealed that the EEOC allowed at least 900 age discrimination charges to exceed the Age Discrimination in Employment Act's statutes of limitation. Without congressional action, many of the people who filed those charges, and others like them, never could look forward to their day in court.

The Age Discrimination Claims Assistance Act waives the statutes of limitation for a period of 18 months for all those people who filed a timely charge with the EEOC after December 31. 1983, and saw it stagnate and expire without resolution. It provides a fair and pragmatic solution to a dif-

ficult problem.

The rights of hundreds of older Americans have been ignored by the EEOC bureaucracy, and only Congress may provide a remedy. I am very pleased to see that my colleagues in the Senate agree with me and are prepared to act promptly and responsibly to restore the rights of these working men and women.

At a time when Congress so often is criticized as being ineffective, it is heartening to know that when a real injustice is committed, the Senate is both willing and able to make a speedy correction. I introduced the Age Discrimination Claims Assistance Act only 2 weeks ago, and today it is being acted on by the full Senate.

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Because of the swift action by this body, and I hope the other body as well, hundreds of working men and women again will be entitled to full legal redress. I commend my col-leagues for recognizing that an injustice has occurred at the EEOC, and for working with me to provide an immediate and effective remedy.

The PRESIDING OFFICER. The

bill is before the Senate and open to amendment. If there be no amend-ment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows: 8, 2117

Be it enacted by the Senate and House Representatives of the United States America in Congress assembled, SECTION I. SHORT TITLE.

This Act may be cited as the "Age Dis-rimination Claims Assistance Act of 1988". SEC. 2 FINDINGS

Congress finds that-

The Congress finds that—

(1) the Equal Employment Opportunity Commission (hereafter in this Act referred to as the "Commission") has failed to process an undetermined number of charges filed under the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621-634) before the running of the statute of limitations applicable to bringing civil actions in the Federal courts under such Act, and (2) many persons who filed such charges with the Commission have lost the right to bring private civil actions with respect to the unlawful practices alleged in such charges.

SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS.
Notwithstanding section 7(e) of the Age
Discrimination in Employment Act of 1987
(29 U.S.C. 626(e)), a civil action may be
brought under section 7 of such Act by the
Commission or an aggrieved person, during
the 540-day period beginning on the date of
enactment of this Act if—

(1) with respect to the alleged unlawful
practice on which the claim in such civil
action is based, a charge was timely filed
under such Act with the Commission after
December 31, 1983.

(2) the Commission did not, within the applicable period set forth in section 7(e)
either— SEC. 2. EXTENSION OF STATUTE OF LIMITATIONS

) climinate such alleged unlawful prac-by informal methods of conciliation. conference, and persuasion or

(B) notify such person, in writing, of the disposition of such charge and of the right of such person to bring a civil action on of such person to order such claim.

(3) the statute of limitations applicable statute of limitations applicable such claim ran

under such section 7(e) to such claim ran before the date of enactment of this Act,

(4) a civil action on such claim was not brought by the Commission before the running of the statute of limita-

SEC. 4. NOTICE OF STATUTE OF LIMITATIONS

(a) NOTICE BY STATUTE OF LIMITATIONS.

(a) NOTICE REGARDING CLAIMS FOR WHICH STATUTE OF LIMITATIONS IS EXTENDED.—Not later than 60 days after the date of enactment of this Act, the Commission shall provide the notice specified in subsection (b) to each person who has filled a charge to which section 3 applies.

(b) CONTENTS OF NOTICE.—The notice re (b) Contents of Notice.—The notice required to be provided under subsection (a) to a person shall be in writing and shall include the following information:

(1) The rights and benefits to which such person is entitled under the Age Discrimination in Employment Act of 1967.

(2) The date (which is 540 days after the date of the enactment of this Act) on which the statute of limitations amplicable to such

the statute of limitations applicable to such

the statute of limitations applicable to such person's claim will run.

(3) That such person may bring a civil action on such claim before the date specified in paragraph (2). SEC. S. REPORTS.

(a) CONTENTS OF REPORTS.-For each 180day period in the 540-day period beginning on the date of enactment of this Act, the Commission shall submit a written report that includes all of the following informa(1) The number of persons who have claims to which section 3 applies and the dates charges based on such claims were filed with the Commission.

(2) The number of persons to whom notice was provided in accordance with section 4(a) and the date the notice was provided.

(3) With respect to alleged unlawful prac-

tices on which claims affected by section 3 are based, the number of such alleged unlawful practices that the Commission has attempted to eliminate by informal methods of conciliation, conference, and persuasic in the 180-day period for which the report is submitted.

(4) The number of alleged unlawful prac-

(4) The number of alleged unlawful practices referred to in paragraph (3) that were so eliminated in such period.
(5) The number of civil actions filed by the Commission on behalf of persons to whom notice was sent under section 4.
(b) SUBMISSION OF REPORTS.—Each report required by subsection (a) shall be submitted by the Commission to
(1) the Committee on Education and Labor, and the Select Committee on Aging, of the House of Representatives, and
(2) the Committee on Labor and Human Resources, and the Special Committee on Aging, of the Senate, not later than 30 days after the expiration

not later than 30 days after the expiration

of the 180-day period for which such report Mr. BYRD. Mr. President, I move to

reconsider the vote by which the bill was passed. Mr. WILSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RELIEF OF JAMES P. PURVIS

The PRESIDING OFFICER. The clerk will report the second bill.

The legislative clerk read as follows: A bill (S. 1609) for the relief of James P.

The Senate proceeded to consider the bill.

Mr. McCLURE addressed the Chair. The PRESIDING OFFICER. Senator from Idaho.

Mr. McCLURE. Mr. President, today marks the end of a 25-year-old journey for an American who wanted to con-tribute to his country and ended up losing almost everything because of it. Twenty-five years ago, James "Pat"

Purvis won the contract to build the U.S. Science Pavilion at the Seattle World's Fair. As the son of an Irish immigrant, Pat was an American success story and was thrilled to think his country of-fered so many opportunities to its citi-zens. Little did he know when he won the contract that almost immediately the General Services Administration would start changing the pavilion's building plan and issue stop work orders so numerous that Pat ended up spending \$600,000 out of his peeket in was thrilled to think his country spending \$600,000 out of his pocket in order to bring the building in on time for the opening of the Fair. To his bewilderment, after the building was complete, GSA refused to reimburse Pat for the money he had spent bewilder the Contract of the Contract cause of the Government's actions. Mr. President, Pat Purvis lost his construction company, lost his livelihood,

and spent the next 25 years in litigation and bureaucratic redtape

What he did not lose was his hope. Pat has said all along that he never doubted the U.S. Government would do the right thing and eventually redo the right thing and eventually re-imburse him. Well, I am afraid Pat has a lot more faith in the Federal Gov-ernment than I do, but I am very pleased to say to him today, "You are finally seeing justice done."

bill the Senate is considering will reimburse Pat for the interest due him on a forthcoming payment he received word of 10 years ago today. I might add that Pat never saw a dime of that payment as it all went to a bonding company. Ten years ago, the Court of Claims said that Pat Purvis was entitled to interest and that he should petition Congress for a private relief bill. That is the bill before the Senate now that I introduced with Senators Adams, Evans, and Symms. President Reagan has already committed to signing this bill into law as soon as it reaches his desk.

Today is a big day for Pat Purvis. It is his 70th birthday. The Government is finally righting this unbelievable wrong. I hope it will be a St. Patrick's Day he will never forget.

Ten years ago to the day, the Court of Claims said he was entitled to this payment. Seventy years ago on St. Patrick's Day, this son of an Irish immigrant was born. It is fitting that we pass this bill today.

Mr. ADAMS. Mr. President, I am pleased to join my friend from Idaho, Senator McClure, in celebrating a special day. We all know it is St. Patrick's Day. But it is a special day for two other reasons. Today we will pass S. 1609, a private relief bill that will correct a wrong committed by the U.S. Government to a dedicated individual, Mr. James "Pat" Purvis. And, today is special day because it is Pat Purvis' 70th birthday.

So, the first thing I would like to say is: Happy 70th birthday, Pat Purvis. Mr. Purvis' story is unique, if not unbelievable. Mr. Purvis was a proprietor of a successful construction company—Purvis Construction—based in Spokane, WA. In 1961, Purvis Construction was awarded a contract to build the Federal exhibit buildings for build the rederal exhibit duildings for the Seattle World's Fair. To this day, the buildings constructed by Mr. Purvis continue to provide enjoyment to many visitors to and residents of the Pacific Northwest area.

From the beginning of the project, the General Services Administration demanded numerous changes and demanded numerous changes and issued many stop work orders. In order to bring the project in on time, Mr. order to use his own Purvis was forced to use his own money to finance these changes. After 25 years, he has yet to receive full re-imbursement for his work. As a result, Mr. Purvis' company and Mr. Purvis

himself have experienced financial ruin.

In 1981, the Court of Claims decided in Mr. Purvis' favor but could not legally award him any interest on the money owed to him. They did, however, keep open the option of a private relief bill to accomplish that objective. Since 1981 Senators Henry Jackson and Slade Gorton each introduced private relief legislation. Unfortunately, neither bill made it through the legislative process. That is why Senator Senator McClure, Senator Evans, Senator Symms, and I have introduced legisla tion and that is why I am happy to be here today. It looks like Mr. Purvis, finally, is going to get the compensation for his hard work and dedication to our country.

I am pleased that this legislation has strong support. The Justice Department recognized the merits of this legislation and President Reagan has stated that he will promptly sign the legislation as soon as it passes Con-

I would like to thank my good friend, Senator Howell Herlin, chairman of the Subcommittee on Courts and Administrative Practice, and his staff for their assistance with this leg-islation. The full Judiciary Committee members are to be congratulated for their recognition of the necessity of getting this legislation passed.

I would like to make one final point. want to thank Mr. Purvis for his patience and his faith in the ultimate fairness of the U.S. Government, The ame patriotism which led him to risk his own capital to complete the U.S. project at the World's Fair, has sustained him during his 25 year search for justice. While we, in Congress, do for justice, while we, in Congress, do not have the ability to take away the pain suffered by Mr. Purvis and his family all these years, I hope this legislation providing compensation will help to alleviate some of the financial bearable them have suffered. hardship they have suffered. Mr. EVANS. Mr. President, today we

are coming to the end of a long and sad tale in the annals of the Federal Government. Finally, after nearly 25 years, it appears that Pat Purvis, a former resident of Spokane, WA, will get paid for work he did on behalf of

country

Pat Purvis made a major contribution to the successful 1962 World's Pair in Seattle, WA by completing under a very short deadline a consider-able amount of high quality construction work. Yet, because of a wholly avoidable set of circumstances, Mr. Purvis was paid for his efforts with delays and excuses, and not the money he was owed.

I will not detail here the story of the many injustices Mr. Purvis has suffered at the hands of officious Federal bureaucrats. Instead, I would like to call attention to the excellent efforts of the many people both inside and outside of Congress who would not let the Federal Government get away

with denying Mr. Purvis what was his

Certainly it is appropriate that we pass this bill on March 17-Pat Purvis birthday. President Reagan already has indicated he will sign the Purvis relief legislation when it crosses his desk. If the House is able to move quickly to pass the companion bill, Pat Purvis will get a slightly belated birthday gift, a much delayed payment for his efforts, and a satisfaction that his Government is not above correcting its mistake

Mr. SYMMS. Mr. President, 1 am very pleased the Senate is taking a few minutes today to adopt S. 1609, a bill granting relief to James P. Purvis of Coeur d'Alene, ID. I am pleased, not only because passage of this bill will bring to a close 25 years of injustices suffered by Mr. Purvis at the hands of the Federal Government, but also be-cause today is his 70th birthday and, of course, St. Patrick's Day, a celebra-tion dear to Mr. Purvis' Irish heart. I want to thank the majority leader and all Senators for allowing us to call up the bill and pass it on this important

For more than 25 years now, Pat Purvis has waited to be paid for the construction work he did, and the litigation costs incurred pursuing his claim, under a General Services Administration contract at the 1961 World's Fair in Spokane, WA. The U.S. claims court has reviewed Mr. Purvis's case and reported to the Senate that he has an equitable claim against the United States of \$700,000, representing interest on the judgment in his favor and reasonable attorneys fees. S. 1609 authorizes that \$700,000 payment, and I hope the House of Representatives will consider and approve this bill or the House companion measure very soon.

In a letter sent last Christmas Eve. President Reagan praised Mr. Purvis for his rare and remarkable patience and promised to sign this bill promptly once it is approved by Congress. I want to publicly thank the President for recognizing the injustices suffered by Mr. Purvis and promising to sign this important bill. I hope the President will soon have an opportunity to fulfill that important commitment.

Mr. President, I want to express my incere best wishes to Pat Purvis and his wife, Dorothy, on what I am sure must be a joyous day in their lives. I hope the bill will shortly be sent to the President's desk for his signature and their long struggle for justice will be ended. Godspeed, Pat and Dorothy.
The PRESIDING OFFICER. The

bill is before the Senate and open to amendment. If there be no amend-ment to be proposed, the question is on the engrossment and third reading of the bill

The bill (S. 1609) was ordered to be ngrossed for a third reading, was read the third time, and passed, as follows:

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

SECTION I. SATISFACTION OF CLAIM AGAINST THE UNITED STATES.

NATION I. SATINFACTION OF CLAIM AGAINST THE UNITED STATES.

PUTSUART to the report of the United States Claim Court in Congressional Reference Numbered 1-84 (filed on March 7, 1986), the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of \$700,000 to James P. Purvis of Cocur d'Alene, Idaho. The payment of this sum shall be in full satisfaction of any claim of such person, and of Purvis Construction Company, against the United States arising out of a compact between Purvis Construction Company and the United States for construction of the Federal Exhibit Buildings for the Century 21 Exposition at the World's Fair in Scattle, Washington, in 1962.

SEC. 2. LIMITATION ON ATTORNEYS AND AGENTS'

It shall be unlawful for more than 33.3 per centum of the sum appropriated in section 1 to be paid to or received by any agent or attorney for any service rendered in connection with enactment of this Act. Any person who violates this section shall be fined not more than \$1,000.

Mr. BYRD. Mr. President, I move to econsider the vote by which the bill was passed.

Mr. McCLURE. Mr. President, I move to lay that motion on the table. The motion to lay on the table was norced to.

MEDICAL BENEFITS FOR CERTAIN FORMER SPOUSES

The PRESIDING OFFICER. The clerk will report the next measure

The legislative clerk read as follows: A bill (H.R. 3967) to amend the Department of Defense Authorization Act, 1985, to extend medical benefits for certain former spouses

The Senate proceeded to consider the bill.

Mr. GLENN. Mr. President, H.R. 3967 amends the Department of Defense Authorization Act of 1985 to continue military medical benefits for a small group of long term former spouses of military retirees.

This group of former spouses was provided 2 years of continuing transitional coverage under the military medical system while the Department Defense developed a conversion plan with a private insuror.

This coverage is due to expire on April 1, 1988. The Department of De-fense is close to finalizing such a plan but details will not be completed by the April 1 date. This bill simply ex-tends this transitional coverage coverage through December 1988 to allow time for implementation of the conversion

Department of Defense has The worked hard to come up with a promising plan which will provide an opporising pian which win provide an oppor-tunity to participate in a health care program for a number of persons who lose their eligibility under the military medical system. This innovative ap-proach will provide the opportunity for participation to this describe for participation to this deserving

group of beneficiaries, including long term former spouses, service members leaving before retirement and dependents reaching adult bood.

PRESIDING OFFICER. bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3967) was ordered to a third reading, was read the third time,

Mr. BYRD. Mr. President. I move to reconsider the vote by which the bill was noseed

Mr. WILSON, Mr. President, I move

to lay that motion on the table.

The motion to lay on the table was agreed to.

BILL INDEFINITELY POSTPONED-H.R. 4063

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order 583, H.R. 4063, be indefinitely postponed

The PRESIDING OFFICER. Without objection. It is so ordered.

FRIENDS OF IRELAND ST. PATRICK'S DAY STATEMENT 1988

Mr. KENNEDY. Mr. President, for the past 7 years, the Friends of Ire-land in Congress have joined together in an annual St. Patrick's Day statement on Northern Ireland.

Formed in 1981, the Friends of Ireiand is a bipartisan group of Senators and Representatives dedicated to maintaining the close historical ties between the United States and Ireland, and developing a United States policy that promotes a just, lasting and peaceful settlement of the conflict in Northern Ireland. land is a bipartisan group of Senators in Northern Ireland.

The events of recent months pose a The events of recent months pose a serious threat to peace and stability in Northern Ireland and have added a new sense of urgency to the search for a peaceful settlement. The Friends of Ireland statement this year urges all sides to the conflict to reject the path of violence and work for a negotiated settlement that addresses the concerns and needs of both communities in

and needs of both Communities in Northern Ireland.

Mr. President, I believe that all our colleagues will be interested in this statement, and I ask unanimous consent that it be printed in the Recont.

These belong no objection, the state-

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

ST. PATRICK'S DAY STATEMENT-FRIENDS OF IRELAND-U.S. SENATE AND HOUSE OF REP-RESENTATIVES

As Friends of Ireland in the United States Congress, we join again on this St. Patrick's Day to honor the people of Ireland and renew our calls for peace, justice, fair employment and reconciliation in Northern

We believe the United States has a interest in the conflict in Northern Ireland. Our nation has a unique relationship with both Ireland and Great Britain, and we

must do more than we have done so far to assist both of these friends in their efforts to achieve a lasting peace. We continue to believe that the historic

Anglo-Irish Agreement, signed in November 1985, offers the best means of achieving an end to the violence in Northern Ireland. We commend the Irish and the British Governents for their determination in maintainments for their determination in indicati-ing and implementing the Agreement in the face of strong opposition from extremists in both communities in Northern Ireland, and we urge both governments to maintain and strengthen the structures established in the Agreement.

We remain deeply concerned about the inadequate administration of justice in North-ern Ireland and the continuing sense of mis-trust and alienation fostered by this system trust and alienation lostered by this system in the Nationalist community. The absence of jury trials combined with the use of single judge "Diplock Courts" is a major obstacle to progress, as is the emergency legislation used to administer the system of justice in Northern Ireland. We urge the British Coursements Is a receiptable and trials of the course and the second state of the second state of the course and the second state of the secon ish and Irish Governments to accelerate their search for new ways to address these serious problems undermining the trust of

their search for new ways to address these serious problems undermining the trust of the Nationalist community. We share the dismay of the Government of Ireland, of many in Great Britain and of many Americans over the recent decision by the British Attorney General—on so-called "mational security" grounds—not to proceed with the prosecution of the crimes revealed by the Studier-Sampson investigation of the "shoot-to-kill" policy by British security forces in Northern Ireland, While we recognize the sensitive nature of this investigation, it is intolerable not to pursue and bring to justice individuals known to have perverted justice. If left unchanged, it undermines the Angle-Irish Agreement, It crodes public confidence in the ability to achieve a negotiated settlement to the crisis. We call on the British Government to prosecute any member of the security forces who has engaged in criminal conduct in Northern Ireland.

We are outraged by the decision to return a British solder convicted of murder in Bel-

Northern Ireland.
We are outraged by the decision to return a British soldier convicted of murder in Belfast in 1983 to active duty service following his early release from prison. Additionally, the Friends of Ireland call for a thorough investigation with Irish Government consultation on the recent killing of a civilian attending a Gaelle football match at Aughnacioy. Northern Ireland by a British soldier. These inclients have created the preception that the British security forces are above the law.

In the two years since the signing of the In the two years since the signing of the Agreement, there has been some progress in other areas. Most notably, the Intergovernmental Conference has provided an important forum in which British and Irish Ministers have met regularly to address the problems and grievances at the heart of the Northern Ireland crisis. In addition, the Joint Secretariat in Belfast serves as a useful channel for communication between

westful channel for communication between the two governments on the day-to-day affairs of Northern Ireland.

We understand that progress has made in addressing longstanding grievances of the Nationalist community, including advances toward a more balanced representation within the judiciary, improved procedures for addressing police complaints, and repeal of legislation restricting the display of Irish flags and emblems. The Agreement has also brought about improvements in housing, voting rights, and the rules governing parades and marches.

Despite these achievements, there remain

ing parades and marches.

Despite these achievements, there remain numerous areas which require increased attention and faster and more positive results.

John Heinz, Ernest F. Hollings, John F. Merry, Patrick J. Leahy, Carl Levin, Spark M. Matsunaga, and John Melcher. Barbara Mikulski, George J. Mitchell,

Barbara Mikulski, George J. Mitchell, Claiborne Pell, William Proxmire, Donald W. Riegle, Jr., Terry Sanford, Paul S. Sar-banes, Richard Shelby, Paul Simon, Robert T. Stafford, Ted Stevens, Lowell P. Weicker, and Timothy Wirth.

House of Representatives (115)

House of Representatives (115)

Jim Wright, Thomas S. Foley, Robert H.
Michel, Joe McDade, Brian J. Donnelly,
Edward R. Madigan, Pat Williams, Bernard
J. Dwyer, Bill Lowery, Dante B. Fascell,
Daniel K. Akaka, Beryi Anthony, Jr., Chester G. Atkins, and Herbert H. Bateman.
Edward P. Boland, George E. Brown,
Terry L. Bruce, Benjamin L. Cardin, Jim
Chapman, Tony Coeho, Silvio O. Conte, E.
Thomas Coleman, William J. Coyne, George
W. Crockett, E de la Garza, Ronald V. Dellums, Butler Derrick, and Byron L. Dorgan.
Wayne Dowdy, Richard J. Durbin, Bernard J. Dwyer, Joseph D. Early, Dennis E.
Eckart, Bill Emerson, Vic Fazio, Edward P.
Felghan, Thomas Forlietta, Harold E. Ford,
Robert Garcia, Joseph M. Gaydos, Sam
Geidenson, Henry B. Gonzalez, and Bill
Grant.

Grant.

Tony P. Hall, J. Dennis Hastert, James A. Hayes, Dennis M. Hertel, James J. Howard, Steny H. Hoyer, William J. Hughes, Ed Jenkins, Ed Jones, Walter B. Jones, Paul E. Kanlorski, Joseph P. Kennedy, Dale E. Kildee, Gerald D. Kieczka, Joe Kilter, and Peter H. Kostmayer.

H. Martin Lancaster, William Lehman, Mickey Leland, Jerry Lewis, Mike Lowry, Frank McCloskey, Raymond J. McGrath, Matthew F. McHugh, J. Alex McMillan, Thomas J. Manton, Edward J. Markey, George Miller, and Joe Moakley.

Jim Moody, Constance Morella, Robert J. Mrazek, John P. Murtha, Henry J. Nowak, Mary Rose Oakar, James L. Oberstar, Major R. Owens, Leon E. Panetta, Charles Pashayan, Nancy Pelosi, Claude Pepper, Carl C. Perkina, J.J. Pickle, and Melvin Price.

Nick Joe Rahall, Charles B. Rangel, Arthur Ravenel, Bill Richardson, Peter W. Rodino, Robert A. Roe, Charles Rose, Marty Russo, James H. Echeuer, Bill Schuette, Charles E. Schumer, Norman Sisisky, Lawrence J. Smith, Gerald Solomon, and Forter H. Stark. Tony P Hall J Donnis Hastert James A

rence J. Smith, Gerald Solomon, and Fort-ney H. Stark.
Samuel S. Stratton, Gerry E. Studds, James A. Traffcant, Bob Traxler, Bruce P. Vento, Wes Watkins, Henry A. Waxman, Ted Welss, Charles Wilson, Ron Wyden, Curt Weldon, Jim Jontz, and Martin Frost.

SENATOR JOE BIDEN

Mr. KENNEDY. Mr. President, as ou are aware, the distinguished you are aware. senior Senator from Delaware, Sena stern Science from Delaware, Sens-tor Biogn, is recovering from recent surgery and therefore was unable to sign this year's St. Patrick's Day statesign this year's St. Patrick's Day statement. Over the years, he has joined the Friends of Ircland in signing the statement and I know that he would certainly have done so this year if he were present. Senator Biden, has been a steadfast supporter of the Anglo-Irish Agreement of 1985 and shares our hopes for peace and reconciliation in Northern Ircland. On this day, when Irishmen unite to celebrate their common heritage. I know that Senator. common heritage, I know that Senator Biden, would want to renew his call for an end to the terrorism and violence that plague Northern Ireland.

ST. PATRICK'S DAY

Mr. LAUTENBERG. Mr. President there's an old proverb that says, "Everyone is Irish on St. Patrick's Day." I proud to be an honorary Irishman am proud to be an nonorary frishman today, especially since I recently re-turned from a trip to the Republic of Ireland and Northern Ireland

It's a great tribute to the Irish people that men and women of all backgrounds enjoy and participate in St. Patrick's Day festivities every year. And well they should. America owes a great debt to the isle of saints and scholars. Irishmen have made remarkable contributions to our history and our culture. They played a key role in

building our country.
Our Nation was strengthened and our ration was strengthened and enriched by the anonymous millions who found refuge on our shores during some of the darkest days of Irish history. They courageously provided the labor, and the intellectual and spiritual nourishment to a grow-

The first Irish immigrants built railroads and worked in our mines and their children gave this Nation some of its finest talent. Today some 13 to 16 million Irish Americans continue to contribute to our Nation. I'm proud that many of them live in New Jersey, the third largest Irish American population in the Nation.
In politics, too, the Irish have made

our Nation a more progressive, and a more prosperous country. On St. Pat-rick's Day, it is impossible not to recall perhaps the one man who personified Irish success in the United States, our late President, John F. Kennedy. The legacy of President John Kennedy re-minds Americans that our goal as a nation should always be a more just society. One that is committed to equal rights and opportunities for every citizen

every citizen.

Mr. President, as we celebrate St. Patrick's Day, it is appropriate to remember the thousands of people in Northern Ireland who must endure the continuing heartbreak and sorrow of a country racked by terror, violence, and civil unrest. People like the ablebodied youth I visited on my recent trip to Northern Ireland who watch television in the middle of the afternoon because they trapely expect. noon because they simply cannot find gainful employment. Like the people I visited who told me of their frustra-tion at finding jobs only to be forced to quit due to harassment in the work place. And like the people who, despite the deprivation and despair, remain optimistic that they ultimately have a chance to live in peace and harmony.

It is also fitting to think about what

America can do to help bring about an end to the conflict and strife in Northern Ireland, and what our role abould be in helping to move Northern Ire-land down the road to reconciliation

and economic recovery.

Having recently returned Having recently returned from Northern Ireland, I am convinced that at least one positive step we can take

Employment discrimination in Northern Ireland on the basis of religious belief remains widespread and deep-rooted. Although there has been a slight decline in unemployment since the Agreement was signed, the overall jobless rate of Catholics in Northern Ireland remains twice as high as the rate for Protestants—and in some areas, the Catholic unemployment rate

reaches sixty percent.
We welcome the British Government's commitment to propose fair employment legislation to alleviate this critical situation. legislation to alleviate this critical situation. The Friends of Ireland recognize the need for strong legislation with specific implementation goals and time frames. Major reforms in the current resystem are essential, including strong, new statutory obligations to end the current ingrained system of job discrimination, and stiff civil and criminal penalties for employers who defy the law. We believe that such legislation is overdue, and we look forward to its early adoption by the British Parliament.

and we look forward to its early adoption by the British Parliament. We also recognize the importance of new job-creating investment in ending such dis-crimination. We urge the British Govern-ment to use its powers to guide new public investment into areas of highest unemploy-

An important part of the Anglo-Irish Agreement is the International Fund cre-Agreement is the International Fund created to promote economic recovery in Northern Ireland. The role of the Fund will be indispensable in the critical years ahead and deserves broad international support.

In addition, we urge the British Government to inform and consult with the Irish Government fully on these and any future issues relating to Northern Ireland, as remitted by the Angle-Irish Agreement.

issues relating to Northern Ireland, as re-quired by the Anglo-Irish Agreement.

We also note the deep and widespread concern in Britain, Ireland and the United States regarding the recent British Appeals Court decision in the ease of the so-called "Birmingham Six." We urge the British Government at the highest levels to take additional steps to resolve this controversy in a fair and just manner.

in a fair and just manner.

As Friends of Ireland, we once again affirm our abhorrence of violence in any form or by any means. We deplore the barbaric bombing in Fanniskillen in November 1987, and we condemn absolutely and uncquivocally the efforts of all who attempt to achieve political progress in Northern Ireland through such violence. We condemn those in Ireland and in the United States who lend support to this terrorism, and we call on them to cease any such political or financial support.

call on them to cease any such political or financial support.

Today marks Ronald Reagan's last St. Patrick's Day as President. We join in paying a special tribute to him and his Administration for their generous, committed and lasting support for the land of his ansestors.

cestors. Finally, we renew our commitment to the goal of Irish unity. Let us build on the foundation of recent years to achieve progress toward meaningful reconciliation of the rich traditions of all the people of Ireland, South and North. Catholic and Protestant. As Priends of Ireland, we welcome and encourage all who share our cause and who are working to achieve it. working to achieve it.

FRIENDS OF IRELAND 1988 ST. PATRICK'S DAY STATEMENT SIGNATORIES U.S. Senate (37)

Edward M. Kennedy, Daniel Patrick Moy-nihan, Brock Adams, Max Baucua, Jeff Binganan, Bill Bradley, Kent Conrad, Alan Cranston, Thomas A. Daschle, Alan J. Dixon, Christopher J. Dodd, and Pete Do-menter

menici.
David Durenberger, John H. Glenn, Jr.,
Albert Gore, Tom Harkin, Orrin G. Hatch,

is to ensure that the \$120 million that ess has provided for the international fund for Ireland is being spent wisely and appropriately. Established in 1986 to give tangible form to the in 1900 to give tangiole form to the goals of economic growth and reconciliation that are the basis of the Anglo-Irish Agreement, the International Fund holds the promise of bolstering growth and fostering real change in Northern Iroland However while I. Northern Ireland. However, while I was in that country, I heard serious concerns about the way the money is being spent.

From community workers in west Belfast I heard concerns that the money from the fund was not going to areas of greatest need such as west Belfast but that it has been going to places such as Antrim, which has been an area of high employment favored by government growth plans. Ques-tions were raised about whether project applications from the nationalist community, and west Belfast in particular, are being given a fair evaluation. I heard it said that some enterprises in west Belfast which had ap-plied for money from the fund were dismissed without a fair review and that funds had been given to places such as Queens University in Belfast, which critics contend is itself under investigation for discrimination. And I also heard questions about the propriety of using International Fund money to send people overseas to centers for construction industry trainees.

I've met with and have asked Britain's Ambassador to the United States, Sir Antony Acland, to address the seri ous concerns I heard about the fund while I was in Northern Ireland. I plan to ask similar questions of the chairman of the board of the fund, Mr. Charles Brett, when he visits the United States. And I intended to question the Agency for International Development and the State Department in upcoming hearings in the Appropriations Committee about the criti-

cism I heard as well.

The ongoing violence in Northern Ireland reminds us that a peaceful so-lution to the bloodshed and violence and hatred must be found. Just yesterday a grenade was hurled into a crowd of mourners attending the funeral of three members of the Irish Republican Army who were killed by British undercover agents in Gibraltar. Three more lives were lost in the incident and more violence has followed. It is clear that we need to redouble our efforts to press for an end to the madness in Northern Ireland.

Mr. President, certainly there could be no more fitting tribute to the memory of Ireland's patron saint than the restoration of peace and justice in Northern Ireland. I hope that peace and stability will prevail in Northern Ireland next St. Patrick's Day. Mr. PRESSLER. Mr. President, on

April 2, I plan to return to Victnam for a firsthand look at that country's economic situation 15 years after the Paris peace settlement of 1973. As a

member of the Senate Foreign Rela tions Committee and a Vietnam veter-an, I plan to press Vietnam's leaders for information on Americans still unaccounted for in Vietnam, including eight from my home State of South Dakote

Fifteen years after Americans ended our combat role in Vietnam there continues to be a bond between our two countries. Close to 3 million Americans served in Victnam during the war years—50,000 died, some 700 were POW's who returned, and some 1,350 were listed as missing in action.

on the other side, hundreds of thou-sands—possibly millions—of Vietnam-ese were killed—the exact numbers may never be known. Since the war, close to 1 million Vietnamese with their families have come to the United States. Whether we like it or not, these sheer numbers have forged a common bond between our two coun-

Two issues currently prevent im-proved relations—the Vietnamese occupation of Cambodia and the still festering MIA problem. One purpose of my trip is to tell Victnam's leaders of the united support in the United States Congress for a swift, satisfactory resolution to both of these issues

At the same time, we should be looking ahead. After World War II the United States and its allies occupied the vanquished enemy countries—Germany and Japan. By 1960, 15 years later, both former enemies had become active members of the international community. Today they are our valued friends and allies.

Mr. President, we should be prepared to hold out the same hand of friendship to the people of Vietnam. With effective action to remove Vietnamese troops from Cambodia and a statisfication. satisfactory accounting for MIA's, there could be movement on a range

A common approach to dealing with injuries and illness resulting from the war, such as the lingering effects of dioxin, or agent orange, the herbicide believed to cause cancer and other ailments in Americans who served in Vietnam, and in the Vietnamese them-selves. I support the program to provide prosthetic devices to injured Vietnamese that has been initiated by General John Vessey, the President's special emissary to Victnam on the MIA issue. I would like to see General Vessey's mission broadened to deal with other humanitarian issues as well.

A systematic program is needed to speed the movement of Vietnamese-American children to the United States. Legislation approved by the Congress in December 1987 creates a special program for Amerasians out-side refugee channels. These children will come to the United States eventually, and there is nothing to be gained by waiting. I plan to raise the subject with concerned officials while in Vict-

As Americans we also have a special obligation to the remaining re-education camp prisoners, religious leaders, civic officials, and former military from South Vietnam long held in oppressive prison camps. Vietnam has promised to release these people, and arrangements should be made to bring these to the United States. them to the United States to join their families. As with the Amerasians, these are a small number of people who deserve our special concern 15 years after the war.

I look forward to the day when Americans who served in Vietnam and the families and loved ones of those tho died or are missing will be able to visit that country. As I stated before, I myself served in Vietnam and look forward to returning on this humanitari-

an mission.

If Vietnam will cooperate in resolving the MIA issue and complete its announced plan to withdraw from Cambodia by 1990, I foresee the common bond of past adversity evolving into a special relationship between our countries based on future mutual interest.

Mr. President, America has a long established record of friendly relations with past adversuries. If the issues that divide us can be solved step-by-step, then the fundamental good will of the American people will extend a friendly and if necessary a helping hand to Victoram as well. hand to Vietnam as well.

TERENCE C. GOLDEN

Mr. MOYNIHAN. Mr. President the Honorable Terence C. Golden, Admin istrator of the General Services Administration, is leaving his post after almost 3 years of exemplary service.

During his tenure Mr. Golden has directed an agency of over 22,000 cmployees with an annual budget of over

1986 Mr. October launched an ambitious set of initiatives known as new agenda for a qual-ity workplace, designed to enhance productivity and save money. This program emphasizes the consolidation of Federal agencies from a multiplicity of leased buildings to Governmentowned facilities, served by mass tranwith child care and physical fitness facilities

The Department GSA Administrator's policies will make Federal build-ings more attractive, safer places to work. He directed the agency to make Federal art available for display in Government buildings and implement-

ed stringent smoking regulations.

As a member of the Environment and Public Works Committee, I have for a long time had a deep personal interest in the quality of our Nation's public buildings. It has been my pleasure to work with someone of Mr. Golden's experience and dedication. Probably one of Mr. Golden's finist accom-plishments was the authorization for construction of an international cultural and trade center to be located on

the Federal triangle in our Nation's Capital. Under the innovative financing mechanism Mr. Golden recommended, our Government will this building for 30 years but will own it at the end of the lease term. A similar funding scheme is under consideration for a building for the Federal judiciary to be constructed on Capital

The departing Administrator was highly qualified for his position, having previously served as Assistant Secretary for Administration at the Treasury Department and having extensive career management experience

in the private sector as well.

Mr. Golden held management positions in the nuclear industry in the United States and Germany and in real estate development in the United States and Puerto Rico. Before joining Reagan administration, he managing partner for Trammell Crow residential companies in Dallas.

Terry Golden graduated with honors from the University of Notre Dame in 1966, with a degree in mechanical en-gineering. He also holds a master's in nuclear engineering from MIT and an M.B.A. from Harvard.

I regret that Mr. Golden will be leaving his post and wish him and Mrs. Golden well on their return to private

TOSHIBA/KONGSBERG: "CRIMES AGAINST THE ALLIANCE

Mr. HELMS. Mr. President, next month the Heritage Foundation Quar-terly Journal, Policy Review, will publish a staff report to the Foreign Rela-tions Committee about the Toshiba/ Kongsberg export case. Written by Foreign Relations Committee professional staff member Bill Triplett, the stonal stati memoer bin Anjaco, the report represents 15 months of investigatory work. Officials in Japan, Norway, France, Germany, and Italy were interviewed. The Japanese businessman who blew the whistle on this case were also interviewed. was also interviewed.

The conclusions of the report are as

First, the Toshiba/Kongsberg case is far larger than has been previously re-ported. Kongsberg alone engaged in at least 142 major export control violations

Second, the entire affair was a KGR operation and every one of the partici-pants involved knew it.

Third, even the case we know as Toshiba One, the propeller grinders, is more complex than we imagined. Before the Toshiba/Kongsberg be-trayal, allied antisubmarine warfare experts could hear Soviet subs out 200 miles; now it is 10 miles, a 20 to 1 gift miles; now it is 10 miles, a 20 to 1 gift to Moscow. There is also reason to believe that the Toshiba machine tools are being used to grind the propellers of a new fleet of Soviet nuclear-powered aircraft carriers. There is evidence to indicate that the machine tools are probably also being used to further a supersecret Soviet breakthrough in submarine propulsion sys-

tems.

Fourth, if the allegations against Toshiba Corp., allegations known as To-shiba 2, 3 and 4 are correct, Toshiba may have given the Soviets a critical technology which will enable them to have secure communications on the nuclear battlefields.

Fifth, if the allegations against the West German firm Schiess are correct, then Western businessmen may have made the crucial difference in the entire Soviet nuclear warfare cyclecapons production, delivery and battlefield command, control and communications.

Quite simply, for a relatively small amount of corrupt profit, Western businessmen have sold out the free world and made nuclear war a more attractive option to Moscow's war plainers. Western businessmen sold the Soviets the machines to make their nuclear weapons. They sold the Soviets the machines to make their nuclear weapons. They sold the Soviets the machines to make the delivery system the submarine-launched ballistic missiles effective. Finally, they made certain the command signal could be sent and received on the battlefield.

Mr. President, the report outlines a lapse of truly mammoth proportions.

Last June 30, we voted 92 to 5 to impose import sanctions on Toshiba and Kongsberg for 2 to 5 years. On the basis of this report to the committee I believe we ought to impose import sanctions on these companies without time limit.

The costs of this perfidious subversion to the free world are going to be astronomical. The U.S. Navy has just estimated that it will cost \$33 billion just to counter the silent submarine propellers. That does not count the need for faster aircraft carriers, the submarine propulsion breakthrough, the nuclear weapons or the radiation hardened communications. A defensive strategy against these weapons systems will cost not tens of billions but hundreds of billions of dollars over many years

Who will pay for this, Mr. President? The bills are already coming in. As I informed the Senate on March 4, the U.S. Navy has already committed over a billion dollars just to upgrade one type of patrol plane. Real, not theoretal damage, has been done to the national security of the Free World. A real, not a theoretical price, must be

paid by the guilty parties.

H.R. 3 is now in conference with amendments sponsored by the distinguished chairman of the Banking Committee, Committee, Senator PROXMIRE, the distinguished Ranking Member, Sena-tor Garn, and myself. If these amendments become law, the perpetrators may be forced to pay at least a small recompense toward the damage they have caused. I have been told that our Senate colleagues are holding firmly to the Senate position in conference.

The American people undoubtedly will be pleased.

Mr. President, I ask unanimous consent that the report by Mr. Triplett be printed in the RECORD.

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

CRIMES AGAINST THE ALLIANCE—THE TOSHIBA-KONGSBERG EXPORT VIOLATIONS (By William C. Triplett II)

During the early 1980s, at the instigation and under the guidance of the KGB, businessmen from Japan and Norway illegally exported to the Soviet Union computer-controlled industrial robots that have enabled trolled industrial robots that have enabled the Soviets to mass-produce quieter submarine propellers. As a result of these sales, Soviet submarines are now able to clude American detection much more easily, posing a serious threat to Western control of the sea-lanes to Europe and the north Pacific. The Department of Defense has estimated that to reestablish our former capa-bility in tracking Soviet submarines will cost

timated that to reestablish our former capability in tracking Soviet submarines will cost American taxpayers a minimum of \$8 billion over the next 10 years.

Recent information, the significance of which is still in dispute within the U.S. government, suggests that the sale of submarine propeller-making equipment to the Soviets may be just a tip of the iceberg. Senator Jake Garn has alleged that the Japanese machine tools and their Norwegian numerical controllers have increased the speed of Soviet aircraft carriers. The Japanese businessman who alerted authorities to the illegal sale has suggested that the machine tools have probably made a critical contribution to secret Soviet naval propulsion research. Norwegian officials have told me that a pollec investigation of the Norwegian perpetrator alleges 142 major export control violations with firms from Japan, France, Germany, and Italy; and a senior administration official has said he believes these violations may include assistance to Soviet nuclear weapons production. According to press reports, a senior ClA analyst told a House subcommittee that the Japanese perpetrator's parent company may also have ilegally sold vidally sensitive microelectronics petrator's parent company may also have li-legally sold vitally sensitive microelectronics equipment to the East Bloc, which some speculate would enable Soviet battlefield communications systems to operate during a

Putting all the pieces together suggests that Western businessmen may have made a difference in the entire Soviet nuclear warfare cycle—weapons production; delivery; battlefield command, control, and communiocutions. The magnitude of the damages in-curred by these technology transfers raises serious questions about how much Japan, Norway, and other European countries should compensate the United States for their failure to enforce their own export

The technology transfers also raise The technology transfers also raise an even more fundamental question about, whether it is possible to control the export of vital technology in the midst of regular East-West trade ties. The Japanese and Norwegians received approximately \$17 million for their service and equipment. Total Soviet imports from developed countries in 1985 equaled \$23 billion or less than 2 percent of the developed countries \$1.3 trillion worth of worldwide exports in 1985.

CONSPIRACY OF SILENCE

On April 24, 1981, in the Moscow office of On April 24, 1981, in the moscow uniter to Japan's largest trading firm. C. Itoh, Japa-nese businessmen signed a contract with the Soviet Technological Machinery Corpora-tion. The contract was signed by C. Itoh's Moscow branch manager and the Soviet corporation's senior vice president. Also present were Igor Oshipov and Anatole Troitsky, both identified as KGB officers in John Barron's book KGB. Troitsky had been expelled from Britain in 1971. KGB officer Vyacheslav Sedov could not attend the ceremony as he had recently been promoted to head the Soviet high technology acquisition office in East Berlin. Sedov had made the initial contacts with the Japanese. His KGB colleagues were the guiding hand throughout the contract negotiations and subsequent illegal deliveries.

What the Western businessmen did was to sell eight glant computer-operated milling machines to the Soviet Union. Pour of the machines provided by Toshiba Corporation's machine tool subsidiary, Toshiba Machine, were state-of-the-art nine-axis machines and four were five-axis machines. Songsberg Vaapenfabrikk, a wholly owned subsidiary of the Norwegian Ministry of Industries, provided the numerical controllers to operate the nine-axis machines. Toshiba Machine provided its own numerical controllers Moscow branch manager and the Soviet cor

to operate the nine axis machines

to operate the nine-axis machines. Toshiba Machine provided its own numerical controllers to run the smaller machines. The machines themselves are industrial robots. Weighing over 250 metric tons each, they stand three stories tall and grind metal in each direction of axis. A nineaxis machine can grind in nine different directions

chine can grind in nine different directions to make very complex shapes such as turbine blades and naval propellers.

One special advantage of a multi-axis machine is its ability to grind on both sides of a piece of metal at the same time. The pressure of grinding deforms metal that is ground on only one side. Simultaneously grinding both sides allows metal objects to be ground thinner, without deformation.

grinding both sides allows metal objects to be ground thinner without deformation. The machines combine the complexity of the human hand with the computer's ability to repeat the operation over and over.

C. Itoh's role was to take charge of the procedures for the export and shipment of the machines. Under Japanese law no numerically controlled machine tool with more than the simultaneous area of wolfon may the machines. Under Japanese law no numerically controlled machine tool with more than two simultaneous axes of motion may be shipped to the Soviet Union. Any machine tool exported to the Soviet Union must have an export license. Export licenses and inspections are under the control of the Japanese Ministry of International Trade and Industry (MTTI). The export license applications filed by C. Itoh were for two-axis machines to be delivered to a power plant in Leningrad. In fact, the machines shipped were highly sophisticated nine-axis and five-axis machines. Their actual destination was a Soviet munitions plant, the Balke Naval Shipyard in Leningrad, where they are being used to grind Soviet naval propellers. The assigned role of the Japanese specialist trading firm Wako Kocki was to take charge of laison and interprecting work with the Soviet side. Wako Kocki, according to its Moscow manager at the time of the deal, had collaborated with the KGB in the past and it was the initial point of contact by the KGB on this case.

KGR on this case.

The Soviets paid Toshiba Machine, Wako Koeki, C. Itoh, and Kongsberg on the order of \$17 million for the nine-axis machines. This is substantially more than what a legal deal would have received in the soft international machine tool market then prevailing.

Toshiba Machine has a history of ques-

tionable dealings with the Soviets predating the 1981 sale. Japanese engineers who in-stalled nine-axis and five-axis machines in stalled nine-axis and five-axis machines in the propeller shop at the Baltic Naval Ship-yard in 1983 84 put them in the same room with three other five-axis machines sold by Toshiba Machine in 1974. Toshiba Machine claims that these machines, though of ad-mitted five-axis capability, were wired for only two axes. Pentagon officials have told

the press, however, that they believe that these modifications were only temporary and easily reversible once the equipment was on Soviet soil.

It was then and is now a crime in their The was then and is now a crime in their home countries for Japanese and Norwegian businessmen to participate knowingly in a scheme to export numerically controlled machine tools with more than two axes to the Soviet Union.

UNDER THE NORTH ATLANTIC

UNDER THE NORTH ATLANTIC

In the January 1987 issue of the Institute of Naval Proceedings the Chief of Naval Operations declared that antisubmarine warfare (ASW) is the Number 1 mission of the United States Navy. Tom Clancy's Hunt for Red October provides an excellent description of just what ASW is like in the North Atlantic. Undersee achies stretch from the mainland of North America to Greenland, Greenland to Iceland to Iceland to Inte United Kingdom. Backing up this system are sonar buoys, search aircraft, and attack thunter-killer) submarines. The object of this immense undertaking is to listen for Soviet submarines. Soviet submarines.

Until the 1970s, Soviet naval strategists did not seem to make quietness a high priority for submarine design. They preferred to rely on speed and the ability to dive deeper than the Allied submarines tracking them. As a result, they were constantly losing the cal and mouse game with Allied ASW spe-

cialists.

Sometime in this period the Walker family spy ring informed the Soviets of how we were tracking them—propeller noise. By the time of the 1981 Toshiba sale, the Sovists had expended the effort to reduce the other sources of noise in their submarines. Propeller sounds were approximately 90 percent of the submarine noise we were

Propeller sounds were approximately 90 percent of the submarine noise we were picking up.

Modern submarine propellers are as complex as the turbine blades of jet engines. Usually an odd number of blades, seven or so, are mounted on each shaft. Each blade must be perfectly identical to the others on the shaft. If the submarine is a twin shaft machine, then each set must match perfectly. The blades are set at an angle to the shaft and twisted into very complex shapes. In order to meet the required sound reduction goal manufacturing tolerances must be less than 0.01 mm. Propeller blades can be shaped by hand but the rejection rate is over 50 percent and the rate of production is low. On a propeller that measures more than 35 feet across, automated equipment makes a critical difference.

Although the Soviets have a sufficient sci-

makes a critical difference.

Although the Soviets have a sufficient science and technology base to make impressive advances in space research and other enterprises that depend heavily on handcrafted, one-of-a-kind experimental equipment, Soviet manufactured goods have a deserved reputation for low quality. Indeed, the manufacturing side is generally the choke point for Soviet weapons production. Western engineer who have serviced equipment in the Baltic Naval Shipyard also found Soviet machine toois in place to grind propellers but they were idled by a lack of found Soviet machine toois in place to grind propellers but they were idled by a lack of spare paris and by technical incompetence. In 1981, the Soviet economy simply could not produce a state-of-the-art multi-axis computer-controlled industrial robot capable of reaching a 0.01 mm tolerance level. But Toshiba Machine and Kongsberg could. The result of the Toshiba equipment's effect on Soviet submarine quieting are quite impressive. According to the June 27, 1987, issue of the Economist of London, before the Toshiba Machine sale, we could hear Soviet submarines 200 miles away; after the sale it was down to 10 miles.

A FASTER BREZHNEV

Where are the aircraft carriers?" According to former Secretary of State Henry Kis-singer, that was his first thought in times of crisis. For power projection, large, fast aircraft carriers are hard to beat.

"Fast" is the key word. Carrier battle groups depend upon speed to get their air-craft within range of the target and to be quickly out of harm's way themselves. Ex-tracting that extra knot of speed out of a 65,000-ton ship the size of three football fields matters.

fields matters.

The Soviets currently have deployed four light aircraft carriers of about 37,000 tons, called the Kiev class. While certainly formidable vessels, their fixed-wing aircraft are limited to the PORGER. What the PORGER gains in its short takeoff and landing capabilities it loses in speed, range, and other operational capabilities. To match the American F-14 Tomcat, they would have to go uscale.

and other operational capabilities. To match the American F-14 Tomcat, they would have to go upscale.

The Soviets are completing the first of a fleet of nuclear-powered attack aircraft carriers. At 65,000 metric tons displacement (about equal to the USS Potrestal), the Brezhney, first named the Kremlin but renamed the Leonid Brezhney after his death, and its three sister ships would be a major threat to Allied control of the sea-lanes in time of conflict. We anticipate that the Soviets will follow the Western practice of creating battle groups centered on the Brezhney and including Kirov-class nuclear guided-missile cruisers. The Brezhnev is affoat and fitting out. The Reed of a second ship has been spotted and all four should be at sea in the late '90s.

Soviet planners face the same problems with the Brezhnev that they must confront with submarines: how to mass-produce modern-design propellers? The Toshiba machines at the Baltic Naval Shipyard provide the answer. American officials have told the press that the four nine-axis machines and the four five-axis machines are grinding submarine propellers, but the nine-axis machines have the added capability of grinding large propellers—up to 11 meters (35 feet) in diameter. Senator Jake Garn has said on the Senate floor that this propeller equipment has helped increase the speed of Soviet aircraft carriers.

Soviet aircraft carriers.

A JAPANESE HERO

The Toshiba-Kongsberg affair began to break in December 1985, when the Moscow manager of Wako Kocki at the time of the deal, Hitori Kumagal, posted a letter to the chairman of the Coordinating Committee for Export Controls (COCOM) in Paris. Kumagal named names and dates, identified equipment by model number and destination, and described the intended Soviet use. He signed the letter, included his address and even his telephone number. His letter included copies of all the secret contracts and an inch-thick technical attachment of and an inch-thick technical attachment of engineering drawings.

COCOM turned the letter over to the Jap-

COCOM turned the letter over to the Japanese Ministry of International Trade and Industry (MITI). In April 1986, a MITI director-general informed COCOM that Kumagai's accusations were without foundation. Kumagai reports that at that time he was not interviewed nor even contacted by the Japanese government.

That is not the way the system is supposed to work. COCOM is composed of 16 countries—NATO minus Iceland, but plus Japan. Member countries meet to discuss technology limitations on exports to Communist countries. In theory, each nation should be policing its own exports based on the agreed limitations.

In practice, it's a mixed bag. Some countries such as the United States, the United Kingdom, and Canada have fairly tight export-control regimes. Others are there in name only. Until the Toshiba Machine case fell on MITI's head, it had only 20 bureaureit on Mills nead, it had only 20 bureau-crats to handle more than 200,000 export li-cense applications per year. Under such a caseload the MITI bureaucrats could not devote their full consideration to each application. They had to rely on the reputa-tion of the applicant. Norway was no better

National legislation in COCOM countries is also a mixed bag. Since 1981, the United States has treated lilegal technology transfers with severity. Other COCOM countries are quite lenient. German and Italian export control officials have informed me that no one has ever been jailed in those countries for illegal technology transfers. Japan does not even have an anti-espionage law, a situation North Korean terrorist. rings have use to advantage. A major obstacle to prosecution has been the short statutes of limitations—two years in Norway and three in Japan at the time of this case.

WEINBERGER'S PERSONAL APPEAL

WITHERGER'S PERSONAL APPEAL
In actual practice, the COCOM system depends heavily upon the United States for enforcement of export-control violations, both in member countries and in the high-tech neutrals such as Switzerland, Austria, and Sweden. The American intelligence community. Department of Defense, Department of State, Department of Commerce, and the Customs Service share the duties. If the enforcement officials of any member country or major neutral ever number country or major neutral ever broke a significant case of high-tech diver-sion to the Soviet Union or the East Bloc without United States assistance, such a case has not come to light. They don't have the resources and in some cases their hearts are not in the fight.

the resources and in some cases their hearts are not in the fight.

In a typical case, the United States will approach the country from which the violation originates or transits and bring the violation to its attention. In theory, enforcement officials of the country notified should spring into action. All too often, however, the American approach triggers the normal human protectiveness of foreign officials. Compounding the problem is the reluctance of American officials to provide all the information available for fear of jeopardizing sources and methods of intelligence collection.

Sometime in 1986, U.S. enforcement offi-Sometime in 1986, U.S. enforcement officials and Kumagai crossed paths. In June of that year, the United States broached the issue in Tokyo. Again MITI issued an immediate denial. In December, 1986, Undersecretary of Defense Fred Ikle and Deputy Undersecretary of Defense Stephen Bryen held stormy sessions in Tokyo with Japanese MITI and Foreign Ministry officials only to be met with more denials. In March, 1987, Undersecretary of State Edward Derwinski demarched Japanese embassy officials on

be net with more denials, in March, 1987, Undersceretary of State Edward Derwinski demarched Japanese embassy officials on the Toshiba Machine case only to receive yet another denial. In the meantime, Norwegian officials had been informed of the Kongsberg connection but they were having momentary contusion about its significance. In April, 1987, Secretary of Defense Caspar Weinberger sent a personal appeal to his Japanese counterpart, which was timed to arrive the weckend before Prime Minister Yasuhiro Nanasone left for Washington on a state visit. (A similar letter was sent to Norway.) John Peterson of the Detroit News wrote the first extensive news article on the Toshiba/Kongsberg story on April 28. Every major Japanese sally picked up the Detroit News story on April 29; and before dawn on April 30, Japanese police

had raided Toshiba Machine, C. Itoh, and Wako Kocki in 14 locations across Japan.

CAPITOL HILL CAVALRY

It is hard to name an issue in recent years It is hard to name an issue in recent years that has provoked such an immediate, visceral reaction on Capitol Hill as the Toshiba/Kongsberg affair. Members who wouldn't ordinarily agree on lunch have banded together to denounce Toshiba and Kongsberg. The chairman of the Senate Committee with responsibility for export controls, Senator William Pruxmire, told a Hours Senate conference in October 2. House-Scnate conference on October 3, 1987, that in 30 years of Senate service he had never seen his colleagues so united. By a vote of 415 to 1, the House passed an had never seen his colleagues so united. By a vote of 415 to 1, the House passed an amendment sponsored by Representative Duncan Hunter that instructed the Sceretary of State to begin discussions with Japan and Norway over compensation for the loss to national security. An amendment sponsored by Representative Charles Wilson excluded Toshiba and Kongsberg from contracting with the federal government for most of Piscal Year 1988. Toshiba alone has probably lost \$200 million in postential government contracts for lap-ton computers and consumer goods sales to U.S. military post exchanges worldwide.

Pending in early 1988 were the Proxmire-Garn-Helms-Heinz amendments to the trade bill H.R. 3. The amendments on the senate by a vote of 92 to 5. At least three of the five senators voting, "no" indicated they voted against them because they were not strong enough. Proxmire-Garn-Helms-Heinz would ban Toshiba and Kongsberg from exporting to the United States or contracting with the U.S. government.

would ban Toshiba and Kongsberg from exporting to the United States or contracting with the U.S. government for two to five years. They would apply the same penalty to foreign firms that violated COCOM regulations in the future. Finally, the amendments would allow the Department of Justice to seek indemnification for American taxpayers due to losses to national security caused by export control violations. Some financial writers estimated that if Proxmire-Garn-Heims-Heins should become law as passed by the Senate, it would cost Toshiba billions of dollars in lost revenues and it might bankrupt Kongsberg.

JAI'AN'S RESPONSE

On July 1, 1987, the morning following Senate passage of the Proxmire-Garn-Helms-Heinz legislation, Toshiba Corpora-tion Chairman Shoichi Saba and President tion Chairman Shoichi Saba and President Suglichiro Watari resigned, taking responsibility for their errant subsidiary. The new Toshiba President Joichi Aol hired Price Waterhouse to find out what had happened and what could be done to ensure that nothing similar ever happens at Toshiba again. Toshiba apologized to the American people in full-page advertisements in 60 U.S. newspapers.

in full-page advertisements in 60 U.S. newspapers.

The Japanese government also began for the first time to take the technology transfer scandal seriously. As far back as his April visit to Washington, Prime Minister Nakasone had told Senator Jesse Helms that the Toshiba problem was "serious" and he intended to clean it up. On July 18, the Prime Minister told the Diett that Toshiba Machine had perpetrated "a crime of betrayal against the Japanese people."

Under the able leadership of Japanese Dietman Motoo Shilma, the Liberal Democratic Party established a committee to make changes in Japan's export control law, For the first time, "national security" was given as a reason for export denial. The statute of limitations was increased from three to five years, Punishments were made more severe and "attempts" to violate the law were made a crime. Two minor executives from Toshiba Machine were arrested

and the company itself was indicted. Toshi-ba Machine has been forbidden to export to Communist countries for a year. C. Itoh re-ceived administrative punishment for three months and Wako Koeki got a reprimand, though MITI's 18 months of denials allowed a number of potential defendants to escape

wia the three-year statute of limitations.

The Japanese also pledged to assign people to export control licensing and forcement, up from 20. By contrast, the United States assigns approximately 800 people to the same task, and U.S. trade with the East Bloc and the Soviets in manufactured goods is far smaller.

THE BALTIC NAVAL SHIPYARI

The Baltic Naval Shipyard's propeller shop is surrounded by a high-voltage electric fence. Powerful searchlights are located strategically. The guard controls a dead man's gate: If the guard is killed by an intruder, the gate is automatically raised blocking entrance.

Because Leningrad was constructed on a swamp, it was very difficult for the Japanese and Norwegian engineers to install the enormously heavy machines. But, they got the job done. They were helped by the fact that they only had to install half the ma-chines they sold. Two nine-axis machines and two five-axis machines were installed next to the older Toshiba machines and one French machine. The Japanese engineers installed the machines under the watchful eyes of Soviet engineers who took copious

some time Western analysis puzzled For some time Western analysis puzzled over the location of the other two nine-axis machines and the two five-axis machines. Recent information strongly suggests that these other four machines were installed by very thred Soviet engineers working at night from the notes they took during the day. Across the street from the propeller shop is a mystery building, which is similarly protected by electric fencing. The other four machines are probably these

tected by electric fencing. The other four machines are probably there. What are the Soviets doing in the mystery building? They never hid from Western en-gineers that the equipment they were in-stalling in the propeller shop was for mill-

In September, 1987, Hitori Kumagai wrote in the Japanese monthly Bungel Shundu that the Soviets may be using the mystery building to push a new breakthrough propulsion system for Soviet submarines. This may be the "tunnel drive" about which Tom Clancy speculated in Red October. We aiready know, from the caterpillar tracks that have been found in the sea bottom off a major Swedish naval base, that the Soviets are experimenting with radically new submarine propulsion systems. The Swedish naval base is within easy reach of Soviet submarines stationed next to the Baltic Naval Shipyard. Scptember, 1987, Hitori Kumagai wrote Naval Shinvard.

WHO'S GOING TO PAY FOR THIS MES

WHO'S COING TO FAY FOR THIS MESS?

The Western Alliance has been grievously injured by Toshiba and Kongsberg. To regain our technological lead in antisubmarine warfare, assuming it is not lost forewer, will be expensive. There are no credible estimates of less than multiple billions of dollars for antisubmarine warfare alone. On July 29, 1987, the New York Times reported, "A classified Defense Department study estimates that developing new technology to recatablish America's edge in tracking Soviet submarines will cost at least \$8 billion over 10 years." If Allied scientists cannot upgrade the existing system of underwater detection devices—and the technology does not yet exist—it may require 80 additional nuclear attack submarines at \$1 billion per copy to achieve the same antisub-

marine capability we had before the Toshiba-Kongsberg crime.
Assuming that the other alleged major

Assuming that the other alleged major violations of Kongsberg, along with those of Prench, German, and Italian firms, are comparable to the Toshiba Machine betrayal, the bills for these illegal exports will be as-

The question then, is quite simple. Who is going to pay? Will it be the companies that caused the damage? Or, as a practical matter, will it be the American taxpayer? The Senate answered that with the Helms amendment: Business firms that cause damage to the national security of the West, must pay to clean it

up.

Meanwhile, enormous strategic damage has been inflicted on the Free World. The United States maintains neither the man-power nor the material overseas to defend Europe or Japan for any length of time, Both would have to be reinforced and resup-Both would have to be reinforced and resup-plied from the United States. While some limited arilft capability is available, the bulk of reinforcements and resupplies would have to move to Japan and Europe by sea Toshiba, Kongsberg, and related conspira-tors have given the Soviets the tools to make scalanc interdiction a very real possibillty

nty. Given the ease with which export controls in Western countries can be violated, it is worth asking whether trade with the East worth asking whether trade with the East Bloc and Soviets makes a positive contribu-tion to the West. Trade with the East is really quite small. According to unclassified CIA statistics, in no COCOM country is it above 1 percent of GNP. Given the shape of socialist economies, it is unlikely that they socialist economies, it is unlikely that they will have the money for any expanded purchases of western goods. As we have seen in the Toshiba/Kongsberg affair, the costs to Free World taxpayers from just one bad deal can be enormous. The United States will now have to spend at least \$8 billion to repair its antisubmarine defenses, as a result of a sale that netted Japanese and Montrodia companies appropriately \$17. wegian companies approximately

In an August, 1987, private interview Tokyo, former Moscow mansier for Wako Kocki, Hitori Kumagai, was asked where au-thorities should look for export control vio-lations. He responded, "Any enterprise lations. He responded, "Any enterprise which comes to Moscow to deal with the Soviet Union."

SENATOR JOHN S. McCAIN

Mr. DOLE. Mr. President, today marks yet another important anniver-sary in the life of our good friend and colleague from Arizona, John McCain. Last year, we paused to remember the 20th anniversary of John's dramatic capture in Hanol. Today, we celebrate the 15th anniversary of his return to freedom in the United States.

John has come a long way in the past 20 years. And his strong convictions, dedication to public service and compassion for his fellow man have characterized his every step. Even after being repeatedly tortured, beaten, and interrogated in his Hanoi prison cell. John never lost hope. He prison cell, John never lost nope. He had the courage and conviction to hang on to his beliefs, and at the same time, encourage his fellow POW's to keep fighting throughout their ordeal. Even at the risk of physical harm, starvation, and solitary confinement, John established primitive communi-

cation with his fellow POW's to keep

Just as these character traits allowed him to survive the living hell of his captivity, they have been directly responsible for his remarkable achievements since his arrival home responsible on March 17, 1973. In an incredibly short period of time, John McCain, former POW, became John McCain, U.S. Senator from Arizona.

Mr. President, if anyone knows the true meaning of freedom, it is Jour MCCAIN. As a young fighter pilot, he fought for it. In a small cell in the main prison of Hanol, he kept his faith and held on to his strong conviction to regain his personal freedom and that of his fellow POW's. And fi nally, as a U.S. Senator, he is a leader in the fight for freedom-exemplified again the leadership role he has taken in support of the freedom fighters in Nicaragua.

Last October, I recounted that an important goal in John's life "is to make some contribution to his country." Well, John McCarn-licutenant commander and U.S. Senator-has done much more than that, He has demonstrated that freedom is always worth fighting for and must never be taken for granted.

I'm sure I can speak for all others in the Chamber in congratulating a true patriot and freedom fighter, my friend, JOHN McCAIN.

BICENTENNIAL MINUTE

MARCH 9, 1909; FIRST SENATE SUBWAY OPENS

Mr. DOLE. Mr. President, this month a venerable Senate institution is celebrating its 79th birthday. It is a service that assists us so often that we may take it for granted, but it deserves a day of commemoration. I speak of the Senate subway system, which opened on March 9, 1909.

As Senators know all to well, our attendance may be required on the floor a vote at all hours. This keeps Members rushing between the Capitol and the Senate Office Buildings, Given only 15 minutes to cast our

Given only 15 minutes to cast our votes, we rely heavily on the subway to facilitate passage back and forth.

The need for the first subway occurred as the Senate constructed its first office building, now known as the Richard Russell Building. When it opened in March 1909, the building provided at least two rooms for every Senator, along with the small Senate Senator, along with the small Senate staff.

A tunnel, through which the first subway ran, connected the office building with the Capitol. However, bunding with the Capitol. However, this subway was not a railroad, but a pair of lemon-yellow, storage-battery-powered buses, made by Studebaker. These high, four-wheeled coaches carried slott presented the coaches carried slott presented the coaches carried slott presented the coaches are compared to the coaches carried slott presented the coaches carried ried eight passengers-whose heads rico eigni pussengers—whose heads bobbed just inches from the tunnel's celling. The old Washington Evening Star announced the first run with a headline: "All Aboard for the Capitol! Car Leaves at Once. Through Ex-

press," And the New York Evening Journal added a little doggerel:

"A subway for our Senators is running every day:

There's no 'step lively!' 'hurry up!'

However, the electric buses proved too slow, and in 1912 they were replaced by electrically-powered cars operating on a single-rail track. Our current subway system was installed in 1960, to extend to the Dirksen Building, and more recently to the Hart Building. We salute the subways for the nearly 80 years that they have kept the Senate on the move.

NICARAGUA

Mr. McCLURE. Mr. President, I thank the Senator from Utah for yielding. I will not burden the time of the Senate very long, but I do believe that it is important for those of us who are more than observers of the process in Central America to deal very carefully with what is happening there today.

Mr. President, they told us to give peace a chance. And we gave peace a chance. And now we see the results.

The Sandinista commandantes s the Contras weakened and dispirited at their abandonment by the U.S. Congress. The Sandinistas, on the other hand, are well-stocked and well-armed because the Arias plan did nothing to stop the flow of Soviet weapons into Nicaragua. So they struck, because they know that a death blow to the Contras now means they won't have to pay any more attention to the "peace process." With the Contras out of the picture, they know they can return to their old ways of repression and version and nothing can stop them.
Not moral sussion. Not President
Arias' Nobel Peace Prize. Not world
opinion or political pressure.

There is an unfortunate sense of deja vu here. Let me remind my col-leagues what happened the last time we gave peace a chance. It was in Victnam. And we know the results: reeducation camps, boat people, Pol Pot, and the "killing fields,"

Mr. President, I think it is time we Mr. Freshold, I time it is time we declared the Arias peace process dead. And we know who killed it. Not the United States. Not the Contras or the democratic nations of Central Amer-But the Sandinista dantes

And let me point out to my col-leagues that Daniel Ortega is not stupid. There is a tendency in Washington to write off some of the Sandi-nistas' actions, such as the infamous trip to Moscow or the closing of La Prensa, as stupidity or lack of political sophistication. What people do not understand is that the Sandinistas are not playing the same game we are. What appears irrational to us makes pefect sense to them because they are tallowing a different logic a. logic of following a different logic, a logic of Marxist realpolitik. They do not care

about world opinion. They do not care about offending anyone. Their goal is and always has been the consolidation of their Marxist state. And they are willing to take any step they see as necessary in achieving that goal.

The situation is also rife with irony. The Sandinistas move to wipe out the Contras on the same day that those who tried to keep the Contras alive are being indicted. The Nicaraguan Foreign Minister, Miguel D'Escoto, like an accused criminal, makes his one phone call. And who does he call? The Speaker of the House of Representatives

Mr. President, I commend the administration for its firm response to the Sandinista incursion into Honduras. The 3,200 U.S. troops are not being sent into the battle zone, But their presence makes it perfectly clear that we regard the Sandinista move as a threat to our democratic ally, Honduras, and to our own national securi-

Even more important, I urge the administration to send up a request for military and other aid that is dictated not solely by perceived political constraints, but by what the Contras need to remain a viable fighting force. Because United States troops in Honduras cannot bring democracy and peace to Nicaragua. Only Nicaraguans fighting inside Nicaragua can do that. If the Contras, in fighting their own battles, succeed in protecting our interests we will not be faced with any discussion of U.S. troops—the hast thing we want. But if they fall we will then be faced with that choice!

STUDENT LOAN DEPAULTS

Mr. SIMON. Mr. President, I rise to call to the attention of all Senators an article which appeared in Tuesday's Wall Street Journal-regarding student loan defaults. The March 15, 1988 article "Troubling Statistics on Student Loan Defaults Yield No Agreement on Explanation or Solution" includes an extraordinary quote from the Deputy Undersecretary of Education for Management and Budget. In describing the impact of Secretary Bennetit's loan default initiative on various sectors within the higher education community, Bruce Carnes is quoted as having said:

The sector that will be hit hardest by this will be black colleges. It's possible that their student bodies contain a high level of thieves,

Mr. Carnes' language, in reference to black students, is totally objectionable, racist in its implication, and unfortunate given its source. Mr. Carnes' remarks should be publicly repudlated by the Sccretary. I am however, troubled by both the statement and the Department's underlying policy of attributing student defaults to postsecondary institutions and using inaccurate default data to remove certain schools and colleges from participation in the Guaranteed Student Loan [GSL] Program.

I do not know whether or not the quote is accurate. Mr. Carnes appears to deny it in his March 15 letter to the editor. I do know that this is not the first time that Mr. Carnes has made a statement similar to the one quoted in the Wall Street Journal. At a recent briefing on the Secretary of Education's GSL toan default initiative, in response to a question about providing leeway from the proposed institutional default thresholds, Mr. Carnes commented—"just because you are poor or black or hispanic or female doesn't mean you have a right to steal."

Apparently Mr. Carnes has a tendency to accuse loan defaulters of thievery. He is simply wrong on his facts and incorrect in his assessment of Federal policy. Were this an isolated circumstance, I would be inclined to forgive and forget. It is not.

During the 1986 resuthorization of the Higher Education Act, the Congress added a new program to the trio programs under title IV of the act, which Senator Thurmond and I worked on together.

This new program, the Ronald McNair Post-Baccalaureate Achievement Program, allows academically able, minority, handicapped, low income and first-generation college students to pursue graduate studies through a summer enrichment partnership program between undergraduate and graduate institutions. program represents a logical nexus between trio, the student aid programs, and the Patricia Roberts Harris Fellowship Program. Although the law requires the Secretary to implement this important program and Congress has appropriated funds to do so-I have been informed that Mr. Carnes decided that the Department would not do so. Dr. Arnold Mitchem, of the National Council of Educational Op-portunity Association, has said of Mr. Carnes' decision not to implement this program "as black man, I'm very in-sulted by the education department's decision.

I share Dr. Mitchem's feeling of insult about the decision not to implement the only program in the Department honoring a black man. His open disregard of the Congress and contempt for the legislative process is equally regrettable. Representative Augustus F. Hawkins, who chairs the House Education and Labor Committee, has called for Mr. Carnes resignation. I think Mr. Carnes should beed this sound advise.

Mr. President, I ask unanimous con-

Mr. President, I ask unanimous consent that the Wall Street Journal article and Mr. Carnes letter to the editor be included in the Record at this point.

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

[Prom the Wall Street Journal, Mar. 15, 1988]

TROUBLING STATISTICS ON STUDENT-LOAN DE-FAULTS YIELDS NO AGREEMENT ON EXPLANA-TION OR SOLUTION

(By Gary Putka)

Ann Calvin, the federal government says, is a deadbeat. Unable to afford the costs of going to school, she borrowed \$4,000 in the last 1970s for graduate study at Morgan State University, a mainly black college in Raltimore.

After dropping out in 1981, she could only find part-time work, paying \$2,500 a year. So ahe defaulted on her loan. With a betterpaying job as a teacher's side in Annapola, Md., she has resumed payments—but still doesn't know when she'll pay it off. "Tm sorry I took the loan out," says Miss Calvin, who is 33. "I still have never found a job that pays more than \$10,000."

that pays more than \$10,000."

Miss Calvin and millions of other former students are at the center of a growing controversy over defaults and costs in the government's student loan program. Education Secretary William Bennett wants to rein in the program, which supplies loans totaling \$10 billion a year, half of all college financial sid. Some Democrats in Congress want to block him and replace the loans with outright grants. The outcome of the debate could decide who will be able to afford school in the firsture.

could decide who will be able to afford school in the future.

The main problem, contends Bruce Carnes, a top official in the Education Department, is that "all too many kids feel they don't have to pay this money back because nothing will happen to them." In addition, the Education Department says the program is rife with fraud-how much len't known—especially at fee-profit trade schools that are supposed to teach everything from hairdressing to computer programming.

gramming.

All told, \$6 billion is in default. Of \$.364 schools that have been in the program, nearly 1,106—including Morgan State—have cumulative student default rates over \$6%, and another 1,100 have default rates over 20%. Mr. Bennett's solution: cut all federal sid to schools that can't get below 20% by 1986.

But many educators and lenders say this will result in overkill—restricting coPege access for the honest and the dishonest alike. Reform is needed, they agree, but they say the Bennett plan would hurt those who need help the most.

who need help the most. Contrary to popular behief, the majority of defaulters aren't spolled spawn of the Ivy League turned doctors or lawyers. They're low-income people who borrowed modestly but don't carn enough to repay the loans. Pennsylvania's loan-guaranty seriecy, for example, says 25% of its defaulters are uncamployed. Another 45% carn under \$8,000 a year. "They're not deadbeaks," says Jerry Davis, the agency's research head. "They don't have the money."

year, "They're not deadbeats," says Jerry Davis, the agency's research head. "They don't have the money."

Mr. Bennett says his initiative is aimed at "hustlers and rip-off artists" in the system. And he dismisses as "nonsense" the idea that his real agenda is to make further cuts in student-aid programs. "We're adding more money for education; student aid will be just fine," he says.

that his real agends is to make further cuts in student-aid programs. "We're adding more money for education; student aid will be just fine," he says.

Recent studies have disclosed troubling statistics. The Education Department, for example, found all the students at 115 schools defaulted on loans due for a first payment in 1956. One branch of Superfor Training Services, as Indianapolis-based career-school claim, showed \$14 million in defaults or 44% of the money lent to its students, in a state government) study. Wilfred American Education Corp., a New

MULTI 17, 1938

COl York-based chain, had five outlets above a 40% default rate. Fourteen other schools in New York state also topped 40% and \$5 million in defaults, including five City University of New York branches. Harvard and other Ivy League schools, whose graduates get better jobs, generally came in below 79. Mr. Carnes, who leads the department's efforts to clamp down, acknowledges that the default initiative would have an imbalanced effect. "The sector that will be hit hardest by this will be black colleges. It's possible that their student bodies contain a high level of thleves."

Black colleges say this is typical of a mis-

possible that their student bodies contain a high level of thieves."

Black colleges say this is typical of a misinformed government stance. "I don't accept that—It's not thieves," says James Brown, financial aid director at Pennsylvania's predominantly black Cheyney State University, "If a kid comes out with \$12,000 of debt and a B.A. in psychology, he makes \$12,000 a year. Then he gets an apartment, and the first thing you know, he misses a payment." Mr. Brown and other educators agree that the default rate is too high, but they favor other answers, like more federal grant money to replace loans. The government predicts defaults of \$1.6 billion this year, about 16% of annual loan volume. Total federal costs, including interest subsidies, will be an estimated \$3.4 billion. Mr. Bennett's initiative "would be horrendous" for Morgan State, adds Earle Richardson, president of the college, which has a default rate of over 40%. The school would face a big enrollment drop under the Bennett proposal, since \$\$% of its 3.500 students receive federal aid. Says Mr. Richardson. "You don't hold future generations accountable for the sins of the past."

"You don't hold future generations accountable for the sins of the past."

Still, lack of ability to repay clearly isn't the only problem. Disclosures of fraud and alleged abuse in the program are spreading. In one of the biggest cases yet, Florida Federal Savings & Loan said last month that if falsified claims to get federal repayment of up to \$44 million in defaulted loans. Some of the largest for-profit career schools in the country have admitted or been accused of fraud in other cares lumphing tha pecritic. of fraud in other cases involving the recruit-ment of unqualified students who default after dropping out.

after dropping out.

But in many cases, the student is victin, not perpetrator. Harry Jackson enrolled in the Brook-Wein Business Institute in Washington, D.C. in July 1985, hoping to leave a \$9,000-a-year job as a night watchman for an accounting career. At Brook-Wein's urging, Mr. Jackson says he took out a \$2,500 guaranteed student loan signed over to the school. He dropped out two months later after leading a strike against conditions at the schools, which he called 'lousy."

Brook-Wein has since been sold to another the school of the school of the school of the school of the schools of the schools.

Brook-Wein has since been sold to another chain. To settle a lawsuit by Mr. Jackson. Brook-Wein's former owners agreed to repay his and other student loans. But Mr. Jackson's attorney says the checks have bounced. Brook-Wein's former owners' attorneys say the checks were stopped because other plaintiffs continued to press their claims in court.

Some analysts say the Education Department polices the lenders and state guaranty agencies weakly. Under the rules, the agencies pay off the lenders on defaults, then get federal reimbursement. Last August, the

cles pay off the lenders on defaults, then get federal reimbursement. Last August, the U.S. General Accounting Office found big gaps in collection efforts, and faulted the department for lax enforcement.

Spurred partly by the GAO, the department adopted tough new collection standards last year, requiring 19 phone calls or letters to a student before a default claim could be made by a lender. Since last September, up to \$500 million in claims have been denied, touching off a furor from

bankers who feared they would be confront-ing losses. Florida Federal faces up to \$100 million in losses because of the new stand-ards, while Citibank and Chase Manhattan

atos, while Citionik and Chase Manhattan also have had claims rejected. Despite its recent tough talk on defaults, the department is backing off on collection rules after intense industry lobbying. A new ruling will allow many of the denied claims to be resubmitted and paid.

U.S. DEPARTMENT OF EDUCATION March 15, 1988.

LEITER TO THE PRITOR The Wall Street Jour

New York, NY.

Draw Editor: I am deeply distressed that DAM EDITOR: I am deeply distressed that the Journal article on guaranteed student loan defaults (March 15, 1988) has grievous-ley misrepresented my views concerning black colleges and their students. In fact, it ascribes to me a view that is precisely the opposite of the one I hold and have repeatedly stated

My view is that black colleges should be held to the same standards on student loan defaults as other institutions because their students are as capable as others of meeting students are as capable as others of meeting their commitments. I have consistently stated before Congress and on many other occasions that the default problem is, in large part, an issue that all institutions of higher education must confront. To help historically black colleges in this task, the Department will conduct workshops and seminars to assist those with high default rates in managing student loans. We believe that the default problem that exists at some black colleges will thus be creatly allocited. black colleges will thus be greatly alleviated

BRUCE CARNES,
Deputy Under Secretary.

NATIONAL ASSOCIATION FOR EQUAL OPPORTUNITY

Mr. SIMON. Mr. President, the Na-Mr. SIMON. Mr. President, the National Association for Equal Opportunity in Higher Education will hold its 16th Annual Conference on Blacks in Higher Education in Washington on March 23-27, 1988. NAFEO's annual conference is probably the most important meeting each year for the discussion of issues related to blacks in Napher education—especially as it rehigher education-especially as it relates to assessing black progress in achieving access and equal opportunity in higher education. There are a number of critical issues facing us today. They include: First, the need to improve the educational status fiscal solvency of the historically black colleges and universities; second, the declining numbers of black Americans declining numbers of black Americans entering postsecondary education in the face of increasing numbers of black students graduating from high school; third, the increasing concentration of college age black students in the Nation's community colleges and those entering, but not completing traditional institutions; and fourth, the failure of our colleges and universities to produce an adequate number of mi-nority teachers for elementary and norty teachers for the collegiate professoriate.

NAFEO, which represents 117 historically and predominantly black col-

leges, also takes this opportunity to recognize distinguished graduates of its member institutions. This year one

of Illinois' outstanding citizens, State Representative Jesse White, will be honored as a distinguished alumnus of Alabama State University, Representative White is a public school teacher in Chicago and a physical education instructor for the Chicago Park District. He devotes considerable amounts of his personal time to training young black boys and girls, from the Cabrini-Green housing project in Chicago, in gymnastics. A native of Alton, IL, he has served as a YMCA director and is an active member of the Chicago Federation of Teachers and the Associa-tion of Professional Baseball Players. He was named Father of the Year by the city of Chicago in 1984 and State Legislator of the Year in 1987.

Mr. President, I hope all of my col-

leagues will join me in commending Jesse White for his contribution to the youth of the city of Chicago and the State of Illinois, I urge all of my col-leagues to meet with black college presidents and chancellors who come to discuss with them the important issues facing black America and black

higher education.

TREAT PUERTO RICO LIKE STATE ON MINIMUM WAS LEGISLATION

Mr. SIMON. Mr. President, the Education and Labor Committee reported H.R. 1834 on Wednesday, March 16, 1988. Contrary to previous policy, and action by the Congress in 1977, the House bill does not treat Puerto Rico as a State-and thus excludes them from the minimum wage increase. Puerto Rican workers as American citizens, have been and should contincutzens, nave been and should continue to be treated like everyone else. From 1978 to 1981 Puerto Rico gained, not lost, 32,000 jobs. There simply is no substance to the charge that raising the minimum wage will cost low wage workers their jobs.

Puerto Rican workers should receive the same minimum wage as those in the United States, Puerto Ricans pay taxes, serve in the United States military in time of war and have all the rights of American citizens. If all American workers deserve an increase in the minimum wage to \$3.35 an hour—or up \$5.05 by 1992 as provided in the Education and Labor Committee reported bill, then every American worker should receive the same bene-

I have been assured by the mayor of San Juan and the former resident commissioner to the Congress from Puerto Rico, Hon. Baltasar Corrada that Puerto Rico can sustain the minimum wage increases. In March 1986 out of 152,382 manufacturing employees 83 percent were receiving wages over \$3.85 per hour and 63 percent were receiving wages over \$4.60 per hour. According to commonwealth government statistics Puerto Rican workers have a productivity index higher than United States mainland workers and only second to Japan.

I intend to support an amendment to include Puerto Rico as a State when the Committee on Labor and Human Resources marks up S. 837 in the near future.

TERRY ANDERSON

Mr. MOYNIHAN, Mr. President, I rise today to mark a very solemn occ sion: the third anniversary of the kidnaping of Terry Anderson in Leba-non. Mr. Anderson is one of nine American citizens now being held in that nation. He has been there the

Three years ago, Mr. Anderson was active as the Chief Middle East correspondent for the Associated Press. He worked out of Beirut. On his way back from a tennis game one morning, the former marine was apprehended by gunmen and taken hostage.

Mr. Anderson has spent the last 3 years as a prisoner, often shackled and blindfolded in a small room in Beirut. He has been kept from the sunlight, kept from exercising, kept from the news of the world. His father and brother have died since he was taken captive; his wife gave birth to a daughter. Mr. Anderson has no idea. Perhaps most disturbing to his family here, there is no indication Mr. Anderson has most disturbing to his family here, there is no indication Mr. Anderson has a supplied to the suppli son will be free soon.

The administration broadly claims a policy never to negotiate with terrorists. The Iran-Contra affair has shown all that this is only a policy of expedience, from which the adminisexpedience, from which the administration departed when it wished. Some in the administration have gone so far as to place part of the blame for that sordid scandal on the families of the hostages, saying President Reagan could not resist their pleas. If all is quiet, they argue, the situation will be resolved. But how?

Mr. Anderson is reportedly being

Mr. Anderson is reportedly being held by Islamic Jihad, a fundamentalist Muslim group with close ties to fran. The group has demanded that before Mr. Anderson is released, the Government of Kuwait must release the "Daw'a 17," a collection of terrorists who bombed the French and American Embassies in Kuwait in the autumn of 1983. The Government of Kuwait has no intention of releasing these criminals, and the U.S. Govern-ment will not ask them to. Nor should

But to assert that there is nothing that can be done to free Mr. Anderson or the other hostages, that the U.S. Government should just wait for events to change, shows a certain callousness to the plight of those who are being held.

When Americans are kidnaped. when Americans are signaped, as has happened periodically over the last 3 years, our Government has often responded with a massive effort to win these Americans' freedom. When TWA flight 847 was hijacked to Beirut, our Government pursued every

diplomatic means to win the passengers' release—I should add that in that case, the terrorists' initial demands were the same as they have made for Terry Anderson's release. When former ABC News correspondent Charles Glass was kidnaped last June, our Government worked through the rians to free him. Most recently, the kidnaping of Lt. Col. William Higgins in Lebanon has unleashed another massive diplomatic effort. Are we to understand that the U.S. Government has given up on Terry Anderson, Thomas Sutherland, Frank Herbert Reed, Joseph James Cicippio, Edward Austin Tracy, Jesse Turner, Robert Polhill, and Alann Steen? I most certainly hope not.

On December 16, 1987, I introduced Senate Resolution 345, cosponsored by my distinguished friend and colleague from Rhode Island, Senator Pell. The bill calls for the Secretary of State to name a special envoy to negotiate the release of the Americans held hostage in Lebanon. We need not make concessions to terrorists, but we must at least maintain channels of communication.

I will not accept the explanation that nothing can be done. Something must be done. While Americans may e numbed by the thought of spending three years as a captive in a foreign country, Terry Anderson must face that reality daily, with no idea when he might be released. This is a human tragedy of the greatest proportion

Naming a special envoy will not instantly result in the release of the nine Americans held in Lebanon, but is an essential step we must take. Without such an envoy, our Govern-ment and those holding these men will likely remain in a continued sense of complacency. Under no circumstances should we proceed in a business-as-usual manner while these nine men are being held.

ask unanminous consent that an article from the August 10, 1986 Washington Post be printed in the Reconn following my remarks. I urge my col-leagues to read it, for it describes a courageous man in the days before he became a captive. The article helps re-lieve the numbness, and replaces the numbness with pain

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

REMEMBER TERRY ANDERSON: STILL HELD HOSTAGE

(By David Ignatius)

One of Terry Anderson's friends from the Associated Press tells this story about him: Anderson is in Tripoli in northern Lebanon in late 1983 covering the bloody fighting there between Palestinian factions. He is on the main boulevard of the city which is desolate and deserted.

the main boulevard of the city which is des-olate and deserted.

"We ought to go up that road and see what's happening," said Anderson to his AP colleague, Bill Foley.

"Why? The road is deserted for a good reason!" responds Foley.

"I'm going," insists Anderson. They head

"I'm going," insists Anderson. They head up the road together. They have travelled about 100 yards when all hell breaks loose

and the area is pounded with artillery shells. Anderson agrees on the wisdom of a tactical retreat. But he is back on that same road the next day.

Edward Behr of Newsweek describes re-

porters as people who want to see what's around the next corner, regardless of the risks. Terry was that kind of correspondent. risks. Terry was that kind of correspondent. He wasn't the sort of bureau chief who wanted to sli in the office and write checks. He wanted to go see the action, no matter where it was. That was part of why he stayed on in Beirut long after most of his American colleagues had left town.

Anderson liked to quote Winston Churchilli: "Nothing in life is so exhilarating as to be shot at without result."

Terry Anderson is now a hostage Most.

Terry Anderson is now a hostage. Most Americans know him only as one of the faces in the grainy photographs that appear occasionally in newspapers and on televi-sion. Recent reports suggest that he spends his days chained to the wall. I met Anderson during my visits to Deirut in the early 1980s when I covered the

I met Anderson during my visits to Beirut in the carly 1980s when I covered the Middle East for The Wall Street Journal. Like many of Terry's friends from Beirut, I feel a sense of outrage and shame that he is still in captivity 17 months after he was seized by the kidnappers who call themselves Islamic Jihad. I don't know how we can get Terry back among us. But I do wish other Americans could see him the way his friends remember him—as a courageous reporter who represented the very best of his profession—and not as the anonymous face

precision and the very set of his profession—and not as the anonymous face that stares out from the photographs. That dehumanized anonymity seems like a victory for the kidnappers.

Anderson's world in Beirut revolved around the AP office, where he was the bureau chief. The bureau was on the fourth floor of a building across the street from the Commodore Hotel. When the electricity was out in the neighborhood, as it often seemed to be, you climbed the stairs to the AP office. It was one of the great journalistic outposts in the world, staffed by a cast of characters worthy of "The Pront Page."

There was Parouk Nassar, a short, whitehaired man with a large stomach, who had suffered two heart attacks on duty in the bureau. Parouk loved to play the horses, and he regarded the closing of the Beirut race track as one of the unforgiveable depredations of the Lebanese Civil War.

race track as one of the uniorgiveable depredations of the Lebanese Civil War.
Farouk wrote most of the AP leads and bulletins. He was very fast and rarely made mistakes. He had once worked for the AP as a stringer in Syria, and his colleagues claimed that he had filed stories and run up such huge bills that the AP decided it would be cheaper to take him on as a full-time re-

kt there was Francois Ghattas, a simple Next there was Francois Ghattas, a simple Lebanese man with little education who had taught himself electronics. He was the bureau's technician, and he would make the rounds in Beliuit repairing broken telex machines so that subscribers could receive the news from AP. Anderson recognized Ghattas' talents and encouraged him to travel on repair jobs to Cairo, Amman and the Guif states.

Then came the office manager and "fixer," a diminutive Lebanese Christian named Charles Bishara. He seemed able to named Charles Bishars. He seemed able to obtain anything. During the height of the Israell siege of West Beirut in 1983, for example, Bishars took Anderson aside. "Terry, would you like some mineral water?" asked the fixer. "Are you kilding? Of course I would" replied Anderson. At the time, mineral water was selling for about \$20 a bottle. An hour later, a truckload of mineral water arrived from East Beirut, the driver

having somehow navigated the Israeli blockhaving somehow navigated the Israeli block-age of the city. Nobody was quite sure how Bishara accomplished this miracle, and it was probably better not to ask. Anderson joined the AP bureau in Beirut in 1982 in the midst of the Israeli invasion. He was coming from the AP bureau in Jo-

hannesburg

The first thing most of us knew about Anderson was that he was an ex-Marine. He certainly looked the part. He was stocky, with a beard and glasses, dressed often in a safari suit. As time passed, Anderson's looks changed a bit: He lost weight, the beard turned into a moustache, and he switched to aviator glasses. But he still looked like an ex-Marine

Anderson tried to impart his Marine Corps training in September 1983 to the Washington Post's correspondents in Beirut, Herbert Denton and Nora Boustany Perut, increase Denomination for Boussany. There was sniping and shelling of West Beirut that day as the Lebanese Army tried to regain control of the Moslem half of the city, and the three decided to leave the relato regain control of the Moslem half of the city, and the three decided to leave the relative safety of the Commodore Hotel and see what was happening. Denton remembers that an argument erupted between Boustany, who thought they should run fast to avoid getting shot, and Anderson, who said that as an ex-Marine, he was convinced that they should walk slowly.

The argument was interrupted at one point by a Lebanese woman screaming at them in Arabic: "You fools! You're going in the direction of the shelling!" When Anderson returned to the hotel, he told the other two that he had only been joking about how the Marines do things. "I'm just getting old and have to go slow," he explained.

Anderson chose to stay on in Beirut long after the story stopped being glamorous. He covered the internecine Palestinian warfare in Tripoll; he covered the harsh Israeli anti-

after the story stopped being glamorous. He covered the internecine Palestinian warfare in Tripoli; he covered the harsh Israeli antiterrorism campaigns in South Lebanon, and he covered the daily round of car bombs and carnage in West Beirut. That the world seemed to have lost interest in the Lebanon story didn't deter him.

"He had a real sense of right and wrong. He was troubled by what was happening in Lebanon, and he thought that if somebody was covering it, perhaps it would make a difference," recalls his former AP colleague Poley, now a photographer with Time.

Anderson knew the risk that he would be kidnapped, and a kind of fatalism developed. The militias all kept files on the dwindling group of foreign reporters in West Beirut, and they knew where Anderson lived, his daily schedule, the license number of his car. They increasingly came to see foreign Journalists as pawns.-bargaining chips—in the vicious game of Lebanese politics.

Explains Foley: "The bottom line was that if these guys wanted you, they would get

The day before Anderson was actually kid-The day before Anderson was actually kid-napped, someone tried unsuccessfully to rab him. A car attempted to block his auto-mobile, and he escaped only by gunning the engine and driving on the curb. Characteris-tically, he didn't mention the incident in the office because he didn't want to frighten his

office because he didn't want to might to keep colleagues. Foley warned Anderson that hight to keep his head down. But Anderson dismissed the attempted kidnapping, saying: "It was noth-

ing."

The next morning, March 16, 1986, on his way back home from playing tennis, Anderson was stopped by three men in a green Mercedes and thrown into their car. That was the last time he was seen by any of his friends in West Beirut. A British correspondent who was a close friend of Terry's risked his life over the next few days distrib-

uting handbills with Anderson's picture to checkpoints throughout the Bekas Valley. But there was no sign of him. Only a cruel

lot of people, quite understandably, like to find fault with American press coverage to find fault with American press coverage overseas. I have a collection of books and articles at home, for example, taking my colleagues and me to task for our alleged failures covering the Middle East in the early 1980s. And this week I came across a long article in a publication called "The National Interest" criticizing press coverage of Central America. "It is common," opines the author of this broadside, "for journalists to Ileah out competings expended the start in comflesh out sometimes sedentary stays in con-trolled nations with some very careful lan-

Maybe so. Maybe there are foreign corremayor so, mayor there are foreign corre-spondents as lary and tendentious as the critics claim. But Terry Anderson isn't one of them. He is a person of the highest char-acter and professional commitment. Like most of the foreign correspondents I know. he worked hard and selflessly at his job he worked hard and selflessly at his job, without any political stake in the events he was covering. What made him tick was that odd curiosity that makes some people determined to know what's around the next corner. He must not be forgotten. I hope he's back on the job soon.

VETO MESSAGE ON S. 557, THE CIVIL RIGHTS RESTORATION ACT-MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS-PM 122

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on March 16, 1988, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers:

To the Senate of the United States: To the senate of the United States:

I am returning unsigned with my objections S. 557 and transmitting for your prompt consideration the Civil Rights Protection Act of 1988. The Congress should enact legislation de-

signed to eliminate invidious discrimination and to ensure equality of op-portunity for all Americans while pre-serving their basic freedoms from govserving their ossic rectains and control. Regrettably, the bill presented to me fails to achieve that objective.

There is no matter of greater concern to me than ensuring that our Nation is free of discrimination. Our country has paid a heavy price in the past for prejudices, whether based upon race, gender, ethnic background, upon race, genner, ennic background, religion or handicap. Such attitudes have no place in our society.

It was with this commitment in mind that in the wake of the Supreme

mind that in the wake of the supreme Court's 1984 Grove City College deci-sion, I voiced my support for legisla-tion that would strengthen the civil rights coverage of educational institutions that existed prior to that decitions that existed prior to that decision. I have repeatedly endorsed legislation to do just that. Today I am sending to Congress a bill that goes further than the legislation previously endorsed. This proposed bill is because it is the proposed of the proposed by the p endorsed. This proposed bill is intended to accommodate other concerns raised during Congressional consideration of the Grove City Issue.

Our bill advances the protection of civil rights. It would:

-prohibit discrimination women, minorities, persons with disabilities, and the elderly across the board in public school districts. public systems of higher educa-tion, systems of vocational education and private educational institutions which receive any Federal

extend the application of the civil rights statutes to entire businesses which receive Federal aid as a whole and to the entire plant or facility receiving Federal aid in every other instance

-prohibit discrimination in all of the federally funded programs of departments and agencies of State and local governments.

Our bill complements well our body of existing Federal civil rights laws. But even more remains to be done. For example, I have urged the Congress to enact responsible legislation to deal with some obvious failures of the Fair Housing Act of 1968, including need to protect persons with disabil-

Congress, on the other hand, has sent me a bill that would vastly and unjustifiably expand the power of the ederal Government over the decisions and affairs of private organizations, such as churches and syna-gogues, farms, businesses, and State and local governments. In the process, it would place at risk such cherished

values as religious liberty.

The bill presented to me would diminish substantially the freedom and independence of religious institutions in our society. The bill would seriously impinge upon religious liberty because of its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one ac amount of recent and to just one ac-tivity; its unprecedented coverage of entire religious elementary and sec-ondary school systems when only a single school in such a system receives single school in such a system rective. Federal aid; and its failure to protect, under Title IX of the Education Amendments of 1972, the religious freedom of private schools that are closely identified with the religious tenets of, but not controlled by, a reli-

tenets of, but not controlled by, a religious organization.

Businesses participating in Federal programs, such as Job training programs, would be subject to comprehensive Federal regulation. While some proponents of S. 557 have claimed that it would not apply to farmers who receive Federal crop subsidies or local groupliers who accept. food food suppliers who accept food stamps, the ambiguity in the statute and its legislative history indicates that these exemptions should be made explicit.

A significant portion of the private sector—entities principally engaged in the business of providing education, health care, housing, social services, or parks and recreation-would for the

first time be covered nationwide in all of their activities, including those wholly unrelated activities of their wholly unrelated activities of their subsidiaries or other divisions, even if those subsidiaries or divisions receive no Federal aid. Again, there was no demonstrated need for such sweeping coverage

Further, this bill would be beyond pre-Grove City law and expand the scope of coverage of State and local government agencies. Under S. 557, any agency of such a government that receives or distributes such assistance would be subject in all of its operations to a wide-ranging regime of Federal regulation, contrary to the

Federal regulation, contrary to the sound principles of federalism.

The cost and burdens of compliance with S. 557 would be substantial. The bill would bring to those it covers—which is most of America—an intrusive Federal regulatory regime; random on-site compliance checks by Federal officials; and increased exposure to lawsuits, which are costly to defend even when you win.

defend even when you win.

Moreover, such legislation would likely have the unintended conselikely have the unintended conse-quences of harming many of the same people it is supposed to protect. For example, persons with disabilities seeking to enhance their job skills are seeking to ennance their joo skills are not helped if businesses withdraw from Federal job-training programs because of their unwillingness to accept vastly expanded bureaucratic intrusions under S. 557. Business groups have indicated many of their mamban may do high their

members may do just that.

The Civil Rights Protection Act that The Civil Rights Protection Act that I am proposing today addresses the many shortcomings of S. 557. The Civil Rights Protection Act would protect civil rights and at the same time preserve the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion. trusion

The Civil Rights Protection Act contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly monitored under the civil rights statutes it amends. The bill would:

I would:
-Protect religious liberty by limiting coverage to that part of a
church or synagogue which participates in a Federal program; by
protecting under Title IX, the religious tenets of private institutions
closely identified with religious organizations on the same basis as
institutions directly controlled by
religious organizations; and by providing that when a religious secviding that when a religious sec-ondary or elementary school re-ceives Federal assistance, only that school, and not the entire religious school system, becomes subject to the Federal regulation.

Ensure that the reach of Federal regulation into private businesses extends only to the facility that

participates in Federally funded programs, unless the business, as a whole, receives Federal aid, in which case it is covered in its entirety. The bill also states explicitthat farmers will not become subject to Federal regulation by virtue of their acceptance of Federal price support payments, and that grocers and supermarkets will not become subject to such regulations by virtue of accepting food stamps from customers.

Preserve the independence of State and local government from Federal control by limiting Federal regulation to the part of a State or local entity that receives or distrib-

utes Federal assistance.
In all other respects, my proposal is identical to S. 557, including the provisions to ensure that this legislation does not impair protection for the lives of unborn children.

I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact promptly in its place the Civil Rights Protection Act of

RONALD REAGAN. THE WHITE HOUSE, March 16, 1988.

CIVIL RIGHTS PROTECTION ACT OF 1988-MESSAGE FROM THE PRESIDENT RECEIVED DURING RECESS-PM 123

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on March 16, 1988, during the recess of the Senate, received the following message from the President of the United States, to-gether with accompanying papers; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States: In returning to the Senate without my approval S. 557, the "Grove City" bill, I urge the Congress to enact promptly, in lieu of S. 557, my alternative proposal, the "Civil Rights Protection Act of 1988."

My proposal, which is enclosed, would address the many scrious short-comings of S. 557, as explained in the attached copy of the veto message on

I pledge my wholehearted support in working with the Congress to enact promptly this carefully crafted and effective alternative to S. 557.

RONALD REAGAN.

THE WHITE HOUSE, March 16, 1988.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 854. An act entitled the "Nevada-Flori-da Land Exchange Authorization Act of 1988".

The enrolled bill was subsequently signed y the Deputy Fresident pro tempore (Mr. ATCHELL).

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, March 17, 1988, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 125. Joint resolution to designate S.J. Res. 125. Joint resolution to designate the period commencing on May 9, 1988, and ending on May 15, 1988, as "National Stuttering Awareness Week";
S.J. Res. 216. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial;
S.J. Res. 218. Joint resolution to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and S.J. Res. 252. Joint resolution designating June 5 to 11, 1988, as "National NHS Neighbor Works Week."

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-2752. A communication from the As-EU-2752. A communication from the Assistant Secretary of the Interior (Water and Science), transmitting, pursuant to law, a report on the approval of a deferment of the 1986 construction repayment installment due the United States from Webster Irrigation District No. 4, Pick Sloan Missouril Basin Program, Kansas; to the Committee on Futury and Naturell Recovered.

Irrigation District No. 4, Pick-Sloan Missourit Basin Program, Kansas; to the Committee on Energy and Natural Resources. EC-2753. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on local agreements negotiated between the Corps of Engineers and local sponsors and the status of performance; to the Committee on Environment and Public Works. EC-2754. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the extent of the danger to human health posed by asbestos in public and commercial buildings; to the Committee on Environment and Public Works. EC-2755. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1989, and for other purposes; to the Committee on Environment and Public Works.

Vorks. EC-2756. A communication from the EC-2756. A communication from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Environment and Public Works. EC-2757. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the annual report on activities and programs implemented under section 319 of the Clean Water Act for fiscal year 1987; to the Committee on Environment and Public Works.

Works, EC-2758.

EC-2758. A communication from the United States Trade Representative, transmitting a draft of proposed legislation to provide authorization for the Office of the United States Trade Representative for fiscal year 1989; to the Committee on Finance.

EC-2759. 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 March 3, 1988; to the Committee on Proteign Helations. Foreign Relations

Foreign Relations, EC-2760. A communication from the Acting Director of the Defense Security As-Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on an incident in El Salvador involving United States personnel; to the Committee on Foreign Relations.

EC-2761. A communication from the Comptoller General of the United States, transmitting pursuant to law appear.

Comptroller General of the United States, transmitting, pursuant to law, a report on the overall results of the examination of the effectiveness of the international narcotics control assistance provided by the Foreign Assistance Act; to the Committee on Foreign Relations.

EC-2762. A communication from the Comptroller General of the United States, transmitting, pursuant to law a proof or

Comparents General of the United States, transmitting, pursuant to law, a report on the effectiveness of the international narcolles control assistance provided under the Foreign Assistance Act; to the Committee

on Foreign Relations

on Foreign Relations. EC-2763. A communication from the Administrator of the Health Care Financing Administration. Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2764. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs.

EC-2765. A communication from the Com-

pétition Advocate General and from the As-sistant Secretary of the Air Porce (Acquisi-tion), transmitting jointly, pursuant to law, the annual report on competition advocacy for fiscal year 1987; to the Committee

for fiscal year 1987; to the Committee on Governmental Affairs. EC-2768. A communication from the Defense Logistics Agency Competition Advocate, transmitting, pursuant to law, the annual report of the Agency on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs. EC-2767. A communication from the Under Secretary of Defense (Aequisition), transmitting, pursuant to law, the annual report of the Department on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs. EC-2768. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law.

Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report of the Corporation on competition advocacy for fiscal year 1937; to the Committee on Governmental Affairs.

EC-2769. A communication from the Senior Assistant Postmaster General (Pinance and Planning Group), transmitting, pursuant to law, the annual report of the

pursuant to law, the annual report of the Postal Service under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary.

EC-2770. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1987; to the Committee on the Judici-

EC-2771. A communication from the Di-EC-2771. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the annual report of the Peace Corps under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiclary.

EC-2772: A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the annual report of the Commission under the Preedom of Information Act for calendar year 1857; to the Committee on the Judiciary.

diciary.

EC-2773. A communication from the Executive Director of the National Mediation
Board, transmitting, pursuant to law, the
Board, transmitting, pursuant to law, the
Board, transmitting the Board under the Freedom of Information Act for calendar year
1987; to the Committee on the Judiclary,
EC-2774. A communication from the
Deputy Freedom of Information Officer,
Federal Home Loan Mortgage Corporation,
transmitting, pursuant to law, the annual
report of the Corporation under the Preedom of Information Act for calendar year

report of the Corporation under the Prec-dom of Information Act for calendar year 1987; to the Committee on the Judiclary. EC-2775. A communication from the Compiroller General of the United States, transmitting, pursuant to law, a report and recommendations concerning the claim of Mr. William D. Morger; to the Committee on the Judiclary. EC-2776. A communication from the Ex-cutive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, the annual Precdom of Information report of the Department for calendar year 1987; to the Committee on the Judiclary. EC-2777. A communication from the Sec-

the Committee on the Judiciary. EC-2777. A communication from the Secretary to the Railroad Retirement Board transmitting, pursuant to law, the annual report of the Board under the Precedom of Information Act for calendar year 1987; to the Committee on the Judiciary. EC-2778. A communication from the Acting Chairman of the Pederal Maritime Commission, transmitting purposet to law.

Commission, transmitting, pursuant to law, the annual report of the Commission under the Precdom of Information Act for calen-dar year 1987; to the Committee on the Ju-

diciary. EC-2779. A communication from the Free EC-2779. A communication from the Free-dom of Information Act Officer. Pederal Re-tirement Thrift Investment Board, trans-mitting, pursuant to law, the annual report of the Board under the Freedom of Infor-mation Act for calendar year 1987; to the Committee on the Judiciary. EC-2780. A communication from the Ad-ministrator of the National Aeronautics and Space Adolectories transmitted.

Space Administration, transmitting, pursuant to law, the annual report of NASA under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiclary

Calendar year 1987; to the Committee on the Judiclary, EC-2781. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Preedom of Information Act for calendar year 1987; to the Committee on the Judiclary, EC-2782. A communication from the Chairman of the Board of Governors of the Pederal Reserve System, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiclary.

Judiciary, EC-2783. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Preedom of Information Act for calen-dar year 1987; to the Committee on the Judiciary.
EC-2784. A communication from the Fed-

eral Inspector, Alaska Natural Gas Trans-portation System, transmitting, pursuant to law, the annual report of the System under the Freedom of Information Act for calenyear 1987; to the Committee on the Judiciary.

EC-2785. A communication from the Director of the Office of Legislative and Public Affairs, National Science Foundation, transmitting, pursuant to law, the annual report of the Foundation under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiciary

EC-2786. A communication from the Acting Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1987; to the Committee on the Judiclary, EC-2787. A communication from the Vice Precident and communication from the Vice

EC-2787. A communication from the Vice President and general counsel of the Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Preedom of Information Act for calendar year 1987; to the Committee on the Judiciary, EC-2788. A communication from the general counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide penalties for certain false statements regarding bombs or other explosives, and for other purposes; to the Committee on the Judiciary.

and for other purposes; to the Committee on the Judiciary.

EC-2789. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for Technology, Educational Media, and Materials for Handicapped Program; to the Committee on Labor and Human Resources.

EC-2790. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Technology, Educational Media, and Materials for the Handicapped Program; to the Committee on Labor and Human Resources.

EC-2791. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priorities for research in education of the handicapped; to the Committee on Labor and Human Resources.

EC-2792. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, the annual report on competition advo-

cacy for fiscal year 1987; to the Committee on the Judiciary.
EC-2793. A communication from the Secretary of Education. transmitting, pursuant to law, final regulations—assistance for local educational agencies in areas affected by Pederal activities and arrangements for edu-cation of children where local educational agencies cannot provide suitable free public education; to the Committee on Labor and

education; to the Committee on Labor and Human Resources. EC-2794. A communication from the Sec-retary of Education, transmitting, pursuant to law, notice of final priority for the Fund for the Improvement of Postsecondary Edu-cation [FIPSE] Lectures Program for fiscal year 1988; to the Committee on Labor and Human Resources.

year 1988; to the Communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit: Veterans" Administration's Financial Statements for Fiscal Year 1986"; to the Committee on Veterans' Afficier

fairs.

EC-2796. A communication from the Assistant Secretary (Science and Education), Department of Agriculture, transmitting, pursuant to law, the fifth progress report on the human nutrition research and information management (HNRIM) system; to the Committee on Agriculture, Nutrition, and

EC-2797. A communication from the Deputy Secretary, Department of Agricul-

ture, transmitting, a draft of proposed legis-lation "To amend the United States Grain Standards Act to extend through Septem-ber 30, 1993, the authority contained in sec-tion 155 of the Omnibus Budget Reconcilia-tion Act of 1981 and Public Law 98-469 to charge and collect inspection and weighing fees, and for other purposes;" to the Committee on Labor and Human Resources.

EC-2798. A communication from the Director, Office of Management and Budget, transmitting, pursuant to law, a cumulative

rector, Office of Management and Budget, transmitting, pursuant to law, a climulative report on rescissions and deferrals; pursuant to the order of January 13, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-2799. A communication from the Assistant Secretary of the Army (Research, Development and Acquisition), transmitting, a draft of proposed legislation "To authorize the use of annual Department of Defense appropriations for payments under equipment operation and equipment maintenance contracts which cross fiscal years; to the Committee on Armed Services.

EC-2800. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on the determination and findings indicating the necessity to exclude the clause concerning examination of records by

indicating the necessity to exclude the clause concerning examination of records by the Comptroller General from a proposed contract with the United Kingdom; to the Committee on Armed Services.

PC-2801. A communication

EC-2801. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on extraordinary contractual actions to facilitate the national defense; to the Committee on Armed Services

tate the national defense; to the committee on Armed Services.

EC-2802. A communication from the President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on tied-aid credit; to the Committee on Banking, Housing, and Urban Affeire.

EC-2803. A communication from the Sec retary of Housing and Urban Development, transmitting, a draft of proposed legislation to amend the Fair Housing Act; to the Com-mittee on Banking, Housing, and Urban Af-fairs.

to amend the Fair Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2804. A communication from the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the annual report of the Comptroller of the Comptroller of the Currency; to the Committee on Commerce, Science, and Transportation.

EC-2805. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Thirteenth Annual Report of Activities of the Department of Transportation related to administering the Deepwater Port Act of 1974; pursuant to title 33, United States Code, section 1502, to the Committee on Commerce, Science and Transportation, the Committee on Environment and Public Works, and the Committee on Energy and Natural Resources.

EC-2806. A communication from the Secretary of Energy, transmitting, pursuant to law, the Eleventh Annual Report of the Department of Energy relative to the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976; to the Committee on Commerce, Science, and Transportation.

EC-2807. A communication from the Deputy Associate Director (Collection and Disbursement) Department of the Interior, transmitting, pursuant to law, a report resarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2808. A communication from the Deputy Associate Director (Collection and Disbursement) Department of the Interior, transmitting, pursuant to law, a report resarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2808. A communication from the Deputy Associate Director (Collection and Disbursement), Department of the Interior,

transmitting, pursuant to law, a report regarding the refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and

propriate; to the Committee on Energy and Natural Resources.

EC-2809. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the 1988 update to the national plan for research in mining and mineral resources; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HATCH thy request:

By Mr. HATCH thy request:

S. 2184. A bill to protect the civil rights of Americans 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. to the Committee on Labor and Human Re

By Ms. MIKULSKI:

SOURCES.

By Ms. MIKULSKI:
S. 2185. A bill to extend the deadline for destruction of lethal chemical agents and munitions, and for other purposes; to the Committee on Armed Services.

By Mr. MOYNIHAN:
S. 2186. A bill to improve the efficiency and effectiveness of management of public buildings; to the Committee on Environment and Public Works.

By Mr. WALLOP:
S. 2187. A bill to amend the Internal Revenue Code of 1986 to allow refundable credit against tax to taxpayers for dependents who have not attained the age of compulsory school attendance as prescribed by the law of the State in which the taxpayer resides, and to repeal the credit for expenses for child care services necessary for gainful employment for expenses with respect to such dependents.

dependents.

By Mr. PRYOR:
S. 2188. A bill to amend section 307 of the
Federal Employees' Retirement System Act
of 1986; to the Committee on Governmental

Affairs.

By Mr. ADAMS:
S. 2189. A bill to create a Federal facility nuclear cleanup trust fund, to require the Secretary of Energy and the Administrator of the Environmental Protection Agency to enter into compliance agreements for envi-ronmental cleanup of Federal nuclear facili-ties, to create a special environmental coun-sel, to provide for research and development

sel, to provide for research and development for Federal nuclear facilities, and for other purposes to the Committee on Environment and Public Works.

By Mr. GRAMM:
S. 2190. A bill to amend the Act of September 13, 1961, relating to the destruction or injury of property moving in interstate or or region commerce, and for other purposes; to the Committee on Pinance.

By Mr. KENNEDY:
S.J. Res. 274. A Joint resolution to prohib-

By Mr. KENNELDY: S.J. Res. 274. A Joint resolution to prohibit the introduction of U.S. combat troops into Honduras or Nicaragua; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FORD (for himself, Mr. Byrn, Mr. Dole, and Mr. Stevens):

S. Con. Res. 104. A concurrent resolution to provide for a Joint Congressional Com-mittee on Inaugural Ceremonies; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (by request);

S. 2184. A bill to protect the civil rights of Americans 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; to the Committee on Labor and

Human Resources.
(The remarks of Mr. Hatch and the text of the legislation appear earlier in today's RECORD.)

By Ms. MIKULSKI:

S. 2185. A bill to extend the deadline for destruction of lethal chemical agents and munitions, and for other purposes; to the Committee on Armed

EXTENSION OF DEADLINE FOR DESTRUCTION OF

CERTAIN CHEMICAL AGENTS AND NUMITIONS

MS. MIKULSKI. Mr. President, today I am introducing legislation to extend the deadline for destruction of the U.S. Army's mustard gas stockpile at Aberdeen Proving Ground and seven other sites around the country by 3 years, from 1994 to 1997.

The Army has just reported to Congress that they will need until 1997 to dispose of these dangerous chemical weapons safely. If that's the case, then let's take the time to do the job right. The stakes are too important to rush the disposal of this toxic stockpile.

Current law gives the Army until September 30, 1994 to dispose of the chemical weapon stockpile at Aber-deen Proving Ground, My bill will extend that deadline until September

30, 1997.

The citizens near the Aberdeen Proving Grounds and the other gas storage sites have a right to be heard, The citizens a right to be protected, and a right to know what's going on. In order to pro-tect those rights, we should give the Army the additional 3 years necessary to do the job right. The very last thing want to see is this dangerous and difficult process hampered by unreasonable deadlines

During this time, the Army must continue to keep the lines of commu-nication open to the citizens and local governments around Aberdeen and the other sites with stored toxic gas

In particular, I look forward to the development of a comprehensive emergency response plan for both the military and civilian areas in Harford County and the other storage sites.

The report released by the Army yesterday was issued in response to a congressional directive in the 1988 continuing resolution.

By Mr. MOYNIHAN:
S. 2186. A bill to improve the efficiency and effectiveness of management of public buildings; to the Committee on Environment and Public Works.

PUBLIC BUILDINGS AMENDMENTS

Mr. MOYNIHAN. Mr. President, today I am introducing legislation to improve the efficiency and effectiveness of the management of the General Services Administrative Transfer Services Administration's Public Buildings Program. This measure contains a series of modest amendments to the relevant statutes, which I do not expect to be controversial. However, the bill's enactment will effect a significant improvement in the man-agement of our Nation's Public Buildings Program.

The reforms in this bill include:

Pirst, raising from \$500,000 to \$2 million the threshold level at which GSA must submit to Congress a prospectus for a major alteration or accusion of accounting of a major. quisition of space;

Second, granting GSA statutory authority to relinquish legislative jurisdiction over areas under its control, so that where it is appropriate local law enforcement authorities may protect Federal properties:

Third, expanding the statutory authority for GSA's security and law enforcement functions to all buildings and areas owned or occupied by the Federal Government that are leased by and under the control of the agency; and

Fourth, eliminating the cap on alterations to leased space to a cost of no more than 25 percent of the amount to be paid during the initial year of the lease

Almost exactly 1 year ago, the administration submitted to Congress a draft bill on public buildings reform. That measure was significantly That measure was significantly amended and passed by the House last year. My bill incorporates several pro-visions of the House legislation, with some refinements, and omits two provisions which are controversial and thus may impede passage of these

needed reforms.

The House added a provision to its file House under a provision to its bill which would authorize time fi-nancing for the acquisition of public buildings. Although I favor the con-cept of time-financing, the administration is strongly opposed to the inclusion of this provision.

My bill also does not include the requirement, as does the House bill, that Federal buildings be constructed in compliance with nationally recognized building codes and local zoning laws. GSA is opposed to this provision, which also was not included in the original administration proposal. The Agency claims that this provision will unduly delay projects and cause lengthy discussions between Federal and local authorities over even minor alterations to Federal buildings.

The Environment and Public Works Committee's Subcommittee on Water Resources, Transportation, and Infra-structure, which I chair, recently

heard testimony regarding these reform proposals. I hope that the full Committee Public Works will report this bill before the end of the month, so that we may soon begin conference. on Environment we may soon begin conference with the House.

I urge my colleagues to join me in sponsoring this legislation and sup-porting its expeditious enactment.

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

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

8. 2186

Be it enacted by the Senate and House of Representatives of the United States America in Congress assembled, SECTION I. SHORT TITLE.

This Act may be cited as the "Public Buildings Amendments of 1988".

SEC. 2 INCREASED THRESHOLD FOR APPROVAL PROCESS.

Sections 4(b) and 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 603(b) and 606(a)) are amended by striking out \$450,000° cach place it appears and inserting in lieu thereof \$2,000,000. REC. & LIMITATIONS ON LEASING AUTHORITY.

Section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) is amended by adding at the end thereof the following new subsec-

tion:
"(c) Limitation on Leasing Certain
Space.—Notwithstanding any other provision of this Act, with respect to any lease
subject to section 7 of the Public Buildings
Act of 1959 (40 U.S.C. 606), the Administrator may not lease any space to accommo-

"(1) major computer operations,
"(2) secure or sensitive activities related to
the national defense or security, except in
any case in which it would be inappropriate
to locate such activities in a public building
or other facility, identified with the United or other racing.
States Government;

states Government;

"(3) offices which would require major alterations in the structure or mechanical system of the building to be lessed; or

"(4) a permanent courtroom, judicial chamber, or administrative office for any
United States court;

control states court, except that the Administrator may lease such space if the Administrator first determines, for reasons set forth in writing, that leasing such space is necessary to meet requirements which cannot be met in public buildings and submits such reasons to the Committee on Environment and Public Worker if the Souther such the Control Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.".

SEC. 4. DOLLAR AMOUNT ADJUSTMENT.
Section 7 of the Public Buildings Act of
1559 (40 U.S.C. 666) is further amended by
adding at the end the following new subsec-

tion:
"(g) DOLLAR AMOUNT ADJUSTMENT,—Any
dollar amount referred to in this section and
section 4(b) of this Act may be adjusted by
the Administrator annually to reflect a percentage increase or decrease in construction costs during the preceding calendar year, as determined by the composite index of construction costs of the Department of Construction costs of the Department of Com-merce. Any such adjustment shall be expe-ditiously reported to the Committee on En-vironment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of RepresentaSEC. E STATE ADMINISTRATION, SPECIAL, RULES FOR LEASED BUILDINGS.

The Public Buildings Act of 1959 (40 U.S.C. 601-606) is amended by adding at the end thereof the following new sections: "SEC. ID. STATE ADMINISTRATION,

end thereof the following new sections:

SEC 19. STATE ADMINISTRATION.

"(a) Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, relinquish to a State, or to a commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over land or interests under the control of the Administrator in such State, commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished by filing with the Governor (or if more exists, with the chief executive officer) of such State, commonwealth, critiory, or possession a notice of relinquishment to take effort upon acceptance thereof, or in such other manner as may be prescribed by the laws of the State, commonwealth, territory, or possession where such lands are situated. The authority granted by this section is in addition to and not instead of that granted by any other provision of law. Nothing herein shall be construed to authorise the administrator to dispose of any land or interest in property to a State, commone the commone. the Administrator to dispose of any lan interest in property to a State, common-wealth, territory or possession.".

"SEC. 20. SPECIAL RULES FOR LEASED BUILDINGS. "(a) SPECIFICATIONS.—Notwithstanding the provisions of section 210(h)(1) of the Federal Property and Administrative Ser-ices Act of 1949, the Administrator shall not ices Act of 1949, the Administrator anali not make any agreement or undertake any commitment which will result in the construction of any building which is to be constructed for lease to, and for predominant use by, the United States until the Administrator has established specifications for mach building. such building.

"(b) Confessions Bibs.

(b) Competitive Bibs.—The Administrator may acquire a leasehold interest in any building which is being constructed for lease to, and for predominant use by, the United States only by the use of competitive procedures required by section 2711 of the Competition in Contracting Act of 1924, amending section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

"(c) Inspections.—The Administrator shall inspect every building to be constructed for loss to, and for predominant use by, the United States during the construction of such building in order to determine that the specifications established for such build-ing are compiled with.

(d) Enforcement.

"(d) ENFORCEMENT.—
"(1) POST-CONSTRUCTION EVALUATION.—
Upon completion of a building constructed for lease to, and for predominant use by, the United States, the Administrator shall evaluate such building for the purpose of determining the extent, if any, of failure to comply with the specifications referred to in this section.

this section.

"(2) CONTRACT CLAUSE.—The Administrator shall ensure that any contract entered into for a building described in paragraph (1) shall contain provisions permitting a reduction of rent during any period when such building is not in compliance with such specifications."

SKC. & LIMITATION ON MAXIMUM BENTAL RATE Section 322 of the Act of June 20, 1932 (47 Stat. 412; 40 U.S.C. 2782) is repealed

SEC. 7. PROTECTION OF FEDERAL PROPERTY.

(a) REFERENCE TO GSA.—The Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318-3128d) is

amended—
(1) by striking out "Federal works
Agency" each place it appears and inserting

in lieu thereof "General Services Adminis-

in the thereof "General Services Administration"; and
(2) by striking out "Federal Works Administrator" each place it appears and inserting
in lieu thereof "Administrator of General

CLUSION OF LEASED PROPERTY. Section 1 of such Act is amended to read as fol-

SECTION I. SPECIAL POLICE.

"(a) Arpointment.—The Administrator of General Services, or officials of the General Services Administration duly authorized by the Administrator, may appoint uniformed guards of such Administration as special po-licemen without additional compensation for duly in connection with the policing of all buildings and areas owned or occupied by the United States and under the charge and control of the Administrator.

"(b) POWERS.—Special policemen appointed under this section shall have the same powers as sheriffs and constables upon such property to enforce the laws enacted for the property to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful asemblies, and to enforce any rules and regulations promulgated by the Administrator or such duly authorized officials of the Administration for the property under their jurisdiction; except that the jurisdiction and policing powers of such strength settlement while such special policemen shall not extend to

such special policemen shall not extend to
the service of civil process."

(c) Corporating Amendments.—
(1) Section 2.—Section 2 of such Act is
amended by striking out "Federal property"
(2) Section 3.—Section 3 of such Act is
amended by striking out "and over which
the United States has acquired exclusive or
concurrent criminal jurisdiction".

SEC. A INCHINICAL AMENDMENT

SEC. A FECHINICAL AMENDMENT.
The Act entitled "An Act to designate the
United States Post Office and Courthouse
in Pendicton. Oregon, as the 'John P. Kilkenny United States Post Office and Courthouse." (Public Law 98-492.98 Stat. 271) is
amended by striking out "Dorian" and inserting in licu thereof "Dorion". SEC. R. TRIBINICAL AMENDMENT.

By Mr. WALLOP:

S. 2187. A bill to amend the Internal Revenue Code of 1986 to allow refundable credit against tax to taxpayers for dependents who have not attained the age of compulsory school attendance as prescribed by the law of the State in which the taxpayer resides, and to repeal the credit for expenses for child care services necessary for gainful em-ployment for expenses with respect to such dependents; to the Committee on

EXPANSION OF CHILD CARE TAX CREDIT Mr. WALLOP. Mr. President, I cannot claim pride of authorship for this bill which I am introducing today. It is the brainchild of Congressman CLYDE HOLLOWAY. The bill is a sensible approach to providing parents relief from the economic burdens of child care expenses. I am introducing the bill as a free-standing proposal, and also intend to incorporate this concept in a broader package to assist working

families.

One of the strongest points about this bill is that it does not require a new, expensive, cumbersome Federal program. No one would be faced with onerous Federal standards or regula-

tions in order to utilize this credit, The solution proposed in this bill dem onstrates that we can assist families with the twin demands of work and family without starting new Federal programs with their inherent and selfperpetuating bureaucracy. The bill is statement in support of the traditional nuclear family and gets the Federal Government out of the business of rearing our Nation's young.

The bill is a simple and direct re-

sponse to the need for child care. It reforms the existing tax incentives. The Tax Code accommodates the need for child care to a limited extent. The dependent care tax credit allows familles to claim credit for child care expenses for two children if both parents work. The credit can be taken for children up to age 15. It is determined by a percentage of money spent on child care and by family income. But, it is not adequate for child care needs, and has built-in bias against traditional family life

The proposal would reform the dependent care credit to enable families to make more and better choices about how to care for their children. The bill removes the two child limit for the credit to allow large families to claim as many children as needed as well as lower the age of children eligible for the credit to the compulsory school age. The credit would focus on the youngest children, those most in need of care and supervision. It would also break the link between cash payments for child care and the amount of the credit claimed. A fixed dollar amount per child would be used. Parents could use their credit for child care expenses in any way they deem appropriate. It also allows the use of the credit when one parent remains at home. For the first time, we are giving families a choice between home and work as opposed to the current mandate that both parents work to be able to obtain the credit.

In the 1986 Tax Reform Act, the In the 1986 Tax Reform Act, the Congress streamlined the Tax Code, frecing it of outmoded provisions. While the final draft had many problems with it, the act did make it clear that there is a broad base of support for retention of certain family provisions, such as the dependent care credit. This reflects the belief that children are, after all, our future. We do not want child care to become another bottomless money pit. We must look for creative ways to give families meaningful options for the care of their youngsters. This is the goal of this tax credit reform bill.

Our national policy is not that our children should grow up in State-run and funded child care centers. Most of the pending legislation supports this idea of institutionalization. Some of the regulations and minimum requirements under discussion when the allowed the state of the regulations and minimum requirements. ments under discussion make the phenomena of neighborhood friends or grandmothers taking a few children into their homes a difficult proposition at heet

If we follow the path of the most opular child care bills, then Federal funding for child care services by religious organizations would be precluded. This is the primary source of child care for many Americans. In fact, if the vetoed version of the Grove City bill becomes law, no church basement child care program will ever be able to qualify for Federal child care dollars no matter how they are delivered. My bill avoids this problem by letting parents use their credit at any facility they choose, be it religiously facilitated or not

Certainly, all of these options should be preserved and enhanced, not discouraged. Let's not sound the death knell for the hearth and home.

Reform of the dependent care credit is a solid and simple Federal answer to the child care problem. This is a very important issue, and we need to pro-ceed carefully. We all agree that care of our Nation's youngsters must be priority, but the family must not be overlooked as the first and last place

where our children flourish.

Mr. President, I would ask unanimous consent that the bill be printed in the RECORD.

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

S. 2187

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

SECTION I. ALLOWANCE OF CREDIT

(a) In GENERAL—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refund-able credits) is amended by inserting after section 34 the following new section:

SEC. 34. YOUNG DEPENDENT CREDIT.

"NC 34 YOUNG BEPENDENT CREDIT.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year the applicable amount.

"(b) MAXIMUM AMOUNT OF CREDIT.—The amount allowable as a credit under subsection (a) to an individual for any taxable year shall not exceed the amount of tax collected from the taxpayer under section 3102 (relating to deduction of tax from wages) during the taxable year.

"(c) APPLICABLE AMOUNT DEFINED.—For purposes of subsection (a), the term applicable amount, with respect to a taxable year, means—

year, means-

"(1) the number of dependents of the taxpayer as of the close of the taxable year, who have not attained the age of compulsory school attendance as prescribed by the law of the State in which the taxpayer reides, multiplied by

"(2) an amount determined in accordance
with the following table:

If the adjusted gross in-

The amount is: The amount of tax collected from the taxpayer under section 3102 during tarable

Not more than \$5,326,23 More than \$5,326.23 but not more than \$18,000 More than \$18,000 but not more than \$21,000 If the adjusted gross in-

The amount is The amount of tax collected from the taxpayer under section 3102

More than \$21,000 but not more than \$24,000 but not more than \$24,000 but not more than \$24,000 but not more than \$27,000 but not more than \$27,000 but not more than \$27,000 but not more \$250 More than \$27,000 but not more \$200

be considered".

(d) Clerical Amendment.—The table of sections for subpart C of part IV of sub-chapter A of chapter 1 of such Code is amended by inserting after the item rela-ting to section 34 the following new item: "Sec. 34A. Young dependent credit.".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply to taxable years beginning after the close of the calendar year in which this Act is enacted.

By Mr. PRYOR: S. 2188. A bill to amend section 307 of the Federal Employees' Retirement System Act of 1986; to the Committee on Governmental Affairs.

COST COMPARISON EQUITY LEGISLATION • Mr. PRYOR. Mr. President, today I am introducing a bill that will correct a definitional problem in the Federal Employees' Retirement System Act of 1986 [FERSA]. The provision in question has no impact on retirement ben-, rather it involves the definition efits, rather it involves the definition of what constitutes the "normal-cost percentage" for the purposes of an A-76 contracting out studies. The definition excluded Thrift Savings Plan contributions and Social Security tax from use in computing the retirement costs of Federal employees

A General Accounting Office [GAO] study, performed at the request of Representative William Forn, found that "the October 1986 revision operates in such a way that the resultant A-76 cost comparisons unduly favor contractors over agencies' in-house operations." In fact, the GAO examined a contracting out cost comparison at Fort Sill, OK, and found that the contractors costs were understated by \$1.6 million due to the definition of retirement costs

The Office of Management and Budget [OMB] recognized this problem and, in a letter to the President of the Senate, stated that "(t)his limita-

tion makes analytical studies and accurate cost comparisons more complex and difficult and causes confusion for both the Government and the private OMB recommended that Congress amend the definition in FERSA so that all retirement costs for both Federal employees and contractors will be taken into account.

I believe that this legislation is necessary to "level the playing field" of the A-76 process. My bill would not give anyone an advantage, it simply ensures that all retirement costs for both Federal employees and contrac-tors will be taken into consideration in cost comparisons. I urge my colleagues to cosponsor this legislation and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sec-tion 307 of the Federal Employees' Retire-ment System Act of 1986 (Public Law 99-335; 100 Stat, 607) is amended to read as fol-lower.

lows:

"SEC 301 USE OF NORMAL CUST PERCENTAGE."

"Notwithstanding any other provision of law, the normal-cost percentage (as defined by section 8401(23) of title 5, United States Code, as added by this Act) of the Federal Employees' Retirement system to the Civil Service Retirement and Disability Fund for all purposes in which the cost of the System to required to be determined by the Federal Government. For any comparisions between the cost of performing commercial activities under the contract with commercial sources and the cost of performing such activities under the cost of performing such activities under the cost of the System to the Civil Service Retirement and Disability Fund as specified in the preceding sentence, the cost of the thrift savings plan under subchapter III of chapter 84 of title 5, United States Code, and the cost of social security.". SEC. 307. USE OF 'NORMAL-COST PERCENTAGE

By Mr. GRAMM: S. 2190. A bill to amend the act of September 13, 1961, relating to the destruction or injury of property moving in interstate or foreign commerce, and for other purposes; referred to the Committee on Finance.

ANTI-TERRORISM SANCTIONS AC

 Mr. GRAMM. Mr. President, today I am introducing legislation that will put one more weapon in our arsenal against international terrorism. legislation, the Anti-Terrorism Sanc-tions Act of 1988, would deny most-favored nation tariff treatment to any country that the Secretary of State has determined has repeatedly provided support for acts of international terrorism.

There is no reason why the United States should treat these countries on a business-as-usual basis. countries whose governments are supporting terrorism, that are actively endangering the lives of American citizens. They are supporting people who

tre blowing up airplanes bombs in public places, kidnaping innocent civilians, and doing a thousand other things offensive to peace-loving, law-abiding people everywhere. To conduct our relations with these countries as if they were not participating in these terrorist acts would be an outrage to the innocent victims of their terrorism.

Certainly terrorism requires a response. That response, however, must not be the one that the terrorist seeks. The response must be a clear demonstration that there is a price to pay for station that there is a pince to pay for terror, an unacceptable price. The price must be that countries that are going to conduct their affairs outside of the standards for civilized nations cannot consider themselves entitled to the benefits accorded to civilized nations. One of those benefits is most-fa-

vored nation trade status.

This bill does not prohibit trade with these nations. We already have legislation on the books that can be used for that purpose. This bill merely states that a country giving support to terrorism will not be allowed to bene-fit from the lowest tariff levels placed by the United States on imports. It says that terrorist nations cannot qualify either for MPN status or for any other benefits of reduced tariffs.

. President, Rumania recently lost its MFN status because of its human rights abuses. This bill would apply that same penalty to those countries identified by the Secretary of State as

supporting international terrorism.

This legislation is identical to legislation introduced in the House of Representatives by Congressman Jon Barron and 92 of his colleagues. It deserves our consideration and the sup-port of the Members of the Senate.

Mr. President, I ask unanimous con-sent that the text of the bill be printed in the RECORD.

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

8. 2190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this act may be cited as the "Anti-Terrorism Sanctions Act of 1988".

sectingly be cited as the "Anti-Terrorism Sanctions Act of 1988".

Sec. 2. The Act entitled "An Act to prohibit the destruction of, or injury to, certain property moving in interstate or foreign commerce, and for other purposes", approved September 13, 1961 (15 U.S.C. 1281 and 1282), is amended by adding at the end thereof the following new section:

"Sec. (a) Notwithstanding any other provision of law, with respect to any foreign country while it is listed pursuant to section 6(1) of the Export Administration Act of 1979 as a country that repeatedly provides support for international terrorism—

"(1) the President shall terminate, withdraw or suspend any portion of any trade agreement or treaty that relates to the provision of mondiscriminatory (most-favored-nation) trade treatment to such country;

nation) trade treatment to such country:

"(2) such country shall be denied nondis-criminatory (most-favored-nation) trade treatment by the United States and the products of such country shall be subject to

the rates and duty set forth in column number 2 of the Tariff Schedules of the United States;

"(3) the provisions of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) shall not apply with respect to the products of such

country;

"(4) the provisions of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701, et sq.) shall not apply with respect to the products of such country, during the period in which such identification is in effect; and

in which such identification is in effect; and "is the Secretary of Commerce may not consult with the government of that country under section 3(aN9) of the International Travel Act of 1961 (22 U.S.C. 2123(aN9)) regarding international travel and tourism. "(bX1) The President may waive all, or any portion of, the provisions of subsection (a) with respect to any foreign country if the President determines that such a waiver would be in the best interests of the United States. The President shall submit to the Congress written notice of any waiver granted under this paragraph. "(2) Any waiver granted under paragraph (1) may be revoked by the President at any time.

time.

"(3)(A) Any waiver granted under paragraph (1) shall take effect only after the close of the thirty-day period that begins on the date on which the President submits to the Congress written notice of such waiver.

"(B) The following days shall be excluded in determining the thirty-day period described in subparagraph (A)—

"(1) the days on which either House of

"(i) the days on which either House of Congress is not in session because of an adjournment of more than three days to a devertain or an adjuournment of the Congress sine dic: and

"(ii) any Saturday and Sunday, not excluded under clause (i), when either House of Congress is not in session.".

By Mr. KENNEDY:

S.J. Res. 274. Joint resolution to prohibit the introduction of United St combat troops into Honduras or Nica-ragua; to the Committee on Foreign Relations.

PROHIBITING UNITED STATES COMEAT TROOPS IN

HONDURAS OR NICARAGUA
KENNEDY, Mr. President. today I am introducing a resolution that, if it is enacted, would require the President to obtain the approval of Congress before sending combat troops to Central America.

The Sandinistas' incursion into Hon-

duras is a clear violation of Honduran sovereignty and should be condemned in the strongest possible terms. No one defends the actions of the Nicaraguan military, and no one accepts President Ortega's claim that his soldiers are not in Honduras,

But the administration's reaction raises serious concerns as well.

President Reagan's decision to send thousands of American combat troops to Honduras is a reckless escalation of his failed policy of military aid to the Contras. It is the most irresponsible step the administration has taken so far to undermine the Arias peace plan.

The President's decision raises seri-ous unanswered questions about the administration's plans, intentions and motivations that Congress should explore and address as soon as possible: What has President Azcona of Hon-

duras asked our troops to do?

What is the military objective our troops are supposed to achieve?

What will our troops be doing in Honduras, and how long will they be

Does the administration have plans to send any more American troops to Central America?

This administration has always put the military cart before the diplomatic horse in Central America, and the American people are rightly skeptical about his rash and hasty decision to send American boys into a war zone.

We have seen it all before. Is it only a coincidence that American troops are sent to Central America on the same day that the administration launches a new campaign of pro-Contra lobbying in Congress?

Is it only a coincidence that when cores of incursions into Honduras have taken place in recent years, the administration singles out this one at this time for this inflammatory response?

That this administration is spoiling for a fight with Nicaragua is no secret. Time and again, they have resorted to desperate means-legal and illegal-to aid the Contras.

As recent history has shown, the administration has not besitated to bribe, lie, divert, distort and shred-all for the sake of more aid for the Con-tras. This would not be the first time that this administration has sounded the alarm of invasion for the purpose of mobilizing support for the Contras.

Every year since 1984, I have intro-duced legislation requiring the President to obtain the approval of Congress before sending combat troops to Central America. This most recent action underscores the need for this legislation to be enacted, and I offer it again today.

I urge my fellow Senators to ask themselves one simple question. The Constitution declares that Congress has the power and the authority to declare war

Should not Congress be consulted before the President sends American combat troops to Central America?

Congress has a solemn duty to participate in the most important issue that can ever face this country-the issue of war and peace. Before President Reagan yields to the impulse in the waning months of his administration to take us into wider war with Nicaragua, Congress should act to stop

ADDITIONAL COSPONSORS

At the request of Mr. Moynihan, the name of the Senator from West Virginia (Mr. Rockertier) was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

At the request of Mr. DANFORTH, the names of the Senator from Connecticut [Mr. Weicker] and the Senator from New Hampshire [Mr. RUDMAN] were added as cosponsors of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such

At the request of Mr. RIEGLE, the name of the Senator from New Mexico [Mr. Bingaman] was added as a cosponsor of S. 222, a bill to strengthen the program for grants to States for dependent care programs, and for other purposes.

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

At the request of Mr. Simon, the names of the Senator from Nebraska IMr. KARNES], the Senator from Nevada [Mr. HECHT], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 612, a bill to repeal a provision of Federal tort li-ability law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths and for other purposes.

S. 1220

At the request of Mr. KENNEDY, the name of the Senator from North Dakota [Mr. Connad] was added as a cosponsor of S. 1220, a bill to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome.

At the request of Mr. PRYOR, the name of the Senator from North Carolins [Mr. SANFORD] was added as a cosponsor of S. 1340, a bill to provide for computing the amount of the deductions allowed to rural mail carriers for use of their automobiles.

At the request of Mr. RIEGLE, the name of the Senator from Iowa IMr. GRASSLEY] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 to extend through 1992 the period during which qualified mortgage bonds and mort-gage certificates may be issued.

8. 1594

At the request of Mr. GRAHAM, the names of the Senator from Illinois IMr. Dixon), and the Senator from California [Mr. Wilson] were added as cosponsors of S. 1594, a bill to improve the operation of the Caribbean Basin Programie Basonary Act Economic Recovery Act.

At the request of Mr. HARKIN, the names of the Senator from Alabama IMr. Shelby), and the Senator from Arkansas (Mr. Prvor) were added as cosponsors of S. 1727, a bill to amend the Public Health Service Act to establish within the National Institutes of Health a National Institute on Deafness and Other Communication Disor-At the request of Mr. HARKIN, the ness and Other Communication Disor-

5. 1776

At the request of Mr. Armstrong, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Mississippi [Mr. Stennis], the Senator from New Mexico [Mr. Domenici], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1776, a bill to modernize United States circulating coin designs, of which one reverse will have a theme of the Bicentennial of the Constitution.

8. 1817 At the request of Mr. Kennedy, the names of the Senator from Missouri [Mr. Danforth], the Senator from South Dakota [Mr. Daschle], and the Senator from West Virginia [Mr. Daschle], and the Senator from West Virginia [Mr. Daschle], were added as easyon. Schatter from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1817, a bill to amend the Internal Revenue Code of 1986 to provide that gross income of an individual shall not include income from United States earliers bearing the states. States savings bonds which are trans-ferred to an educational institution as

payment for tuition and fees.

At the request of Mr. Karnes, his name was added as a cosponsor of S. 1817, supra.

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2042, a bill to authorize the Victnam 2042, a bill to authorize the victian Women's Memorial Project, Inc., to construct a statue at the Victnam Veterans Memorial in honor and recognition of the women of the United States who served in the Victnam con-

At the request of Mr. McClure, the names of the Senator from Montana IMr. MELCHER] and the Senator from Wisconsin [Mr. Kasten] were added as cosponsors of S. 2051, a bill entitled the "Prohibition of Undetectable Fire-

At the request of Mr. Nickles, the name of the Senator from Georgia [Mr. Fowler] was added as a cosponsor of S. 2062, a bill to amend the Internal Revenue Code of 1986 to restore to State and local governments the right to purchase gasoline without payment of the Federal gasoline excise tax.

S. 2106

At the request of Mr. Bond, name of the Senator from Alabama [Mr. Shelby] 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.

S. 2117

At the request of Mr. MELCHER, the name of the Senator from California [Mr. Cranston] was added as a co-sponsor of S. 2117, a bill to extend the statute of limitations applicable to certain claims under the Age Discrimination in Employment Act of 1967 that were filed with the Equal Employment Opportunity Commission before the date of enactment of this act.

S. 2120

At the request of Mr. Baucus, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 2129, a bill to amend the Internal Revenue Code of 1986 to repeal the application of the uniform capitalization rules with respect to animals produced in a farming business.

8. 2178

At the request of Mr. RIEGLE, the name of the Senator from Illinois IMr. Simon) was added as a cosponsor of S. 2175, a bill to provide for an addition al, optional indicator for making available extended unemployment compensation benefits under the Federal-State Extended Unemployment Com-pensation Act of 1970.

SENATE JOINT RESOLUTION 258

At the request of Mr. Thurmond, the name of the Senator from Missouri [Mr. Bond] was added as a cosponsor of Senate Joint Resolution 258, a joint resolution expressing the sense of the Congress that the people of the resolution expressing the sense of the Congress that the people of the United States should purchase products made in the United States and services provided in the United States. whenever possible, instead of products made or services performed outside the United States.

SENATE RESOLUTION 383

At the request Mr. LAUTENBERG, the name of the Senator from Montana IMr. Melcherl was added as a cospon-sor of Senate Resolution 383, a resolution to express the sense of the Senate regarding future funding of Amtrak.

SENATE CONCURRENT RESOLU-TION 104-PROVIDING FOR A JOINT CONGRESSIONAL COM-MITTEE ON INAUGURAL CERE-MONIES

Mr. FORD (for himself, Mr. Byrn Mr. Dole, and Mr. Stevens) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. Con. Res. 104

Resolved by the Senate (the House of Representatives concurring), That a Joint Congressional Committee on Inaugural Ceremonies consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice-President-elect of the United States on the 20th day of JanuAMENDMENTS SUBMITTED

INTEGRITY IN POST EMPLOYMENT ACT

THURMOND (AND OTHERS) AMENDMENT NO. 1676

(Ordered to lie on the table)
Mr. THURMOND (for himself, Mr. METZENBAUM, Mr. LEVIN, and Mr. Spec-TER) submitted an amendment intended to be proposed by them to the bill (S. 237) to amend section 207 of title 18. United States Code, to prohibit Members of Congress and officers and employees of the U.S. Government from attempting to influence the U.S. Government or from representing or adulting a foreign patity. advising a foreign entity for a pro-scribed period after such officer or employee leaves Government service, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: SECTION 1. SHORT TITLE.

That this Act may be cited as the "Integri-y in Post Employment Act of 1988".

SEC. 1. STRENGTHENING AND CLARIFTING THE CURRENT PROVISIONS OF SECTION 207 OF TITLE 18.

(a) OFFENSE.—Section 207 of title 18, United States Code, is amended to read as

follows:

'8 207. Disqualification of former executive and legislative branch employees

"(a) LIFETIME PROHIBITION ON EXECUTIVE BRANCH EMPLOYES,—It shall be unlawful for any former officer or employee, of the executive branch of the United States, including any independent agency, or of the District of Columbia—
"(1) Provincial to any control of the Columbia—"(1) Provincial to any control of the District of Columbia—"(1) Provincial to any control of the District of Columbia—"(1) Provincial to any control of the Columbia—"(1) Provin

"(1) knowingly to act as agent or attorney for, or otherwise represent, any other person other than the United States by physical presence in a formal or informal

physical presence in a jumial of the supperance before, or "(2) with the intent to influence, make any oral or written communication on behalf of any other person other than the United States to.

United States to, any department, agency, court, or commission of the United States or the District of Columbia, or any officer or employee thereof, in connection with a particular matter involving specific parties in which the United States or the District of Columbia is a party or has a direct and substantial interest and in which the former officer or employee participated personally and substantiality while so employed.

ployee participated personally and substantially while so employed.

"(b) Two-YEAR PROHISTION ON EXECUTIVE BRANCH EMPLOYERS.—It shall be unlawful for any former officer or employee described in subsection (a), within 2 years after that former officer's or former employee's employment has ceased—"(1) knowledy to act as agent on attempt."

ployee's employment has cassed—
"(1) knowingly to act as agent or attorney for, or otherwise represent, any other person other than the United States, by physical presence in a formal or informal appearance before, or "(2) with the intent to influence, make any oral or written communication on behalf of any other person other than the United States to.

any department, agency, court, or commission of the United States or the District of Columbia, or any officer or employee thereof, in connection with a particular matter

involving specific parties in which the United States or the District of Columbia is a party or has a direct and substantial intera party or nas a cirrect and substantial inter-est and which was actually pending under the former officer's or former employee's official responsibility within 1 year prior to the date that former officer or employed ceased employment.

"(c) Prohibitions on Executive and Leg-

ISLATIVE BRANCH EMPLOYEES -It shall be ISLATIVE BRANCH EMPLOYEES.—It shall be unlawful for any person, other than a special Government employee who has served no more than 60 days in the Immediately preceding 365 consecutive days—

"(1) having been employed as a senior official, within 1 year after such employment

"(A) knowingly to act as agent or attorney for, or otherwise represent, any other person other than the United States by physical presence in a formal or informal appearance before, or
"(B) with the intent to influence, make

any oral or written communication on behalf of any other person other than the United States to,

any department, agency, commission, or leg-islative entity (or any member, officer, or employee thereof) in which the person served during the 1 year prior to the termi-nation of such employment as an officer or

employee;

"(2) having been employed as a high level official, within 1 year after such employment has ceased—
"(A) knowingly to act as agent or attorney for, or otherwise represent, any other person other than the United States by physical presence in a formal or informal appearance before, or
"(B) with the intent to influence, make

any oral or written communication on behalf of any other person other than the United States to.

any department, agency, or commission of the executive branch, including any independent agency of the United States, or any officer or employee thereof;

"(3) having became:

"(3) having been employed as a top level official, within 1 year after such employ-

official, within 1 year after such employment has ceased—
"(A) knowingly to act as agent or attorney for, or otherwise represent, any other person other than the United States by physical presence in a formal or informal appearance before, or "(B) with the intent to influence, make

any oral or written communication on behalf of any other person other than the

behalf of any other person other than the United States to, any entity of the executive, legislative, or judicial branch of the United States, includ-ing any independent agency of the United States, or any member, officer, or employee

thereof; or "(4) having been employed as a senior, high level, or top level official, within 18 months after such employment has ceased, to be employed by, represent, or advise a foreign entity for compensation, financial

foreign entity for compensation, financial gain, or other remuneration. For the purposes of paragraph (1), the legislative entity in which a person served is the Scnate, if the person was employed by the Senate, or the House of Representatives, if the person was employed by the House of Representatives.

'(d) Agents Communicating on Behalf of "(d) AGENTS COMMUNICATING ON BEHALF OF A FORMER OFFICER OR EMPLOYEE, -I. I shall be unlawful for any person knowingly, in the course of representing any other person other than the United States, by any oral or written communication to any department, agency, commission, court, or legislative entity of the United States for any member. or employee thereof) to cate to such department, agency, commission, court, or legislative entity that such communication is on behalf of a former member, officer, or employee covered under subsection (a), (b), or (c) of this section if such a communication by the such a communication by the former member, officer, or employee is prohibited by subsection (a), (b), or (c).

(e) COVERACE

"(1) Individuals covered.—For purposes coverage of subsections (a), (b), and (c) of this section-

"(A) the term 'senior official' means any officer or employee of the United States other than those of the judicial branch who other than those of the judicial branch who is not a high level or top level official (including officers and employees of the legislative branch and officers and employees, of the executive branch, including any independent agency, commissions, Government corporations, independent establishments as

corporations, independent establishments as defined in section 104 of title 5, the Postal Service, the Postal Rate Commission, and the District of Columbia), who is—"(1) compensated at the basic rate of pay for GS-16 of the General Schedule as prescribed in section 5332 of title 5, or at a compensated as greater rate of pay under other scribed in section 5332 of title 5, or at a com-parable or greater rate of pay under other authority, including positions listed under sections 105(a)(2)(C) and (D) and 106(a)(1)(C) and (D) of title 3; or "(ii) on active duty as a commissioned offi-cer of a uniformed service and assigned to a pay grade of 0-7 or above as prescribed in section 201 of title 37;

"(B) the term 'high level official' means any officer or employee of the executive branch of the United States, including any oranno of the United States, including any independent agency, who is not a senior or top level official and who holds a position listed in section 5314 of title 5 or under sections 105(a)(2)(B) and 106(a)(1)(B) of title 3, or who is paid at a comparable rate of pay

or who is paid at a comparable rate of pay under other authority;

"(C) the term 'top level official' means—
"(I) any officer or employee of the executive branch of the United States, including any independent agency, who holds a position listed in section 5312 or 5313 of title 5 or under sections 105(a)(2)(A) and 106(a)(1)(A) of title 3, or is paid at a comparable rate of any under other authority; or

106(a)(1)(A) of title 3, or is paid at a comparable rate of pay under other authority; or "(ii) any Member of Congress, including Delegates and Resident Commissioners. "(2) Excurrions.—(A) The prohibitions of subsections (a), (b), and (c) shall not apply

to any person—
"(i) who is an elected official of a State or

local government and whose actions are

behalf of such government;

"(ii) who is engaging solely in the solicitation or collection of funds and contributions within the United States to be used only for medical assistance, food or clothing to re-lieve human suffering, in accordance with subchapter II of chapter 9 of title 22, and any rules and regulations pro

"(ili) whose actions are solely for the pur-"(iii) whose actions are solely for the purpose of furnishing scientific or technological
information if the head of the agency concerned with the particular matter, in consultation with the Office of Government
Ethics, or the head of the legislative entity
concerned with the particular matter, certifles that the person has outstanding qualifications in a technical discipline regarding
the particular matter and that the national interest is served by the participation of such person, and publishes such certifica-tion in the Pederal Register or, in the case of a legislative entity, in the Congressional Record; or

Record; or "(iv) who is providing a statement which is based on that person's special knowledge, provided that no compensation is received for such statement other than that regular-

ly provided by law or regulation for wit-

(B) The prohibitions of subsection (c) shall not apply to any person
"(i) who is employed by—

"(1) an agency or instrumentality of a State or local government;

"(II) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965: or

"(III) a hospital or medical research orga-nization, exempted and defined under section 501(c)(3) of the Internal Revenue Code

and whose actions are on behalf of such agency, instrumentality, institution, hospital, or organization:

"(ii) who is appearing as an attorney or representative in a judicial proceeding before a court of the United States, provided that the department, agency, commission, or legislative entity having employed such person in the 12 months preceding the person's initial appearance in such proceed-

person's initial appearance in such proceeding, is not a party to, or otherwise involved in, such proceeding; or "(iii) representing an international organization of which the United States is a

member.

For the purposes of clause (ii), appearing in a judicial proceeding shall mean, in a civil case, participating in the case following the filing of a complaint; and, in a criminal case, participating in a matter on behalf of a person who has been the subject of an arrest, warrant, information, indictment, or creat laws (nestification by the United). grand jury investigation by the United

"(3) SPECIAL RULES FOR DETAILEES.—For purposes of this section, a person covered by this section who is detailed from one department, agency, or other entity to another de-partment, agency or other entity shall, during the period such person is detailed, be deemed to be an officer or employee of both departments, agencies or such entities.

"(f) Penalties and Remedies for Viola-

TIONS

"(1) CRIMINAL SANCTION.-Any person who "(1) CRIMINAL SANCTION.—Any person who engages in conduct prohibited by subsection (a), (b), or (c) shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both. Any person who corruptly engages in such prohibited conduct shall be fined not more than \$250,000 or imprisoned for not more than \$250,000 or imprisoned

for not more than 5 years, or both.

"(2) Civil Recovery.—The United States
may bring in addition to or in lieu of subsec-"(2) Civil recovery.—The United States may bring in addition to or in lieu of subsection (fX1) above, a civil action in any United States district court against any person who engages in conduct prohibited by subsection (a), (b), (c), or (d) and may recover twice the amount of any proceeds obtained by that person due to such conduct. Such civil action shall be barred unless the action is commenced within 6 years of the later of (A) the date on which the prohibited conduct occurred, and (B) the date on which the United States became or reasonably should have become aware that the prohibited conduct had occurred.

"(3) Administrative action.—Upon finding, after notice and opportunity for a hearing, that a person has engaged in conduct prohibited by subsection (a), (b), (c), or (d) the head of the department, agency, or commission of the executive branch, including any independent agency, before which the prohibited conduct occurred, may prohibit that person from representing anyone other than the United States before such department, agency, or commission, for a period not to exceed 5 years, or may take other appropriate disciplinary action. Any such disciplinary action shall be subject to review in

a United States district court. Departments, agencies, or commissions shall, in consulta-tion with the Director of the Office of Gov-ernment. Ethics, establish procedures and issue regulations to carry out this subsec-

tion.

"(4) Issuective extent—Upon a showing that a person has engaged or will engage in conduct prohibited by subsections (a, (b), (c), or (d) of this section, the United States may obtain an injunction to stop or prevent such conduct.

such conduct.

"(g) Partens or an Officer on EmployEK.—Whoever, being a partner of an effleer
or employee, including a special Governmont employee, including a special Governmont employee, of the executive branch of
the United States, including any independent agency, or of the District of Columbia,
knowingly acts as an agent or storney for,
or otherwise represents, any other person
other than the United States has relevant other than the United States by phy other than the United States by physical presence in a formal or informal appearance before, or with the intent to influence makes any oral or written communication on behalf of any other person other than the United States to, any expartment, the United States to, any department, agency, court, or commission of the United States or the District of Columbia in connection with a particular naster in which the United States or the District of Columbia is a party or has a direct and substantial interest and in which such officer or employee or special Government employee participates or has participated personally and substantially as an officer or employee, shall be fined not more than \$10,000, or impressioned for not more than one vers. or prisoned for not more than one year, or both

"(b) TESTIMONY.-Wething in this section shall prevent a person from giving testimo-ny under oath, or from making statements required to be made under penalty of perju-

ry.
"(i) DEFINITIONS.—For purposes of this

"(1) The term 'foreign entity' includes—
"(A) the government of a foreign country as defined in section 611(e) of title 22;

"(B) a foreign political party as defined in section 611(f) of title 22; and

section 511(f) of title 22; and

"(C) a foreign organization substantially
controlled by a foreign country or foreign
political party.

"(2) The term 'particular matter' includes,
but is not limited to, any investigation, application, request for a ruling or determination, rulemaking, contract, controversy,
claim chare accuration areas. claim, charge, accusation, arrest, judicial or other proceeding. "(3) The term 'participated personally and

substantially' means an action taken as an officer or employee, through decision, ap-proval, disapproval, recommendation, the rendering of advice, investigation or other

rendering of advice, investigation or other such action.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 11 of tille 18, United States Code, is amended by striking out the litem relating to section 207 and inserting in lieu thereof the following:

"207. Disqualification of former executive and legislative branch employees."

SEC. 1. REFECTIVE DATE.

The amendments made by this Act shall-(1) be effective nine months after the date enactment of this Act: and

(2) apply to any Member or employee of Congress or employee or officer of the Fed-Congress or employee or other of the Federal Government, other than those of the judicial branch, employed by any agency, department, or entity of the Federal Government on or after nine months after the date of enactment of this Act. SEC. 4. SEVERABILITY.

If any provision of this Act, including the amendments made by this Act, or the application of any such provision to any circumstance or person is held invalid, the remainder of this Act, or the application of such provision to any other circumstance or person is not affected thereby.

Mr. THURMOND, Mr. President, shortly, the Senate will consider the Integrity in Post-Employment Act of 1987. This legislation strengthens the current law on postemployment activity by former Federal officials

Regarding the history of this bill, I originally introduced the Integrity in Post-Employment Act in the 99th Con-Constantion with the synthesis of the con-gress. The distinguished Senator from Ohlo, Senator Marzenaum, immediately joined in this effort. His commit-ment to this legislation has been substantial from the start. After some re-vision, the legislation was voice voted out of the Judiciary Committee in June 1986. As no floor action occurred before adjournment, the bill was re-introduced in the 100th Congress, In May 1987, the legislation was again voice voted out of committee without opposition. Recently, the distinopposition. Recently, the distin-guished Senator from Michigan, Sena-tor Levin, made several recommendations regarding this legislation. Senator METZENBAUM and I have agreed to e of Senator Levin's proposals and we intend to offer a substitute for S. when it is considered for Senate action

Major provisions of this substitute will:

Provide for an 18-month moratorium on all Government employees with a civil service rating of GS-16 or greater, commissioned officers of a uniform service assigned to a pay grade of O or above, and the Government's high-est ranking officials—which includes Cabinet members and most of their principal deputies, Members of Con-gress, and top White House aides— from lobbying or working for a foreign entity after leaving Government serv-

Create a three-tiered prohibition on demestic lobbying by former Govern-ment employees. Under this provision, those designated high-ranking offi-cials, which include Cabinet members and most of their principal deputies, Members of Congress, and top White House aides, could not lobby any branch of the Federal Government for 1 year after leaving office. Executive level three officials could not lobby the executive branch for 1 year after leaving Government service. Individ-uals holding jobs with a civil service rating of GS-16 and above or commissioned officers of a uniform service assigned to a pay grade of O-7 or above, could not lobby their former agency or department for 1 year on behalf of a

This substitute is substantially similar to the one appearing in the Recond on February 3, 1988. Technical changes have been made in response to suggestions which will further refine this legislation.

I look forward to prompt consideration of this legislation.

PRICE-ANDERSON AMENDMENTS ACT

GLENN (AND ROTH) AMENDMENT NO. 1677

Mr. GLENN (for himself and Mr. Mr. Chenn for himself and mr. Roth) proposed an amendment to the bill (H.R. 1414) to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to extend and improve the procedures for liability and indemnification for nuclear incidents; as follows:

On page 1, between lines 2 and 3, insert the following:

"TITLE I-PRICE-ANDERSON ACT AMENDMENTS ACT OF 1987".

On page 1, line 4, strike "Act" and insert

At the end of the bill, and the following tilles

TILE II—INDEPENDENT NUCLEAR SAFETY BOARD OVERSIGHT OVER DEPARTMENT OF ENERGY NUCLEAR PACILITIES

SHORT TITLE

Sec. 201. This title may be cited as the "Defense Nuclear Safety Board Oversight Act of 1987".

FINDINGS AND PURPOSE

202. (a) The Congress finds that (1) there is a need for independent over-sight of safety operations at nuclear facili-ties controlled by the Department of Energy:

(2) continual review and assessment by expert outside authorities would be of acestance in identifying actual or potential safety problems, research requirements, and needed standards at these nuclear facilities;

(3) there will continue to be a requirement for an assured source of critical nuclear ma-terials as long as the United States continues to rely on nuclear weapons for national

ues to rely on nuclear weapons for national security.

(b) The purpose of this title is to establish a Defense Nuclear Safety Board that, will help to ensure the proteotion of public health and safety in activities at Depart-ment of Energy nuclear facilities by— (1) reviewing and evaluating the imple-mentation of health and safety standards.

mentation of health and safety standards, as well as applicable Department of Energy Orders at each nuclear facility;
(2) conducting independent investigations of the safety of operations at Department of Energy nuclear facilities;
(3) recommending to the Department of Energy improvements in its nuclear facilities, operations, and health and safety standards including suggestions for areas of standards, including suggestions for areas of

(4) Informing the Congress of its findings and recommendations.

ESTABLISHMENT OF DEPENSE NUCLEAR SAPETY HOARD

SEC, 203. (aX1) The Atomic Energy Act of 1954 (68 Stat. 919; 42 U.S.C. 2011 et seq.) is amended by adding at the end thereof the following new chapter:

"CHAPTER 21. NUCLEAR SAFETY BOARD

"Sec. 311. ESTABLISHMENT,—(a) There is established as an independent establishment in the executive branch a Defense Nu-

clear Safety Board thereafter in this chan-

"(b)(1) The Board shall be composed of 5 members appointed by the President, by members appointed by the President, by and with the advice and consent of the Senate, from among respected experts in the field of nuclear safety with a demon-strated competence and knowledge relevant to the independent investigative and oversight functions of the Board. No more than 3 members of the Board shall be of the same political party. Not later than 90 days after the date of the enactment of the De-fense Nuclear Safety Board Oversight Act of 1987, the President shall nominations for appointment to the Board.

"(2) Any vacancy in the membership of the Board shall be filled in the same manner in which the original appointment the

manner in which the original appointment was made.

"(3) No member of the Board may have any significant financial relationship with the Department of Energy or with any firm, company, corporation, or other entity engaged in activities under contract with the Department of Energy.

"(CXI) The Chairman and Vice Chairman of the Board shall be designated by the President. The Chairman and Vice Chairman and other Board members may be reappointed to such offices.

"(2) The Chairman shall be the chief ex-

"(2) The Chairman shall be the chief ex-ecutive officer of the Board and, subject to such policies as the Board may establish, shall exercise the functions of the Board with respect to-

with respect to—

"(A) the appointment and supervision of employees of the Board;

"(B) the organization of any administrative units established by the Board; and

"(C) the use and expenditure of funds,

Tho Chairman may delegate any of the functions under this paragraph to any other member or to any appropriate officer of the

Board.

"(3) The Vice Chairman shall act as Chairman in the event of the absence or incapacity of the Chairman or in case of a vacancy in the office of Chairman.

"(dX1) Except as provided under paragraph (2), the members of the Board shall serve for terms of 6 years. Members of the Board may be reappointed.

"(2) Of the members first appointed—
"(A) one shall be appointed for a term of 2

'(A) one shall be appointed for a term of 2 year

"(B) two shall be appointed for a term of 4

years; and
"(C) two shall be appointed for a term of 6

s designated by the President at the time

as designated by the President at the time of appointment.

"(3) Any member appointed to fill a vacancy occurring before the expiration of the term of office for which such member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration the member's term until a successor has

the member's term until a successor has taken office.

"(4) Any member of the Board may be re-moved by the President for inefficiency, ne-glect of duty, or malfeasance in office.

"(c) Three members of the Board shall constitute a quorum, but a lesser number may hold hearings.

"(f) The Board may, for the purpose of performing its responsibilities under this

"(1) employ such personnel as it considers necessary to perform administrative, cleri-cal, technical, and other duties, but not more than the equivalent of 100 full-time employees;

'(2) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5. United States Code, at rates the

Board determines to be reasonable; and "(3) prescribe regulations to carry out the responsibilities of the Board under this

chapter,
"Sec. 312. Functions and Powers of the
Board; Responsibilities of the Secretary or Engrey. -(a) The Board shall have the

or Engar.—(a) The Board shall have the following functions and powers:

"(1) The Board shall review and evaluate the implementation of the health and safety standards of the Department of Energy, including all applicable Department of Energy Orders, at each Department of Energy nuclear facility. The Board shall recommend to the Secretary of Energy those specific measures that should be adopted to ensure that public health and safety are adequately protected at Department of the Secretary of Energy those specific measures that should be adopted at ensure that public health and safety are adequately protected at Department. safety are adequately protected at Department of Energy nuclear facilities. The Board shall recommend necessary changes in the content and implementation of such Orders, and recommend matters on which research or additional research is needed.

"(2XA) The Board shall investigate actual or potential nuclear incidents, if any, at a

or potential nuclear incidents, if any, at a Department of Energy nuclear facility.

"(B) The purpose of any Hoard investigation under subparagraph (A) shall be—

"(I) to determine whether the Secretary of Energy is adequately implementing the health and safety standards of the Department of Energy, including all applicable Department of Energy Orders, at Department of Energy nuclear facilities.

"(II) to assect also information concerning.

of Energy nuclear facilities,

"(ii) to ascertain information concerning
the circumstances of any actual or potential
nuclear incident, and its implications for
public health and safety;

"(iii) to determine whether such actual or
potential nuclear incident is related to other
actual or potential nuclear incidents at
other Department of Energy nuclear facilities and

ties; and

"(iv) to provide to the Secretary of Energy
such recommendations for changes in Department of Energy Orders and safety regulations and requirements, and such recommendations relating to research needs, as
may be prudent or necessary.

"(3) The Board shall have access to and
may systematically analyze design and operational data, including safety analysis reports, from any Department of Energy nuclear facility.

clear facility

"(4) The Board may conduct special stud-

les pertaining to safety at any Department of Energy nuclear facility.

"(5) The Board may evaluate information received from the scientific and industrial communities, and from the interested public, with respect to—

"(A) actual or potential nuclear incidents at any Department of Energy nuclear facili-

ty; or

"(B) suggestions for specific measures to improve health and safety atandards, the implementation of health and safety standards, the implementation of health and safety standards, or research relating to health and safety standards at Department of Energy nuclear facilities

"(6)A) The Board shall recommend to the Secretary of Energy those specific measures that should be adopted to reduce subures that should be adopted to reduce sub-stantially the likelihood that actual or po-tential nuclear incidents which would ad-versely affect public health or safety will occur at any Department of Energy nuclear facility. In making its recommendations pursuant to this section the Board shall consider the technical and economic feasi-bility of implementing the recommended measures.

"(B) If the Secretary of Energy deter-"(B) If the Socretary of Easter Society of the Board or any action proposed to be taken by the Secretary in response to the Board's recommendation might affect the ability of the Department of Energy to meet the annual nuclear weapons stockpile requirements es-tablished pursuant to section 91 of this Act, the Secretary shall inform the President, the Secretary of Defense, and the Commit-tees on Armed Services and Appropriations of the Senate and House of Representatives of such recommendation and his tion and shall consult with the Secretary of Defense on such action.

"(7)(A) The Board may establish report-ing requirements which shall be binding

upon the Secretary of Energy.

"(B) The information which the Board
may require to be reported under this paragraph may include any materials designated as classified material pursuant to any other provision of this Act, or any materials desig-nated as safeguards information and protected from disclosure under section 147

tected from disclosure under section 147 or 148 of this Act.

"(C) The Board may, for the purpose of carrying out its responsibilities under this chapter use any facility, contractor, or employee of any other department or agency of the Federal Government with the consent of and under appropriate support arrangements with the head of such department or agency and, in the case of a contractor, with the consent of the contractor.
"(D) The Sceretary of Energy shall fully cooperate with the Board and provide the Board with ready access to such facilities, personnel, and information as the Board considers necessary to carry out its responsibilities under this chapter. Each contractor operating a Department of Energy nuclear facility under a contract awarded by the Secretary shall, to the extent provided in such contract or otherwise with the contractor's consent, fully cooperate with the Board and provide the Board with ready access to such facilities, personnel, and information of the contractor as the Board considers necessary to carry out its responsibilities under this chapter.

ormation of the contractor as the Board considers necessary to carry out its responsi-bilities under this chapter. "(E) The Secretary of Energy may deny access to information provided to the Board

access to information provided to the Board to any person who—
"(1) has not been granted an appropriate security clearance or access authorization by the Secretary of Energy; or
"(11) does not need such access in connection with the duties of such person.
"(28) Enforce beginning controlled of the second such access in connection with the duties of such person.

"(8) Before beginning construction of a "(8) Before beginning construction of a new Department of Energy nuclear facility the Secretary of Energy shall give the Board the opportunity to review the design of such facility and to recommend to the Secretary, within a reasonable time, such modifications of the design as the Board considers necessary to ensure adequate pro-tection of public health and safety. During the construction of any study facility than tection of public health and safety. During the construction of any such facility, the Secretary shall give the Board the opportunity periodically to review and monitor the construction and to submit to the Secretary, within a reasonable time, such recommendations relating to the construction of that facility as the Board considers necessary to ensure adequate protection of public health and safety.

cility as the Board collaborate increase, yensure adequate protection of public health and safety.

"(DAI) The Board or, on the authorization of the Board, any member thereof, may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places, and require, by subpoens or otherwise, the attendance and testimony of such witnesses and the production of such evidence as the Board or an authorized member may find advisable.

"(2XA) Subpoenas may be issued only under the signature of the Chairman or any member of the Board designated by him and shall be served by any person designated by the Chairman or any member. The attendance of witnesses and the production of

evidence may be required from any place in the United States at any designated place of hearing in the United States.

"B) Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"C) Any person who willfully neglects or refuses to qualify as a witness, or to testify, or to produce any evidence in obedience to any subpoena duly Issued under the authority of this paragraph shall be fined not more than \$500, or imprisoned for not more than 8 months, or both. Upon certification by the Chaliman of the Board of the facts concerning any willful disobedience by any person to the United States Attorney for any judicial district in which the person residies or is found, the United States Attorney may proceed by information for the presscution of the person for the offense.

"Sec. 313. Board Recommendations.—(a)

prosecution of the person for the offense. SEC. 313. BOARD RECOMMENDATIONS.—(a) Subject to subsection (h), the Board shall make all recommendations submitted to the Secretary of Energy by the Board under this chapter available to the public in the Department of Energy's regional public reading rooms and shall publish in the Federal Register such recommendations and a request for the submission of public comments on such recommendations to the Board. Interested persons shall have 30 days after the date of the publication of such notice in which to submit comments, data, views, or arguments to the Board concerning the recommendations.

views, or arguments to the Board concerning the recommendations.

"(bX1) The Secretary of Energy shall transmit to the Board, in writing, a statement as to whether he accepts or rejects, in whole or in part, the recommendations submitted to him by the Board under this section, a description of the actions to be taken in response to the recommendations, and his views on such recommendations, and his views on such recommendations. The Secretary of Energy shall transmit his response to the Board within 45 days after the date of the publication, under subsection (a), of the notice with respect to such recommendations or within such additional period, not to exceed 45 days, as the Board may grant.

period, not be exerced as soon—in may grant.

"(2) At the same time as the Secretary of Energy transmits his response to the Board under paragraph (1), the Secretary, subject to subsection (th), shall publish such response, together with a request for public comment on his response, in the Federal Position.

"(3) Interested persons shall have 30 days after the date of the publication of the Secretary of Energy's response in which to submit comments, data, views, or arguments to the Board concerning the recommenda-

"(4) The Board may hold hearings for the purpose of obtaining public comments on its recommendations and the Secretary of En-

ergy's response.
"(c) The Board shall furnish the Secre-

"(c) The Board shall furnish the Secre-tary of Energy with copies of all comments, data, views, and arguments submitted to it under subsection (a) or (b).
"(d) If the Secretary of Energy, in a re-sponse under subsection (bA1), rejects any recommendation made by the Board under section 312(a)68(A), the Board shall either reaffirm its original recommendation or make a revised recommendation and shall reaffirm its original recommendation or make a revised recommendation and shall notify the Secretary of its action. Within 30 days after receiving the notice of the Board's action under this subsection, the Secretary shall consider the Board's action and make a final decision whether to implement all or part of the Board's recommendations. Subject to subsection (h), the Secretary shall publish the final decision and the reasoning for such decision in the Federal Register and shall transmit to the Committees on Armed Services and Appropria mittees on Armed Services and Appropria-

tions of the Senate and the House of Representatives a report. In writing, containing that decision and reasoning.

"(c) The Secretary of Energy shall prepare a plan for the implementation of each recommendation submitted by the Board under section 312(a)(a)(d)(d) that is accepted by the Secretary Shall transmit the implementation plan to the Board within 90 days after the date of the publication of the Secretary's final decision on such recommendation in the Federal Register. The Board may extend, by not more than 45 days, the time for the Secretary to transmit the plan. The Secretary may implement any such recommendation before, on, or after the date of the Secretary transmits the implementation plan to the Board under this subsection.

"(f) In any case in which the Board determines that a recommendation submitted to the Secretary of Energy under section 312(a)(6)(A)) relates to an imminent or severe threat to public health and safety the Board, in addition to taking the actions required by subsection (a), shall transmit that recommendation to the President, the Secretary of Defense, and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives at the same time that the Board transmits the recommendation to the Secretary of Energy of Energy. If the Secretary of Energy in the Board transmits the recommendation to the Secretary of Energy of Energy in Energy. If the Secretary of Energy in the Board transmits the recommendation to the Bo

tives at the same time that the Board transmits the recommendation to the Secretary of Emergy. If the Secretary of Emergy. If the Secretary of Emergy rejects the recommendation after considering the Board's action on the recommendation under subsection (the Secretary shall submit the recommendation to the President. The President shall review the Secretary of Emergy's response to the recommendation, the Board's action on such response, and the Secretary's determination under subsection (d) and shall make the final decision concerning acceptance or rejection of the recommendation.

"(gXII) Subject to paragraphs (2) and (3),

"(gX1)) Subject to paragraphs (2) and (3) not later than one year after the date on which the Secretary of Energy receives a recommendation from the Board under sec-tion 312(a)(6)(A), the Secretary shall implement that recommendation if accepted

tion 312(a)(6)(A), the Secretary shall implement that recommendation if accepted by the Secretary.

"(2) If the Secretary of Energy determines that the implementation of a recommendation referred to in paragraph (1) is impracticable because of budgetary considerations, the Secretary shall submit to the President a report containing the recommendation and the Secretary's determination. The President shall determine whether to request Congress to appropriate funds for the implementation of the recommendation. If the President does not provide for the implementation of such recommendation in the next budget submitted to Congress under section 1105(a) of title 31. United States Code, after the date on which the President receives the report from the Secretary and, before the date of the submission of such budget to Congress, has not submitted a request to Congress for the apsion of such budget to Congress, has not submitted a request to Congress for the ap-propriation of funds for the implementation propriation of funds for the implementation of such recommendation for any liseal year ending before the fiscal year for which such budget is submitted, the President shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a report containing the recommendation and a discussion of the budgetary consequences, safety consequences, and other implications of implementing or not implementing the recommendation.

"(3) If the Secretary of Energy determines that the implementation of a recommenda-tion referred to in paragraph (1) would affect the Secretary's ability to meet the annual nuclear weapons stockpile requirements established pursuant to section 91 of this Act, the Secretary shall submit to the Fresident a report containing the recommendation and the Secretary's determination. The President, in consultation with the Secretaries of Defense and of Energy, shall review the determination of the Secretary of Energy, if the President determines that, for reasons of national security, the recommendation should not be implemented, the President shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a report containing the recommendation and a discussion of the reasons for his determination.

"(h) Notwithstanding any other provision of this section, the requirements to make inannual nuclear weapons stockpile require

"(h) Notwithstanding any other provision of this section, the requirements to make information available to the public under this section shall be subject to the orders and regulations issued by the Secretary of Energy under sections 147 and 148 of this Act to prohibit dissemination of certain in

formation.

"Sec. 314. Reports.—(a)(1) The Board shall submit to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives each year, at the same time that the President submits the budget to Congress pursuant to acction 1105(a) of title 31, United States Code, a written report concerning its activities under this chapter, including all recommendations made by the Board, during the year preceding the year in which the report is submitted. The Board may also issue periodic unclassified reports on matters within odic unclassified reports on matters within the Board's responsibilities.

(2) The annual report under paragraph (1) shall include an assessment of

(1) shall include an assessment of—
"(A) the improvements in the safety of
the Department of Energy nuclear facilities
during the period covered by the report;
"(B) the improvements in the safety of
the Department of Energy nuclear facilities
resulting from actions taken by the Board
or taken on the basis of the activities of the Board: and

Board; and "C! the outstanding safety problems, if any, within or in the operation of the Department of Energy's nuclear facilities." (b) The Secretary of Energy shall submit to the Committees on Armed Services and Appropriations of the Senate and House of Representatives each year, at the same time that the President submits the budget to Congress pursuant to section 1105(a) of title 21. Instead States Code a well for a part of the same time than the President submits the pages to Congress pursuant to section 1105(a) of title 21. Instead States Code a well for a page of the pages to the construction. 31. United States Code, a written report con-cerning the activities of the Department of Energy under this chapter during the year preceding the year in which the report is submitted

submitted.
"Sc. 315. Assistance From Certain Acercies of the Federal Government.—(a) With the consent of and under appropriate support arrangements with the Nuclear Regulatory Commission, the Board may obtain the advice and recommendations of the staff of the Commission on matters relating staff of the Commission on matters relating to the Board's responsibilities and may obtain the advice and recommendations of the Advisory Committee on Reactor Safeguards on such matters.

"(t) The Director of the Naval Nuclear Propulsion Program may provide to the Board assistance and advice on matters relating to the Board's responsibilities.

"Sec. 316. ASSISTANCE FROM ORGANIZATIONS OFFICER THE PROPERTY OF COMMENCE."

"Scc. 316. ASSISTANCE FROM ORGANIZA-TIONS OUTSIDE THE FEDERAL GOVERNMENT.— The Board may enter into an agreement with the National Research Council of the National Academy of Sciences or any other appropriate group or organization of ex-perts outside the Federal Government chosen by the Board to evaluate and inter-pret the differences between Nuclear Regulatory Commission regulations and Department of Energy Orders governing nuclear facilities, including the implications for public health and safety. The agreement should provide for the council, group, or organization to transmit to the Board any rec ommendation for issuance of a new safety standard by the Department of Energy or for amendment of a Department of Energy safety standard as such council, group, or

safely standard as such council, group, or organization considers appropriate.

"See 317. Judicital Review.—Chapter 7 of title 5. United States Code, shall apply to activities of the Board under this chapter.

"See 318. Definition.—As used in this chapter, the term 'Department of Energy nuclear facility means.—

"(1) a production facility or utilization facility under the control or jurisdiction of the Secretary of Energy, but does not include any facility or activity covered by Executive Order numbered 12344, dated February I. 1982, pertaining to the Naval nuclear propulsion program, or facilities or activities involved with the testing or transportation of nuclear explosives or nuclear material; and and

and

"(2) a nuclear waste storage facility under
the control or jurisdiction of the Secretary
of Energy, but does not include a facility developed pursuant to the Nuclear Waste
Policy Act of 1982 (96 Stat. 2201; 42 U.S.C.
10101 et seq.) and licensed by the Nuclear
Regulatory Commission.

Regulatory Commission.

"Sec. 319. Transmation.—(a) The Board shall terminate upon the expiration of the 6-year period beginning on the date of the enactment of the Defense Nuclear Safety Board Oversight Act of 1987.

"(b) This chapter shall not be effective after the date on which the Board terminates under subsection (a)."

(2) The table of contents at the beginning.

nates under subsection (a).".

(2) The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by adding at the end the following:

"CHAPTER 21-DEFENSE NUCLEAR SAFETY BOARD

"Sec. 311. Establishment "Sec. 312. Functions and functions and powers of the Board; responsibilities of the

Board; responsibilities of the Secretary of Energy.

"Sec. 313. Board recommendations.
"Sec. 314. Reports.
"Sec. 315. Assistance from certain agencies of the Federal Government.
"Sec. 316. Assistance by organizations outside the Federal Government.
"Sec. 317. Judicial review.
"Sec. 317. Definition.

"Sec. 317. Judicial review.
"Sec. 318. Definition.
"Sec. 319. Termination.".

(b) The fifth annual report submitted by the Defense Nuclear Safety Board to the Committees on Armed Services of the Senate and House of Representatives under section 314 of the Atomic Energy Act of 1954 (as added by subsection (a)) shall include—

(1) an assessment of the degree to which

(1) an assessment of the degree to which the overall administration of the Board's activities are believed to meet the objectives of the Congress in establishing the Board's (2) recommendations for continuation, termination, or modification of the Board's functions and programs, including recommendations for transition to some other independent oversight arrangement if it is advisable; and (3) recommendations for proposite teach.

(3) recommendations for appropriate tra sition requirements in the event that modifications are recommended.

SALARY LEVEL FOR BOARD MEMBERS

SEC. 204. Section 5314 of title 5, United States Code, is amended by inserting after "Members, Nuclear Regulatory Commis-sion." the following:

"Members, Defense Nuclear Safety Board.". TRANSFER

SEC. 205. The Secretary of Energy shall transfer to the Nuclear Safety Board established by section 311 of the Atomic Energy Act of 1954 (as added by section 203 of this Act) \$7,000,000 to be derived from funds appropriated or otherwise available to the Department of Energy for fiscal year 1988. The amount transferred under this section shall be available to such board to carry out its responsibilities under chapter 21 of the Atomic Energy Act of 1954 (as added by sec-tion 203 of this Act) and shall remain available until expended.

TITLE III—APPLICATION OF OSHA AND NIOSH TO DOE NUCLEAR PACILITIES

SEC. 301. (a) Congress finds that-Sec. 301. (a) Congress finds that—
(1) worker health and safety at Department of Energy nuclear facilities could be made substantially safer by applying the standards developed by experts in the field of occupational health and safety;
(2) the Secretary of Labor has a long-standing responsibility for the health and safety of workers (including the enforcement of occupational health and safety of secretary of the safety of safety safety of safety safety safety safety of safety safe

salety of workers (including the enforce-ment of occupational health and safety standards and other protective labor stand-ard programs) and could provide substantial assistance in developing, improving, and en-forcing the standards at Department of Energy nuclear facilities; and (3) the Secretary of Health and Human

(3) the Sccretary of Health and Human Services has a continuing responsibility for evaluating health and safety needs related to radiation and toxic substances standards and could provide substantial assistance in improving and enforcing the standards at Department of Energy nuclear facilities, (b) The purpose of this title is to improve and enforce standards for employee health and safety at Department of Executive these.

and safety at Department of Energy nuclear

APPLICATION OF OSHA TO DOE NUCLEAR PACILITIES

SEC. 302. (a) Section 4(b)(1) of the Occupa

Sxc. 302. (a) Section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)) is amended—
(1) by striking out "Nothing" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), nothing"; and (2) by adding at the end thereof the following new subparagraph:
"(B)(1) Notational (I)

"(B)(i) Notwithstanding any other provi-

"(BMI) Notwithstanding any other provi-sion of this Act, this Act, shall apply with re-spect to employment performed in-"(I) a production facility or utilization fa-cility (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) under the control or jurisdiction of the Secretary of Spacery.

the control or jurisdiction of the Secretary of Energy;

"(II) a facility subject to such Act (42 U.S.C. 2011 et seq.) under the control or jurisdiction of the Secretary of Energy; and

"(III) a waste storage facility under the control of or jurisdiction of the Secretary of

"(ii) This subparagraph shall not apply to a facility or activity covered under Execu-tive Order 12344 (42 U.S.C. 7158 note).".

tive Order 12344 (42 U.S.C. 7158 note).".

(b)(1) All regulations and standards relating to occupational health and safety applicable to Department of Energy nuclear facilities described in section (4b)(H)(1) of the Occupational Safety and Health Act of 1970 (as amended by subsection (a)) that are in effect on the date of enactment of this Act shall remain in effect until superseded by regulations and standards promulgated by the Secretary of Labor in accordance with paragraph (2).

(2) The Secretary of Labor shall promulgate specific regulations to govern the application of such Act to such Department of Energy nuclear facilities. The regulations shall include—

shall include

(A) the occupational health and safety standards to be applied to such facilities:

(B) the manner and process for enforcement of the standards, which shall include provisions for-

(i) the safeguarding of information, con-sistent with the needs of employees of the Occupational Safety and Health Administration:

(ii) mechanisms and processes for enforcement, including the right of entry for unanwithout probable nounced inspections

(iii) receipt of complaints from individuals and protection of the individuals from retribution for making the complaints:

procedures for inspection at such fa-

(iv) procedures for inspection at such fa-cilities not less than once each year, and (v) such other regulations as are necessary to carry out this title and the amendments made by this title.

PERFORMANCE OF NIOSH FUNCTIONS AT DOE MUCLEAR PACILITIES

SEC. 303. Section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) is amended by adding at the end thereof the following new subsection:

"(gK1) Noiwithstanding any other provision of this Act, the Director and the Institute shall perform functions authorized by this Act at Department of Energy nuclear facilities described in section 4(bX1)MiN().

"(2) The Institute shall conduct hazard

"(2) The Institute shall conduct hazard evaluations at such facilities, including ionizing radiation evaluations.".

COOPERATION WITH INSPECTIONS AND INVESTIGATIONS

SEC. 304. Section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657) is amended by adding at the end there-of the following new subsection:

of the following new subsection:

"(hM1) Except as provided in paragraph
(2), the Secretary of Energy and each contractor operating a nuclear facility described in section 4(bM) shall—

"(A) cooperate with the Secretary of Health and Human Services in the conduct of an inspection or investigation under this Act at such facility.

"(R) grant access to such facility to enable the conduct of such inspection or investiga

"(C) provide all information that is necessary to conduct such inspection or investiga-

(2) To protect the confidentiality of information, the Secretary of Energy may deny access to any person who— "(A) has not been granted a security clear-ance or access authorization by the Secre-

"(B) does not require such access in connection with the duties of such person to enforce this Act.".

TITLE IV-RADIATION STUDY ADVISORY BOARD ACT OF 1987

SHORT TITLE

SEC. 401. This title may be cited as the Radiation Study Advisory Board Act of

PINDINGS

SEC. 402. The Congress makes the following findings:

ing findings:

(1) After many years of study there remain unresolved questions about the health effects of radiation exposure from many sources, including nuclear weapons manufacturing and testing, nuclear reactors, radioactive wastes, and the medical uses of nuclear materials.

(2) Radiation-caused injury and disease, including cancer, birth defects, and genetic

damage, must be further examined and

(3) Public health authorities must be able (3) Fublic means authorities must be able to direct research efforts on the health effects of radiation so that effective means of protecting the public against dangerous exposure to radiation can be developed and achieved.

schleved.

(4) The Secretary of Energy is primarily responsible for the production of nuclear materials and nuclear weapons. In addition, the Secretary is required to study the health impact of activities of the Department of Energy. These dual responsibilities have the potential to create public concern as to the integrity and value of the health studies conducted by the Secretary of Energy.

ADVISORY BOARD

SEC. 403. (aXI) To advise and assist the Secretary of Energy in conducting studies of the effects of radiation under section 103 of the Energy Reorganization Act of 1974 (42 U.S.C. 5813), and any other law, the Secretary of Health and Human Services shall establish an advisory board known as the Radiation Research Board (hereafter referred to as the "Research"). to as the "Board").

(2)(A) The Board shall consist of 8 members appointed by the Secretary of Health and Human Services, 1 member appointed by the Becretary of Energy, and 2 members appointed by the Secretary of Labor. The Secretary of Health and Human Services shall make appointments to the Board so that the membership of the Board includes individuals who are expert in the health effects of radiation, epidemiology, or toxicology, and public health officials who are concerned with such health effects.

(B) The Secretary of Health and Human Services shall consult with the Director of the Centers for Disease Control, the Director of (2)(A) The Board shall consist of 8 me

the Centers for Disease Control, the Direc-tor for the National Institute for Occupator for the National institute for Occupa-tional Safety and Health, the Director of the National Cancer Institute, the Director of the Center for Devices and Radiological Health, the Director of the National Insti-tute of Environmental Health Sciences, and others in formulating the membership of the Bonet.

(bx1) Prior to any authorization or ex-(bxl) Prior to any authorization or ex-penditure of funds in an amount streater than \$250,000 by the Secretary of Energy for studies of the health effects of radi-ation, the Secretary of Energy shall provide the Board with all proposals concerning such studies.

such studies.

(2) The Board shall review the proposals provided under paragraph (1) and make appropriate recommendations to the Secretary of Energy in writing if the Board believes the proposal should be modified or not funded.

funded.

(3) The Secretary of Energy shall periodically report to the Congress concerning the implementation of the recommendations of the Board. Such reports shall include specific reasons for each decision by the Secretary not to implement a recommendation made the Board

by the Board.

(4) The Board shall annually review the studies conducted pursuant to this title, and advise the Secretary of Energy as to the suggested scope and direction of future studies needed.

studies needed.

(5) The Secretary of Energy, with the assistance of the Board, shall—

(A) insure that all studies undertaken under this title shall be subject to peer

review, and
(B) promulgate guidelines for the provision of data from such studies to qualified researchers who are not associated with the Department of Energy in order to implement subparagraph (A).

(c) The Secretary of Health and Human Services shall provide such funds, facilities, and staff as are necessary for the Board.

McCLURE AMENDMENT NO. 1678

Mr. McCLURE proposed an amendment to the bill (H.R. 1414) supra; as follows:

follows:

On page 7, line 5, strike the date "1997" and insert the date "2017".

On page 7, line 16, strike the date "1899" and insert the date "2017".

On page 20, line 18 and 19, strike "and the Secretary ahall submit to the Congress by August 1, 1993, detailed reports"; "and insert ""shall submit to the Congress by August 1, 2012, and the Secretary shall submit to the Congress by August 1, 1997, and every ten years thereafter, detailed reports"; and every ten years thereafter, detailed reports."

ports","
On page 19, line 9, strike "1997" and insert in lieu thereof "2017".

BREAUX AMENDMENT NO. 1679

Mr. BREAUX proposed an amendment to the amendment No. 1678 to the bill (H.R. 1414) supra; as follows: ment

In lieu of McCiure Amendment substitute the following: On page 7, line 5, strike the date "1997" and insert the date "2007".

and insert the date "2007".
On page 7, line 16, strike the date "1999" and insert the date "2007".
On page 30, line 18 and 19, strike ""and the Secretary shall submit to the Congress by August 1, 1993, detailed reports"," and insert ""and the Secretary shall submit to the Congress by August 1, 1993, and by August 1, 2003, detailed reports", On page 19, line 9, strike "1997" and insert in lieu thereof "2007".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION Mr. FORD. Mr. President, I wish to Mr. FORD. Mr. Fresident, I wish to announce that at the hearing the Committee on Rules and Administra-tion will be holding on Wednesday, March 30, 1988, in SR-301, Russell Senate Office Building, the committee will be receiving testimony on S. 2081, rather than S. 1888, as previously announced. S. 2061 was introduced by Senator Cranston and would establish national standards for voter registra-tion for elections for Federal office,

and for other purposes Individuals and organizations interanciviquais and organizations interested in testifying or submitting a statement for the hearing record are requested to contact Jack Sousa, chief counsel of the Rules Committee, on 202-224-5648.

COMMITTEE ON ENERGY AND NATURAL RESOURCE

Mr. BUMPERS. Mr. President, I would like to announce for the public that the hearing on March 24, before the Subcommittee on Public Lands, National Parks and Forests, will include two additional measures.

The two additional measures to be

considered at the hearing are: S. 2157, a bill to authorize three feasibility studies to be conducted in New Mexico dealing with the San Gabriel historic landmark, the significance of the Los Luceros Hacienda, and the establishment of an interpretive center

to highlight the first colonization of the interior of the United States in New Mexico; and

2162, a bill to provide for the establishment of the Zuni-Cibola Na-tional Historical Park in the State of New Mexico, and for other purposes.

Furthermore, the hearing is now scheduled to begin at 1 p.m., and that portion of the hearing regarding S. 2162 will be a joint hearing with the

Scient Committee on Indian Affairs.

If you have any questions, please feel free to contact Beth Norcross, of the committee staff, at 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN ATTAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Commit-tee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, March 17, 1988, to conduct oversight hearings on whether legislation ahould be adopted that would require corporate issuers to have a one ahare/one vote standard in order to be listed on the national exchanges.

The PRESIDING OFFICER. With-

out objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION Mr. BYRD. Mr. President, I ask unanimous consent that the Subcom-mittee on Surface Transportation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Scoate on March 17, 1988, to hold hearings on the reauthorization of the National Railroad Passenger Corporation Passenger Railroad [Amtrak]

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Energy and Natural Resources Subcommittee on Public Lands, National Parks and Forests be authorized to meet during the session of the Senate on Thursday, March 17, 1988 to receive testimony concerning S. 1598, a bill to withdraw and reserve for the Department of the Air Force certain Federal lands within Lincoln County, NV, and for other purposes; S. 1570, a bill to withdraw and reserve for the Department of the Navy certain Federal lands within Inyo, Kern, San Bernardino, and Imperial Counties, CA, and for other purposes; and H.R. 1548, a bill to withdraw certain Federal lands in the State of California for military purposes. poses, and for other purposes.

The PRESIDING OFFICER. With-

out objection, it is so ordered.

SURCOMMITTEE ON WATER RESOURCES TRANSPORTATION, AND INFRASTRUCTU

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee

on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, March 17, to conduct a hearing on the Water Resources Act of 1988 and related issues. The PRESIDING OFFICER. With-

out objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTIO Mr. BYRD. Mr. President, I ask unanimous consent that the Subcom-mittee on the Constitution of the Committee on the Judiciary be au-

thorized to meet during the session of the Senate on March 17, 1988, to hold a hearing on Senate Joint Resolution 21, Senate Joint Resolution 130. Senate Joint Resolution 166, campaign finance.

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES AND BUSINESS RIGHTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcom-mittee on Antitrust, Monopolies and Business Rights of the Committee on the Judiciary, be authorized to meet during the session of the Senate on March 17, 1988, to hold a hearing on competitive issues in the cable television industry.

The PRESIDING OFFICER. Without objection it is so ordered

MAINTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committmanmous consent that the communication Armed Services be authorized to meet during the session of the Senate on Thursday, March 17, 1988. in open session to receive testimony in review of the amended fiscal year 1989 defense authorisation request and the 5-year defense plan. The PRESIDING OFFICER. With-

out objection, it is so ordered.

CHITTER OR MANPOWER AND PER Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 17, 1988, in open session to receive testimony on manpower requirements for the total force in review of the fiscal year 1983 Department of Defense authortration request

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

COMMITTEE ON PINANCE Mr. BYRD, Mr. President, I ask unanimous consent that the Committhe on Finance be authorized to meet during the session of the Senate on March 17, 1983, to hold a hearing on legislation needed to implement the United States-Canada free trade agree

men The PRESIDING OFFICER. With out objection, it is so endered.

COMMITTEE OF ARRICULTURE, POTESTION, ARE PORESTRY BYRD, Mr. President,

unanimous consent that the Commit-tee on Agriculture, Nutrition, and For-estry be authorized to meet during the season of the Senate on Thursday,

March 17, 1988, to consider matters relating to the October 19 market break.
The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TAL DUVALL'S SERVICE TO GEORGIA

• Mr. FOWLER. Mr. President, Tal Duvall is retiring after a lifetime devoted to service to the people of Geor-

During his career with the Georgia Cooperative Extension Service, Duvall worked to remedy the disparities in conomic development throughout our State, and to focus efforts on the rural counties that are not sharing in the prosperity of our metropolitan centers

I thank him for his long-range vision, and his comprehension of the strength of our State and our Nation in all its dimension. That strength includes a strong rural economy that It includes a recognition that the abili-ty to feed ourselves, to clothe our-selves, and to provide the raw materials with which we build and fashion our society, are essential elements of our national security.

Duvall directed the 2000 study that pinpointed the areas in which we need to work to extend the promise of our great State this great country, to all its citizens.
As the respected head of the extension service, he worked to promote economdevelopment and bring new industry into our State.

These efforts show a commitment dervied from years of involvement with people literally throughout the State of Georgia: A native of Greens-boro, GA, educated at the University of Georgia, Tal Duvall began his career with the extension service 31 years ago as assistant county agent in Carroll County. He followed that with service as county agent for Clarke County, district agent for northeast Georgia, district agent for northwest Georgia, and assistant director of field operations throughout the State, He rose through the ranks to become State director 10 years ago, and served in that position with distinction.

Mr. Duvall has served as the chairman of the Athens-Clarke County Planning Commission, and as a member of the board of deacons of the Athens First Baptist Church,

He has won the Governor's Conservation Award for Outstanding County Agent, as well as the distinguished service award from the National County Agents Association. He was named Georgia Adult Educator of the namen Georgia Admit Educator of the Year in 1990, and received the Nation-al Distinguished Service Ruby Award from Rosilon Sigma Pi in 1964. Mr. Duvail was named this year's Progressive Parmer Man of the Year. I can think of no more appropriate trib-

ute to a man who has fought for a progressive vision for his State, and dedicated his career to the advancement of its people. I speak for all those Georgians when I say we are grateful for the many fine years of service Tal Duvall has given us.

I extend my sincerest congratula-tions to Tal, his wife Carole and their family, for his successful career in public service. And I wish them all the best for the future.

SAFETY THROUGH SONGS

• Mr. McCAIN. Mr. President, it has been said that our children are our future. I fully agree with this, and I would like to recognize today a pro-gram that I feel is an important investment in that future.

The program, called "Safety Through Songs," originated in my State of Arizona. As it often seems with successful programs, Mr. President, this was a grassroots effort. An enterprising Mesa housewife, Janis Prall, believed that young children needed to be educated about common, everyday situations that could threaten their safety. She approached the Mesa-Chandler-Tempe Board of Realtors with her idea. These public-spirit-ed citizens, to their great credit, agreed with her that young children are too often the victims of preventable accidents or crime. The board decided to conduct a program that would educate kindergarten and first grade children about the causes of common accidents and crimes so they would be less likely to become victim

This local board of realtors, 1 of 23 such boards in Arizona, enlisted the support of the Arizona Association of Realtors, and an idea became a reality. Realtors, and an idea became a reality. Using an illustrated songbook prepared by Mrs. Prall and her graphic artist husband Kenneth, the association prepared educational kits about some of the safety hazards young children most frequently encounter. The association worked with the Arizona Department of Education, which assists in distributing the kits, and the Arizona Department of Public Safety, which conducts a statewide crime pre-which conducts a statewide crime prewhich conducts a statewide crime pre-

wention program for school children.
The program was introduced in the
Mesa, Tempe, and Chandler school
districts in 1981. The basic educational kit was then, and is today, an enter-taining, easy-to-understand record and taining, easy-to-understand record and cambination coloring book/song book for each child. The songbooks and records, supplemented by filmstrips and videolapes, teach the children about crosswalk rules and safety, proper seat belt use, the danger of get-ting in cars with strangers, bleycle ting in cars with strangers, bloycle safety, water safety, and the danger of poisons. The messages encourage the children to follow safety rules "at home, outside, or at school."

The program was, to no one's surprise, an immediate success. In 1982, it was expanded statewide, as the re-

•

maining 22 boards of realtors in Arisona began sponsoring the program within their school districts.

But I believe there is another, more telling statistic that underscores the dramatic success of this program, Mr. President. That statistic is that, today, the program is used not only throughout Arisons, but in at least 7,500 ele-mentary schools in 42 of this Nation's 50 States. An estimated 1.1 million children have participated in the program at school. In addition, realtors boards in the remaining States, and in Canada, are working with the Arizona Association of Realtors to introduce the program to their schools.

There are two additional points I would like to make about this program, Mr. President.

First, the program is conducted entirely without public funds, All program costs, from producing to distributing the materials, are borne by either the State realtors associations, or by individual boards of realtors.
The materials are free to the schools.

Second, this effort also has secondary benefits. When the children take the safety information home, their siblings are also exposed to it. I don't doubt for a second that, in many instances, the information also makes many parents consciously aware, per-haps for the first time, of everyday safety hazards they and their children

Mr. President, I am very proud of the Pralis and the Arizona Association of Realtors and their member boards. This dedicated group of private citizens, working hand-in-glove with equally dedicated professionals in State education departments and hand-in-glove public safety agencies, has made the "Safety through Songs" program one "Safety through Songs" program one of the most successful, far-reaching child safety efforts in the Nation. As a Senator, I commend them all for caring enough about our children to sponsor a program that will help them grow up safely and become important contributors to our Nation's future. As a father, I would like to extend to them, from me and from all parents with small children, a heartfelt thank you for a job well done.

NATIONAL MARS COMMISSION

• Mr. HARKIN. Mr. President, on March 4, 1988, I introduced a bill (S. 2142) with Senator Inouve to establish a temporary National Mars Commission. This commission would establish the strategy for a series of joint United States/Soviet manned and unmanned space missions to the planet Mars. This bill is identical to House bill H.R. 3858 introduced by Mr. Tor-RICKLLI on January 25, 1988.

The National Aeronautics and Space Administration needs a set of clear goals for the next century. Several studies have concluded that a manned mission to Mars would be a worthy goal over the next few decades, to re-

establish NASA's role in science and

space exploration.
In April of 1987, the United States and the Soviet Union signed an agree ment regarding cooperation in spe Currently both nations have plans for exploring Mars. The Soviet Union Phobos mission will launch two space probes to study a Mars moon. Soviet plans also call for a possible 1994 launch to test the surface and atmosphere of Mars as a prelude to a manned landing. NASA also has plans for a Mars Observer to be launched in

1992 to map possible landing sites. We could each go our separate rate ways duplicating much of the effort to ex-plore outer space. Or we could com-bine forces, utilizing the best of both country's scientific and engineering ca pabilities. For example, we might ex-ploit the current Soviet advantage in space launch capacity and long-term habitation in space, and the United States achievements in large boosters and remote sensing devices for unmanned exploratory missions. The cost to both nations could be reduced

substantially by joining together.

A scrice of joint American/Soviet
Mars missions could further improve relations, building on the momentum generated by recent summit meetings and by the INF Treaty. Working to-gether on space exploration could help establish relationships that make en-

during peace possible.

Joint space missions are not without risk, however. We must assure our-selves that technology critical to our national defense is not compromised. We hope for the best in future relations but should prepare for the worst: We must be able to carry on alone should international relations sour

after the joint program begins.

The National Mars Commission The National Mars Commission would be responsible for developing the strategy to protect our national interests while maximizing the economic and political benefits of a joint pro-

gram.

Mr. PACKWOOD. Mr. President, Honda's choice of Oregon as its point of export is particularly appropriate because Oregon is the home of many imaginative, resourceful, and successful exporters. Today, Honda North America follows the path taken by these companies.

Honda's initiative is an important example of what can be done under an open international trading system. I am convinced America's trade competitiveness depends on keeping our door-

ways open.

American companies are performing American companies are periodic better in the international market-place, not merely due to the lower value of the dollar, but also because of the improvements in the quality of our products. For the last 10 months that the third that the periodic available. that statistics have been available March through December 1987-U.S. exports have exceeded \$20 billion per month. This is a clear sign that U.S. exports are competitive. And, today's action by Honda is further proof that

American-made goods can be sold anywhere in the world-even in the most competitive markets.

As our trade figures improve, we must fight any effort to restrict trade. Protectionist trade legislation, with provisions such as the Gephardt amendment, would do irreparable damage to the United States. For ex-

We would surely be subject to retaliation from our trading partners, which would deprive U.S. businesses of export markets. Here in Oregon, our economic future depends on open international markets for our wheat, lumber, computers, potatoes, and our other exports.

Import-related jobs would be hurt as import levels fell due to restrictions.

Consumers would have fewer choices available and competition, which promotes improved quality among domestic producers, would be greatly reduced on many products.

Commodities not readily available in the United States would become even more difficult to acquire. America cannot afford protectionism.

As a Senate negotiator on the omnibus trade bill pending in Congress, I have been working to craft a reasonable bill which the President can sign. I am hopeful that we will continue working in that direction.

I hope Honda's action today will be a

sign to those who want to close our markets that America's future is tied to an open international trading system.

NE RESPONSE TO INTERNA-TIONAL CHILD ABDUCTION

• Mr. SIMON. Mr. President, the ordeal of losing a child to the noncustodial parent who then flees the United States is a terrible one. In the 99th Congress, the Senate gave its advice and consent to the ratification of the Hague Convention Treaty, an international agreement that member nations would discourage parental kid-naping by respecting another nation's court orders on child custody. Currently, S. 1347, my legislation to implement the Hague Convention, is pending in the Judiciary Committee.

We can offer hope to desperate parents who lose their children abroad in ents who lose their enharen agroad in violation of our laws and international law. Just this past Saturday, the Philadelphia Inquirer described the case of a 7-year-old girl named Lauren was taken away from her moth er's apartment in Dallas and abducted

to Jordan.

Lauren's mother, according to the article, hired a group of former Army commandos, "soldiers of fortune" if you will, to rescue her daughter. The release are greaters at the common at seizure was successful but came at the price of putting many people in danger, including Lauren. Extra legal efforts of this kind can lead to retaliation both in other countries and here

We must provide Lauren's mother, and those like her in such a desperate situation, a much better alternative. It is estimated that there are at least 22 cases of American children living with their fathers in violation of U.S. court custody orders in Jordan alone and over 1,000 cases worldwide.

The Hague Convention Treaty will enable member nations to responsibly deal with these difficult situations and protect the integrity and vitality of court custody decisions on foreign shores. S. 1347, the International Child Abduction Act, will alleviate the

need for other parents to take such drastic action. I urge its quick passage. I ask that the article appearing in the Philadelphia Inquirer entitled "A Mother Teams With Commandos to Retrieve a Child," may be printed in

The article follows:

[Prom the Philadelphia Inquirer, Mar. 12, 19881

A MOTHER TEAMS WITH COMMANDOS TO RETRIEVE A CHILL (By Frank Greve)

WASHINGTON.—It began and ended with the abduction of a girl named Lauren.

the abouttion of a girl named Lauren.

In between, a team of retired U.S. Army
commandos engineered the seizure of a
school bus the child was on in Jordan, a
bold mother carried off ber daughter, a
border was crossed to safety, and somebody

Today, the mother is in hiding with her 7-rear-old. The commandes who rescued the child deap they had anything to do with it. And the State Department is sheepishly flicking protests from Jordan about what was at bottom, an international custody dis-

Kathy Mahoon of Dallas wanted to bring Rathy Manoon of Dallas wanted to oring her daughter home: In September, violating a court order granting custody of the girl to Mahoon, her former husband had abducted Lauren from Mahoon's spartment and

Lauren from Mahoon's apartment and taken her to Jordan.

Mahoon then hired a firm of former Army occumandos to rescue her daughter, Lauren Mehammed All Bayyan.

The rescue attempt began at 8:20 a.m. Jan. 22 in the town of Jernah, north of Ammas, according to sources close to the matticents. participants

parameter and the sources close to the participants.

J.D. Roberts, a one-time Army Delta Pouce hostage rescue specialist, halled and stopped a school bus by waiving a note in Arabic that he could not read.

While Roberts pinned the shocked driver to kits seat, the mother embraced her child and sweps her off the bus, smacking a tastles who tried to block their escape.

Tary fled in a white Detsus. At the King Russein Bridge, a border crossing to the Israedi-occupied Gaus strp, the Datsun was stopped by Jordanian authorities.

But E held only a Jordanian driver. Minutes before, the fleeing entourage had switched ears and escaped into the Gaza strip.

When Lauren and her mother threw open the door to their hotel room in Israel, a bou-quet of red roses sat on a bedside table, soutce unknown

source unknown.

Two hours after selsing Lauren, Mahoon called Lauren's Jordanian father from Tel Aviv. scowding to authorities in Amman. The father's family mitfally planned a counteracture, but police in Jersah cooled their avier.

arder.

The successful, bloodless coup has provoked crowing in the small community of

soldiers of fortune, but has left the U.S. Em bassy in Amman awash in embarrassment.
Officials there, tipped off in advance, initially threatened to turn the comman over to Jordanian authorities. Because they did not, Jordanian authorities are upset.

did not, Jordanian authorities are upset.
"We do have responsibility not to assist
Americans in breaking local laws," said
Donna Sherman of the State Department.
Corporate Training Unlimited, a firm in
Payetteville, N.C., specializing in "hostage
rescue training," according to a brochure,
plotted and carried out the seizure for expenses and a hefty, undisclosed fee, wellplaced sources said.
"The corrective models entirely of "Dole

The company consists entirely of "Delta orce and Special Operations qualified pounel," its brochure states. Its found sonnel," its brochure states. Its founders left the military in 1983 amid allegations that they had claimed expenses from both the State Department, and the Army for guarding VIPs at U.S. embassies in Central America.

State Department investigators now want State Department investigators now want to know whether credentials issued to the company's founders while in the military were used in the Jordanian incident. "I can't help you. It wasn't us," company president Donald Peency said in a telephone

interview.

Three sources close to the company disagreed. They said Feeney and two other former Delta Force personnel, identified as J.D. Roberts and Jim Hatfield, spent nearly a month in Jordan and Israel before execut-

ing their plan.
Its essence was to detain the bus unarm using Mahoon to reassure her daughter and impress anyone inclined to resist that they

impress anyone inclined to resist that they meant the daughter no harm. Mahoon flew to the Middle East three days before the school-bus assualt.

"Kathy called me after Christmas and said she was going underground," said Holly Pianells, an Albany, N.Y., reporter for United Press International, in a telephone interview, "She said she was going to Jordan to get Lauren out."

"Kathy wives us all hands."

to get Lauren out."
"Kathy gives us all hope," said Planells,
whose son, Huey, 4, is one of 22 JordanianAmerican children still living in Jordan with
Jordanian fathers in deflance of U.S. court

custody orders.

Plancils heads American Children Held
Hostage, a support and lobbying group for
parents of more than 1,000 children caught

parents of more than 1,000 children caught in international custody disputes.

"I know the State Department and the Jordanians say we're throwing international law out the window," Planelis said, "but I say Kathy corrected a wrong."

Planelis said aie had urged Mahoon to do what she has done herself: copyright her story and sell movie rights. "I have a movie contract signed and everything." Planelis said. "It just needs an ending."

VIETNAM WOMEN'S MEMORIAL PROJECT

• Mr. D'AMATO. Mr. President, I rise today in support of legislation, intro-duced by my distinguished colleague, Senator DUBERBERGER, authorising the Victnam Women's Memorial Project IVMP] to establish a statue of a IVMMP] to establish a statue of a woman Vietnam veteran on the site of the Vietnam Veterans Memorial in Washington, DC. I believe this statue would appropriately honor the many women who served so valiantly and selflessly in the Armed Forces during the Vietnam conflict. I am pleased to be part of an effort to recognize and pay tribute to these dedicated individuals.

Erection of a statue in honor of women Vietnam veterans has received widespread public support. VWMP project has been endorsed by virtually every major veterans organiration, In addition, Secretary of the Interior, Donald Hodel, demonstrated his support for the project by recommending its approval to the Commission of Fine Arts. Unfortunately, the Commission ignored the Secretary's recommendation, and on October 22, 1987, rejected the project.

The Commission's decision generated a swift wave of public protest, followed by the introduction of legislation in the House and the Senate. The bill I am cosponsoring today, S. 2042, expresses the strong sense of the Senate that the statue should go forward. In addition, S. 2042 establishes an approval process in which the Fine Arts and National Capital Planning Commissions would have 90 days to approve or reject the statue. If this deadline is not met, it would be deemed that approval is given for construction of the statue.

Mr. President, I believe we owe it to the women who served in Vietnam to honor their dedication, steadfastner and determination. Construction of the VWMP statue would be a fitting tribute to these couageous women

I encourage my collegues who have not done so to join me in cosponsoring this legislation, and I urge its prompt consideration.

ST. PATRICK'S DAY

• Mr. SIMON. Mr. President, St. Patrick's Day should be a time to celebrate and honor our friendship with the people of Ireland and the contributions made by Americans of Irish descent in all areas of our national life. The horror we witnessed in Belfest restarday resided; fast yesterday reminds us, however, that on this St. Patrick's Day we must

that on this St. Patrick's Day we must rededicate ourselves to the cause of peace, justice, and reconciliation for all the people of Ireland.

I joined my colleagues in both Houses of Congress in a statement by the Friends of Ireland marking St. Patrick's Day. This detailed statement reviewed developments in Northern eland and expressed concern with British policies and actions which are at variance with the Anglo-Irish accord and which depart from Great accord and which depart from Great Britain's traditions of equal justice and respect for the law. I want to repeat my concern and my hope that all parties involved in Northern Ire-land will act in good faith to defuse tension and end the spiral of violence.

The recent violence could undermine the genuine progress which has been the genuine progress which has been made in the past 2½ years on fair employment, antidiscrimination, and closer ties between Northern Ireland and the Irish Republic. On this St. Patrick's Day, it is my hope that a new, peaceful beginning can be made by all the people of Ireland.

A TRIBUTE TO JACK McCARTHY UPON HOSTING HIS 40TH ST. PATRICK'S DAY PARADE

Mr. D'AMATO, Mr. President, there are generations of New York's Irishmen who would not dream of celebrating a St. Patrick's Day without a toast to Jack McCarthy, For 40 years Jack's exciting commentary has brought the St. Patrick's Day Parade into America's homes with a rich sense of the cultural history and significance of the event. It is this dedication to such a beloved tradition that we commend here today.

John Joseph McCarthy's Irish-born percents isstilled in him a love for their hamcland, a love that is shared with us every year through his warm-hearted commentary of the parade. This year we celebrate with his his 40th year covering the parade for WPIX television, and his 55th in the broadcasting industry.

In high school, Jack excelled in track, baseball and football; he enrolled in New York University because they had the best football team in the area; and 55 years ago he took a job as a page at the National Broadcasting Company (NBC) because he heard they had the best baseball team in the corporate league. At NBC, his love and knowledge of sports made him a natural choice for sportscaster; at the age of 21 he became the youngest staff announcer at the network.

Advancing from staff announcer to a boxing blow-by-blow sports commentator and then to turf announcer at horse racing events, Jack's resonant voice became familiar to New York sports fans. Then came television. In 1948 Jack became the first telecaster for the infant channel 11, New York's local station operated by the New York Daily News.

Ironically enough it was in the interest of improving the baseball broadcasts which convinced WPIX executives to first cover the St. Patrick's Day Parade in 1949. What began as a 45 minute test of the new baseball cameras ended up as a 40-year-old tractics are recorded by the second convenience.

dition. Assigned to do color commentary for this "test" was a young Jack McCarthy who spun such an impressive "lore of the Leprechaun" that the WPIX executives decided to extend the broadcast to 5 hours. Such is the beginning of his full career.

Jack McCarthy, the broadcaster, the sports enthusiast, the community activist—the Irishman. His achievements and efforts on behalf of the Irish community; his love of the culture and heritage; his never-ending knowledge of Irish history, literature and people ensure his place in our history.

We commend Jack McCarthy for sharing with us his depth of love and appreciation for all that is Celtic, Erin go bragh.

Thank you, Mr. President.

SAINT PATRICK'S DAY

Mr. PELL. Mr. President, on this St. Patrick's Day, I join with all the Friends of Ireland in the U.S. Congress to honor the people of Ireland and renew our calls for peace and justice in Northern Ireland. The United States has a unique relationship with both Ireland and Great Britain. Our Nation has become the new home for many people from both these lands. These bonds endow us with a special responsibility to help both of these friends in their efforts to achieve a lasting peace.
The most significant step toward

The most significant step toward peace in Northern Ireland has been the Anglo-Irish Agreement of 1985. That agreement remains the best bope for ending the violence in Northern Ireland. Political progress cannot be won through the builet and the bomb. Yesterday's barbaric killings at the RA funeral in Belfast reveal the pointiess horror of violence. We must find a way to break that viclous cycle. I therefore commend the Irish and the British Governments for their determination to implement the agreement despite opposition from extremists on both sides in Northern Ireland.

In the 2 years since the signing of the agreement, there has been some progress. Members of both governments have met together on a regular basis to address the grievances that lie at the heart of the unrest. And the agreement has brought about improvements in housing, voting rights, and law enforcement procedures in Northern Ireland.

Despite these achievements, there are many areas which require in-creased attention. The absence of jury trials combined with the use of single judge "Diplock Courts" continues to foster mistrust and alienation in the nationalist community. Like many others, I am also disturbed by the recent decision not to proceed with the prosecution of the crimes revealed the Stalker-Sampson investigation of the shoot-to-kill policy employed by British security forces in Northern Ireland. The continued integrity of the Judicial system requires that individuals be held accountable for their actions. That is why I also share the concern of others over the decision to return a British soldier convicted of murder to active duty service following his carly release from prison. Decisions such as these lead many to question the fairness of other othat involve Northern Ireland. decisions

These problems leave much room for progress. But certain steps are already being taken. I welcome the British Government's proposed legislation to address the alarming unemployment situation among Catholics in Northern Ireland and hope it will be quickly adopted by the British Parliament. Major reforms in the current system are essential to end the long history of job discrimination.

In addition to these long overdue reforms, the International Fund to promote economic recovery is a source of hope in Northern Ireland. I have worked hard in the Foreign Relations Committee to see that the United States makes a healthy contribution to the Fund. The Fund will be critical to progress in the years ahead and deserves broad international support.

The British Government's proposed legislation and the projects made possible by the Fund are cause for hope in Northern Ireland. But much remains to be done. The vicious cycle of terror must be broken. We must build on the foundation established by the Anglo-Irish Agreement to achieve peace and reconcillation in Northern Ireland. With good will on all sides we can bring together all the people of Ireland—North and South, Catholic and Protestant. Let us unite in that effort in the days ahead.

THE EDUCATION SAVINGS BOND ACT OF 1987

• Mr. KARNES. Mr. President, I rise today to announce my cosponsorship of S. 1817, the Education Savings Bond Act of 1987. As a nation, it is imperative that we recognize the importance of higher education. Unfortunately, the cost of higher education in this country continues to soar, giving rise to a situation whereby all students who wish to attend college, are not able to do so.

Although for the last 30 years there has been a commitment between higher education institutions and the Government to expand educational opportunities, the needs of many students are not being met.

Originally, the Guaranteed Student Loan Program was tailored to assist middle-income families who often find it difficult to meet the added financial burdens associated with the cost of a college education. However, today we are finding it is increasingly difficult for middle-income families to qualify for the programs and indeed the majority of the GSL Program recipients are from lower income families. Because few alternatives exist, children from middle-income families are limited in their source of financial assistance.

Though many concepts for financing higher education are being proposed which could help overcome the present situation, most are costly and difficult to administer. However, my research has convinced me that S. 1817 offers an effective and fiscally responsible way of giving families a way to plan the financing of higher education.

The program approaches the problem from an age old perspective—one of planning and saving. Specifically, parents would invest in U.S. savings bonds for the purpose of ensuring the future of their childrens' education. As an incentive, interest on these bonds would remain tax-free provided they are applied to higher education. Thus, as you can see this legislation will not only promote higher education, but it will also encourage citizens to invest in the Federal Government.

We have an obligation to ensure that every child, of every race, creed, and socio-economic background is afforded the same educational opportu-

Mr. President, the investment our Nation makes in education now, will directly affect our future position in the international economy. On matters of education we must recognize that America's competitive position in this ever changing world is based on the skills and knowledge of our people which comes not by chance, through education. This legislation will help protect that investment in our future.

THE DEATH OF TOM PRICE

• Mr. DECONCINI. Mr. President, the flags flew at half mast on February 4, in Tucson. Tom Price, "un amigo de todos"—everyone's friend—had passed away. Tom, a community activist and 32-year city employee, headed the operations department of the city of Tucson since its inception in 1972. He was dignosed with leukemia in May 1987 and was able to return to work 2 months later. Everyone knew he was ill, yet his death took people by surprise, especially for someone described as "larger than life." Released from the hospital just a week before his death, Tom had begun to drop by the office to see how things were going. He was only 57.

He was born on the south side of Tucson in 1930. In the late 1940's at Tucson High school, Tom joined the Marine Corps Reserve, a popular trend among Tucson's Hispanic youth at the time. When Tom was just 2 months out of high school, the Tucson Marine Reserves were called to active duty and shipped to Korea with limited training—the Reserve unit did not go through boot camp. Tom came home 1 year later with five battle stars. He served with distinction and valor with the 1st Marine Division at Inchon, Chosin Reservoir and the first and second Chinese spring offenses.

second Chinese spring offenses.

The University of Arizona was next on Tom's agenda and he attended for 4 years, leaving when his wife Cathy gave birth to their first child. To support his growing family, Tom took a part-time job with the city's sanitation division. By 1972 he was named to head the department. Tom respected and admired his employees and always treated them fairly and with fondness. They responded in kind.

His work was exemplary. Former mayor Lew Murphy remembered Tom as "probably the single most professional, productive administrator in the history of the city." When Tom advocated an idea, plan or project, he was

hard to resist. It was a given that his motives were based on fairness and benefit to the community. Others recalled the influence he had through his many community connections. This isn't to say that Tom threw his weight around. He didn't have to and anyway, Tom wasn't that type; people were just naturally drawn to this quietly strong man.

And he was drawn to people. His record of community service is outstanding. Tom had been a member of the board of directors of Tucson Medical Center since 1977. He was the board chairman in 1984-85 and in January began a new term as chairman. He was on the board of the Casa de los Ninos crisis nursery and the advisory board of statlon KUAT. At various times, Tom was president of many organizations, including the Palo Verde Mental Health Foundation, Tucson Festival Society and the Arizona chapter of the American Public Works Association. He was a board member of Una Noche Plateada. Always proud of his Marine service, he was founder of the local chapter of the Marine Corps League and served as its commandant at one time.

at one time.

A list of Tom's accomplishments, impressive as it is, cannot by itself do justice to Tom's remarkable life of achievement. There is something more. He was an important helper, role model and inspiration to many in and out of the Hispanic community. He strove to improve people's lives and he succeeded. His leadership was extraordinary, but perhaps more important was his willingness to serve as mentor. We are thankful for people such as Tom who dedicate their lives to others. I feel enriched for having known and worked with Tom. Tucson celebrates Tom's life and deeply mourns its loss. I would like to express my condolences to Tom's wife Cathy; his son Thomas Jr.; his daughters, Judith Ann Mundlin and Janice Mary Price; his mother Rose Price; brothers Arthur, Marlin and William; and his aunt Marlity Meleudez.

ALEXANDER YAMPOLSKY

• Mr. SIMON, Mr. President, today is a special day. Today, the people from a community outside of Chicago, IL, are raising their voices in order to fight the injustice that has befallen a single man in the Soviet Union. Twenty Senators and Representatives are joining these dedicated people in their efforts. Today, a flurry of letters and telegrams are being sent to General Secretary Mikhail Gorbachev and Ambassador Yuriy Dubinin on behalf of Alexander Yampolsky.

Alexander Yampolsky lives alone in Leningrad. He no longer has any relatives in the Soviet Union; his older brother died of cancer 3 years ago. Nor does he have any relatives lobbying the Halls of Congress or the Israeli Knesset on his behalf. He is not a highly visible refusenik who has

gained international attention. In many ways, he is symbolic of the plight of most of the thousands of refuseniks who struggle on in relative anonymity.

Alexander first applied to emigrate to Israel in 1972. He lost his job as an electronics engineer after applying for permission to leave the U.S.S.R. He then began working as a janitor in the Kirov Sports Stadium, but he was forced to leave prior to the Moscow Olympies. He now works at an ice skating rink as an equipment repairman. Since his first application, Alexander has repeatedly been denied an exit visa on the unfounded grounds that he was exposed to secrets in his former employment as an engineer some 16 years ago.

Last year a group of Illinoisians formed the Freedom for Alexander Yampolsky Committee. Since that time the group has worked tirelessly on his behalf. In spite of their efforts, combined with the efforts of numerous public officials, on December 4, 1987, Alexander was once again refused permission to emigrate to Israel.

I want to take this opportunity to thank my colleague in the House of Representatives, Congressman John PORTER, for being an active leader, not only on behalf of Alexander Yampolsky and other refusenlks, but in the arena of human rights for all peoples.

I also want to thank my colleagues in the Senate, Senators Alan Dixon, MITCH McConnell, Brock Adams, Carl Levin, Tom Daschle, Tim Wirth, Dave Dubenberger, Pete Wilson, Dennis Deconcini, and Howard Metzenbaum, for continuing to speak out on behalf of all refuseniks. Today, we have all written separate letters to Ambassador Dubinin and to Secretary Gorbachev to express our concern about Alexander.

I realize that these efforts are not enough. We must all continue to honor and remember those who live with persecution every day of their lives merely because of their religious faith. We must continue to speak out. We must remain vigilant.

BUDGET SCOREKEEPING REPORT

• Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by \$900 million in budget authority, and by \$2.9 billion in outlays. Current level is under the revenue ceiling by \$10.6 billion.

The report follows:

U.S. CONGRESS.
CONGRESSIONAL BUDGET OFFICE
Washington, DC, March 16, 1988.

CONGRESSIONAL BUDDET OFFICE
Washington, D.C. March 18, 1988.
Hon. LAWTON CHILES.
Chairman. Committee on the Budget. U.S.
Senate, Washington, D.C.
DEAR MR. CHAIRMAN: The attached report
shows the effects of congressional action on
the budget for fiscal year 1988 and is current through March 15, 1988. The estimated
totals of budget authority, outlays, and revcrues are compared to the appropriate or
recommended levels contained in the most
recent budget resolution (H. Con. Res. 93).
This report is submitted under section
308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and
meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent
Resolution 32.
This my first report on the second session

Resolution 32.

This my first report on the second session of the 100th Congress. Since my last report the President has signed the Rescission of Refugee Education Funds (Public Law 100-251), and the Veterans Home Loan Program Emersency Amendments (Public Law 100-253). These actions have resulted in changed estimates of budget authority and cutting. outlays. Sincerely,

James L. Blum, Acting Director,

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE (100TH DONG. 2D SESS., AS OF MAR. 15, 1988)

(Focal year 1925 -- in billions of deliver)

	Carrest level 1	Butjed resolution H. Con. Res. 93 °	Current level resolution
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MALMALY	972.2	932 8	-106
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I the current level represents the estimated revenue and detect specified rects (budget undertoy and outlant) of all legistrons that Congress has naced in their or previous session or and to the rescutor for his specified address, estimated are accluded of the direct specified effects for all self-event or other manifestry propriate managing among dispositions under produced or other manifestry propriations have not been made for comment the over thought the appropriations do not be rectained from the contract of the contract of the less of the less of the contract of other layers to least referred to letted 15. There is the contract of the layers of the less of referred to letted 15. There is the contract to the layers of the less of the less

to first instactions.

In accordance with sec. 5(a)(1)(b) the budget authority and outlinde an adjustment that reflects the amount reserved for swhereast authors order section 302(a) of the Congressional Budget Act.

The purmanent statistics yields though as \$2,000,000 below.

PARLIAMENTARIAN STATUS REPORT (100TH CONG., 2D SESS.) SENATE SUPPORTING DETAIL, FISCAL YEAR 1988, AS CLOSE OF BUSINESS MAR. 15, 1988

(in malion of dollars)

	Budget authority	Outbys	Revenue
I Enacted in previous sessions- Revenues			911.053
Personal appropriations and hield funds	569,646	574,400	
Total enacted in previous sessions.	1.159,115	1.046,125	\$11,050
Il Eracted this session Rescrision of levelsh Education Dec- ters Atenad (Public Law 100– 251) Weterans Inone Lian Program Ener- percy Amendments (Public Law 100–253)	-1	_5 1	
Total enacted this session	-1	- 4	
R Continuing resolution authority. N. Conference agreements ratified by but Houses.			

PARLIAMENTARIAN STATUS REPORT (100TH CONG., 2D SESS.) SENATE SUPPORTING DETAIL FISCAL YEAR 1988. AS CLOSE OF BUSINESS MAR. 15, 1988 - Continued

In order of delact

V Entitlement actions and other manda- tory items requires further appropria- tion action.			
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Total current lovel as at Mar. 15,			
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93)	1,146,000	1,034,700	932,600
mant mains			
Over budget resolution			•
Under Beagert resolution	893	2,954	10,550

ADDRESS BY WILLIAM W. TREAT

· Mr. HUMPHREY. Mr. President. we will soon be celebrating the 200th anniversary of the Constitution of the United States of America, Our Consti-tution embodies the sacred belief that from the consent of the government flows from the consent of the governed. And there is no more visible means of extending that consent than free elec-

The consent of the governed was a standard worth holding up to the world in 1789 and it remains so today. Unfortunately, the people of many nations are denied the precious right to elect their government.

President Reagan has sought to embody self-determination in the for-eign policy of this administration. We have helped to remove corrupt dicta-tors in the Philippines and Haiti. We have worked to promote democracy in South Korea and in Central America. In South Africa we have tried to bring a peaceful end to the evil system of apartheid. As the situation in South Africa demonstrates, establishing democracy is a lengthy and delicate process that often does not yield immediate results. But we have tried, none-theless. In pursuit of this objective, President Reagan has sought to sup-port freedom fighters around the world.

Self-determination remains an unachieved goal for millions of men and women around the world. Dictators, henchmen, and even holy men sit atop repressive regimes from Panama to Iran. In South Africa, which professes commitment to democracy, the reality falls far short. In too many Third World nations, self determination is a mirage.

Of course, the world's Communist totalitarian regimes stand as the most ublquitous symbols of the systematic denial of human rights.

Indeed, the opposite of the American commitment to self-determination is the Communist preference for subis the Communist preference for sun-jugation. Communist movements do not work to install anything other than brutal tyranny. Does anyone think for a minute that the Commu-nist regimes in Afghanistan, Nicara-gua, Angola, Victnam or North Korea are working toward self-determination for their people? I certainly do not. These Communist governments stay

These Communist governments stay in power only through the overt or covert threat of military force. Would the Communist regime in Angola exist without thousands of Cuban troops? Would the Governments in Warsaw, East Berlin, and Prague exist without Soviet support for their regimes. I think not. And I know for certain that the pupper regime in Afghanistan would collapse without the support of the Kremlin. It is impossible to find a single Communist state that is actively working toward establishing self-deter-

single Communist state that is actively working toward establishing self-determination for its people.

The Reagan administration's alternate representative to the United Nations, the Honorable William W. tions, the Honorable William W. Treat, recently spoke eloquently on the topic of self-determination in an address before the United Nations. Mr. address before the United Nations. Mr. Treat, who I am proud to say is a New Hampshire native, stresses the importance of self determination, not just as an abstract concept but as a goal that each country in the United Nations should work toward.

I ask that Mr. Treat's address be entered in the Congressional Recond.

The address follows:

STATEMENT BY HON. WILLIAM W. TREAT

STATEMENT BY HON, WILLIAM W. TREAT

Mr. Chairman, in my initial appearance
effort this committee, it gives me great
pleasure to congratulate you on your election and express the good wishes of my government in the discharge of your duties. I
also extend felicitations to the Secretary
and Under Secretary-General and your
other colleagues who will be directing the
proceedings of the Third Committee during
its current session.

Once again we revisit the topic of self-de-

proceedings of the Third Committee during its current session.

Once again, we revisit the topic of self-determination, a fundamental human right proclaimed in the United Nations Charter forty-two years age. One might think that the right of self-determination is so obvious and universally well recognized that prolonged discussion would be unnecessary and wasteful of the committee's time. Without self-determination, man is denied the fruits of human rights. Individual freedom is to a large measure defined by man's ability to exercise self-determination—the right to participate in the determination of who will represent him in government, the right to determine where and when he may travel, the right to determine where and other rights are fundamental human rights and have long been recognized as such. been recognized as such.

And yet, Mr. Chairman, as we observe the practices in each of our member states, we find that fidelity to these principles is often honored in the breach. This committee need devote little time to seeking a commitment ______

to the idea of self-determination. Every speaker has expressed allegiance to this principle. Our task, quite simply, is rather to deline and establish standards of self-determination so that future violations will be remotestable when he is a self-determination. wnmistakably clear to all.

You must forgive rae, Mr. Chairman, if I fail to express my views in the phraseology of diplomatic rhetoric. As a non-professional public delegate, I must state my government's position in language most familiar to

me.

This year marks the bicentennial of the anoiversary of the United States Constitution. Butch debate by the finest minds in the American states went into the preparation of this document. Even so, it has been an envolving Constitution with major amendments, including the Bill of Rights, added at a later time. The delegates to our Constitutional Convention in Philadelphia dwing the summer of 1787 had before them the Declaration of Independence, adopted aleven years previously, which set forth the principles by which we declared our independence. Our forebears, including Thomas Jefferson, James Madison, Geroge Mason, and Robert Treat Paine, helped to draft this remarked shore that day as a guiding light for the luman rights by which we in American for the luman rights by which we in American be recognise, and de many other peoples, that a written constitution is no guarantee in itself that principles which it describes will be followed by those in power. As the American jurtat Learnet Hand once sakt "Liberty is not guaranteed by any written document, it sweetsks only to the extent of the careties only to the extent of the careties This year marks the bicentennial of the

said: "Liberty is not guaranteed by any wri-ten document. It prevails only to the exten-tion is enjoyed in the hearts and minds of the that it cales is the hearts and minds of the people." Many severements have constitu-tions which espones freedom of the press, freedom of speech, and self-setermination, and yet these rights are consistently denied and yet these the people. Scil-determ

V-determination is not a single event. It is an evolving and developing process. We have all sees autions who have finally after years of rebellion won the right to free election with one vote per person, only to find later that one vote was indeed their last vote and they were saidled with a dictator-ship with no further rights of free and open elections.

The United States is in many ways a se ation United States is in many ways a sec-nation United Stations. Our unique experi-ment has been to welcome people of all faths, all mationalities, to a pluralistic socie-ty. As people of all colors and races become citizens of our country, we seek to keep alive the novel promise of our Declaration of In-dependence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain insidenable rights, that a means them." certain inslienable rights, that among these are life, liberty, and the pursuit of happi-

To achieve both an egalitarian and pluralbitic society, we have learned, is a demanding and continuing effort. Our people have
suffered the tragedles of a civil war in our
borg struggle to enlarge the freedom of all
of our citizens. In spite of occasional setbacks, our progress has been assured by the
deep and abiding commitment of our people
to human rights. Foreigners aften fall to
understand the constant debate that ensues
at all levels of government and the tension
that exists among our three branches of
government. Somehow from all of this turmoffi-letters to the editor, television taix
shows, public demonstrations—there
emerges a consensus. Indeed, the great
strength of our society is its abidity to arrive
at a consensus after all voices have been
heard. And when our security is challenged,
internally or externally, our people units
and meet the challenge. Time and sgain,
our young men have Journeyed across the To achieve both an egalitarian and phuralour young men have journeyed across the

oceans to defend the sovereignty of nations being threatened by avaricious plunderers.

As proud as we are of our heritage, awe no illusions that the American wa have no illusions that the American way is well suited to all nations Cultural and demowell suited to all nations Cultural and demo-graphic backgrounds differ widely from nation to nation. Yet, the principle of self-determination is a fundamental human right and must not be abridge if a nation and its people are to achieve a truly free so-

As I stated at the beginning, the tracedy of our times is not a failure to proclaim allegiance to self-determination. It is rather the hypocritical denial of self-determination hypocritical denial of self-decembrations through the use of obfuscations and ambiguities. One sees the obvious hypocrisy of totalitarian states professing allegiance to self-determination and other human rights while spenly flouting the United Nations and its principles. Let there be no doubt among the autocrats of the world that the indulgence of these hypocrisies by free na-tions does not mean that we have suc-cumbed to cynicism and forgotten our obligations. To the contrary, we renew our pledge to these principles and as an original signatory to the United Nations Charter we recommit ourselves to its noble aspirations.

It is not necessary for me to replicate the litany of self-detremination profanations in the world today. One need only mention a few examples to realize that there is much

work to be done

work to be done.

No review of self-determination would be complete without a statement on the reprehensible policy of apartheid in South
Africa. My colleague, Ambassador Byrne, on
October 7th delivered as ebouent comment
on the American position with respect to
South Africa. Endicss repetition of the obvione being an endemic liness of this cham-her, I will nerefully spare you a replication of my government; position. As you well know, the United States finds apartheld abknow, the United States links apartised ab-horrent and in vibaltion of the United Ma-ations Dociaration of Harman Rights. I would only complaisine that my government be-lieves that the time is long overdue for action assuring for all the people of Smith Africa the constitutional pursuantees of a democratic electoral system and an ecanomic system based on a free and open market.

The presence of foreign troops on the ter-ritories of other mations is a shameful viola-tion of the United Nations Charter and a tion of the United Nations Charter and a senial of self-determination. The United States joins with other member states in condensating this practice and demanding the withdrawal of Cuban troops from Arginatians and Angola, South African forces from Namitia, Soriet troops from Adjunistan, and Victnamese forces from Cambodia. The forceful subjugation of independent sovereign mations is repugnent to all free societies. While our attention is drawn to the more recent violations of sovereignty in Afghanistan, Namibia, Nicaragus, Angola, and Chad, we must not knore the longestanding

ghanistam, Namible, Nicaragum, Ampole, and Chad, we must not ignore the long-standing subjustion of the formerly free states of the Baltic, Extonia, Latvia, and Lithuania. It is a tactic of totalitarian regimes to continue their occupation until apathy and habit marmaniars the oppression, Porty-two years of ensharement common extinguish the proud heritage of these nations. The free nations of the world with not permit time and hadifference to provide a considerield legitimacy to the inventual countries. Our government opposes the terroriem.

pressed nations. Our government opposes the terrorism and perfldy sponsored by the current government of Iran and the suppression of literaty by the leaders a Bicaragus, The recent amountement by President Oriega that he intends to permit La Pressa to publish only so long as it does not take exception to his

regime is proof that his liberation of the ress is phony and temporary.

It is my belief that it is time for this com-

it is my belief that it is time for this com-mittee to take positive steps to avoid the re-peated emasculation of language. In my country we have an expression—"Let's call a spade a spade". Let us now face up to the profanations of a few who bring this organi-zation to shame. Let us set forth precisely what we mean so that there will be little misunderstanding of our principles.

what we mean so that mere win or intermisunderstanding of our principles.

My government was pleased when our Under Secretary-General for Human Rights, the Hunorable Jan Martenson, stated in his remarks on October 5th: "I profoundly believe them that the organizaprofoundly believe then that the organiza-tion's objectives in all spheres are inextrica-bly bound to its quest for safeguarding and promoting human rights." And he further stated: "People must be aware of their rights. They must know that there are uni-versally agreed standards to which they can appeal and by which mational registation may be measured. And they must know that may be measured. And they must know that international machinery exists to help them in realising those rights."

For the past three weeks we have fistened to Heads af State and Foreign Ministers from all ever the world speak in nobbe planaes about goals of the United Matiens. parases about goals of the United Matteria.
Only last Friday one distinguished speaker in Plenary stated in language shofter to that used by others. "The principles enshrined in the Charler and embodied in regional instruments, like the Helsinki Pinai Act, the non-use 8 force or threat of frore, southerference and non-intervention, equal rights and fundaments of conditions are utilities. rights and fundamental freedoms, are still beling flagracity violated in different parts of the world, thus protracting dangerous and explosive situations and contributing to the breakdown of legal order and security in the respective regions. It no longer should be tolerated, that millions of people in the world suffer daily from gross violations of their human rights, despite the existence of laternationally accepted legal principles. Such instruments, concluded during the United Nations era, embody the seoral conscience of mankind and represent the humanitations meanched that should saide the behavior of all members of the international at community in the field of human rights. rights and fundamental freedoms, are still al community in the field of human rights and fundamental freedoms."

and instances as irresome.

My government shares these sentiments, and we deplore the hypocrisy of the totals, tarian governments that make a mockery set of mankind's deepest convictions. We believe that their hypocrisy dobases the United Nations and threatens its credibility. United Nations and threatens its credibility. Perhaps the greatest danger that persades the United Nations today is the tendency of some otherwise intelligent people to sensere silently the savaging of our freedoms. Because such distortions have become routine, we run the risk of becoming uitlimately irrelevant in world of fairs.

evant in world affairs

In conclusion, Mr. Chairman, let me state that in spite of deep misgivings shout the course that the United Nations has been folcourse that the United Nations has been fol-lowing for the past several years, may gov-ernment remains strongly committed to this organisation. As one of the original aschi-tects of the United Nations, we retain east faith in the desirability of an international organization founded on the basis of univer-sal human rights. We recognize the wallelity of multilateral approaches to international problems and continue to seek efficiencies a solutions to the conflicts and tensions of our societies. societies.

We urge all nations to join with an ibreathing new life into the United Nation We remain optimistic that man will for himself from the chains that enables help. many parts of the world, that the people of Cambodia, Afghanistan, Ric

gua, and Libya, to name a few, will some day escape from their chains and join the free world. We believe that if the freedom-loving word, we believe that it the freedom-loving people will join together in common understanding the United Nations will become the temple of freedom that it was meant to be. Thank you, Mr. Chairman.

N SUPPORT OF LEGISLATION TO BAN UNDETECTABLE FIRE-ARMS

Mr. SIMON. Mr. President, I would like to take this opportunity to express my support for S. 2180, compromise legislation to ban undetectable

In this time of increased terrorist In this time of increased terrorist threats, this issue has attracted a great deal of attention. At a July 28 hearing before the Constitution Sub-committee, which I chair, representatives from the Secret Service, the Law Enforcement Steering Committee, the air transport association, and the air-line pilots association underscored the serious security threat posed by unde-tectable firearms. They also testified that if these weapons were to become widely available in the United States each airline passenger or visitor to cer-tain Government buildings would have to be individually searched, and some buildings, such as the White House, may have to be closed to the public altogether

I am pleased to be an original co-sponsor of S. 2180, which makes useful adjustments to S. 465, Senator Merzadjustments to S. 465, Senator Metz-Ennaum's original plastic gun legisla-tion. I would like to commend Sena-tors Metzenaum, Thunmond, and the other sponsors of S. 2180 for their dedication to this matter and willingness to compromise.

Many constituents have expressed to me their fears about terrorism and a desire for greater security. I have also been made aware of the concerns of gun owners with regard to undetectable firearm legislation. S. 2180 meets the concerns of all interested parties by providing greater security while respecting their rights of the legitimate gun owner. The bill clarifies certain provisions of S, 465 and addresses law enforcement, airport security, and gun owners' concerns in several ways.

First, it makes clear the limits of the Secretary of the Interior in declaring a gun "undetectable" and therefore ille-gal. The Secretary is bound by an ob-jective standard which is laid out in

Second, the FAA is required to in-crease efforts to develop more effec-tive security systems and implement the more effective systems in airports and Federal facilities within 2 years.

Third, the bill now clearly states that guns owned at the time of enactment of the legislation are not affect-

Finally, the Secretary of the Treasury is required to submit to Congress correcting legislation when the stand-ard of detectability under this statute no longer reflects current technology.

I am not suggesting that we can end terrorism by enacting this legislation. I realize that we must improve our efforts in several areas to achieve that goal. However, the fact is that weapons technology is currently exceeding detection technology, and we should not wait for the first undetectable fire-arm-related hijacking or assassination

arm-related injacking or assassination before banning these weapons. Earlier this year, we scheduled a subcommittee markup for S. 465, which was canceled due to an objec-tion from the Senate floor. Now that we have broad support for this bipartisan measure, I hope that we can schedule another markup soon, I look forward to discussing these bills and moving ahead on this important issue.

RECOGNITION FOR THE INSTI-TUTE OF ENERGY CONVER-SION

• Mr. ROTH. Mr. President, I rise today to share with my colleagues the today to share with my colleagues the recent secomplishments of the Institute of Energy Conversion (IEC) at the University of Delaware. It is a source of personal satisfaction that we recognize the institute's efforts which have recently received national recognition. IEC was the first university photovoltaic research institution in the United States to develop an amore the United States to develop an amor-phous silicon technology capable of depositing thin film cells with a sunlight-to-electricity efficiency of 10 percent. I ask that a letter from the Solar Energy Research Institute, recognizing this accomplishment be published in the RECORD in its entirety.

The Institute of Energy Conversion was established by the University of Delaware in May 1972. It was one of the first laboratories in the United States to initiate a thin film photovol-taic research effort. It did so before the oil embargo and the formation of either the Department of Energy or

the Solar Energy Research Institute.

The success of the IEC Program is due in no small part to it's director, Dr. T.W. Fraser Russell. Under Dr. Russell's guidance IEC's efforts have been directed to ensure that solar cells developed at the laboratory scale can be manufactured in commercial quantities. In this quest IEC has become the major university laboratory doing photovoltaic research in the United

States.

Dr. Russell has an impressive back-Dr. Russell has an impressive back-ground in chemical engineering, in-cluding process design, fundamental laboratory research, and direction of multidisciplinary university research teams. He has an exceptional ability to work effectively with professionals and students from different sciences, and he understands much better than and he differential matter than the most the role of research and how it affects our Nation.

I have always been a strong support-

er of the photovoltaic program under-taken at the University of Delaware, and was pleased to give the keynote

address when the institute moved to its new 40,000 square-foot laboratory in 1982. Since that time we have made significant progress in the understanding of photovoltaic devices, materials systems. Thanks to a strong partnership between DOE, industry and universities, which has produced in-creased conversion efficiencies and recreased conversion efficiencies and re-liability, photovoltaics are now a promising source of electricity in the United States and many other domes-tic and industrial applications. I concur with those that say that

I concur with those that say that the Government has an important role to play in the development of this technology. The pursuit of basic research, and continuing Government support is required before photovoltaics can compete with other energy sources. We must maintain sufficient funding for our research and education programs. However, the Government's contribution has steadily de-clined to the point that we are now

clined to the point that we are now below a basic level of support.

Although I do support the need to curtail spending, I cannot support the elimination of programs that are an investment in our future. Without continued Government and industry support, we are faced with losing our leadership role in photovoltaic technology. In addition, we face scientists leaving the research field, and an inability to educate the future students. ability to educate the future students and researchers that would fill the ranks in private and public photovol-taic research laboratories.

Mr. President, I also wish to share with my colleagues an article written by Charles P. Wilson. This article ap-peared in the Delaware Business Review of Pebruary 12-18, 1988. The article describes some of the past and more recent activities in which IEC
was involved. I ask that this article
also appear in the Record.
The material follows:

Solar Energy Research Institute, Golden, CO., October 13, 1987.

BILL BARON, Institute of Energy Conversion, University

Institute of Energy Conversion, University of Delaware, Newark, DE.
DRAN BILL: Congratulations on being the first university institution in the U.S. to develop an amorphous silicon technology capable of depositing cells with efficiencies of 10%. In addition to your distinction as the first U.S. university, your achievement is also notable in that you developed a new photochemical deposition process as compared to the more mature plasma deposition processes. The Amorphous Silicon Research Project at SERI regularly updates a table of worldwide institutions reporting a SiH cells over 10% efficiencies. I have included an updated table listing the Institute of Energy Conversion. Conversion.

Conversion.

Again, congratulations on meeting your subcontract milestone of a 10% photo-CVD cell one month ahead of schedule (due 11/15). The official SERI measurement (10/7/87) on an all photo-CVD cell deposited at IEC will be reported as 9.9% (V_x-0.865 V, J_x=17.4 mA/cm², PF=0.656, and area=0.284 cm³). Four measurements were taken on the same cell and the officiency values varied from 10.0 to 9.8% due to measurement uncertainties. SERII took the average of the values for reporting, but within the meas-

10% milestone. I have enclosed copies of the

10% milestone. I have enclosed copies of the four I-V curves.

Also, thank-you for hosting the CVD workshop on October 8. The presentations were well received and without hesitation I can state that everyone was impressed by IEC's accomplishments in photo CVD. Keep up the good received. up the good research.

urement uncertainties IEC has met their

Sincerely.

BYRON STAFFORD, PV Program Branch.

LET THE SUN SHINE IN, RESEARCHERS SAY (By Charles P. Wilson)

The solar energy harnessing research at the University of Delaware has become the leading edge of the nation's efforts to save the atmosphere from fossil fuel pollutants.

Operating from a new 40,000 square-foot laboratory on the outskirts of Newark, the University's Institute of Energy Conversion

is moving inexorably toward producing a more cost-effective solar cell. The solar cell is a solid state device for producing electric power from the rays of the sun.

For more than a decade the Institute of Energy Conversion has been focusing its ef-forts exclusively on developing what is known as the thin film photovoltaic, or solar cell made from amorphous silicon and

other materials.

"We are now the major laboratory for doing photovoltaic research in the United States," says Dr. T.W. Fraser Russell, chairman of the University's Chemical Engineering Department and director of the

ecause of its relatively high cost in relation to conventional forms of producing cook to conventional forms of producing energy-primarily through the use of fossil fuels—the use of solar cells for this purpose has not come anywhere near its potential for helping meet the nation's energy needs, Dr. Russell notes.

PROBLEMS MOUNTING WITH CONVENTIONAL . WAYE

Huge generators powered by burning oil, or sometimes coal; water power from dams, and nuclear plants are now the primary sources of producing electricity in the nation. Problems from some of these sources are steadily mounting, however, he

says.

The burning of fossil fuels such as petroleum products and coal is raising the carbon
dloxide, sulfur and other potentially dangerous gasses to alarmingly high levels in the
almosphere, Dr. Russell notes. At the same
time, there is a generally held fear among
these, there is a generally held fear among

the population about the dangers posed by nuclear plants, he adds. And, of course, hydro-electric plants need huge volumes of water to produce electrici-

huge volumes or many ty.

The problems associated with the increasing amount of carbon dioxide in the atmosphere, acid rain and other related phenomenon "still have to be adequately addressed by the scientific community." Dr. Russell says. "But interest is beginning to rise dramatically" among many scientists, he adds.

Therefore, the institute is conducting "a continuing project to help American industrial to turn will

continuing project to help American indus-try solve its problems," which in turn will decrease the threat to everyone, he says. The institute was established by the Uni-versity in May of 1972, and became one of the first laboratories in the United States to initiate a thin film photovoltaic research

INSTITUTE IS NOW TOP RESEARCHER

Since then, it has become the top solar energy research arm of the federal govern-ment-primarily the U.S. Department of

Energy-which has poured \$15 million in the effort there

It is also a major resource for American industry in that regard. In addition, more than \$4 million in funding has come to the major resource for American Institut: through such firms as Chevron Research, Shell Oil, Standard Oil of Ohio, Stauffer Chemical, Johnson Matthey, Union Carbide and numerous public utili-

Probably the most visible aspect of the In-Probably the most visible aspect of the Institute's operations in years past was Solar One, a house constructed along South Chapel Street in Newark and operated entirely from solar energy. This research project used solar panels on the roof to supply the house's heat and electricity resets.

Solar One outlived its usefulness as a re-

search tool around 1981, and the project was then phased out. In the meantime, the Institute has become the first group of American university researchers to produce a solar cell with a sunlight-to-electricity conversion efficien-cy of 10 percent—a lete which had formerly been accomplished by only a few large pri-vate corporation research operations.

Institute researchers have also recently developed a new photochemical vapor dispo-sition reactor which promises to make elec-tronic components for such things as solar cells, merochips and infra-red sensors even more efficiently.

INSTITUTE BOASTS STRONG STATE

Today the Institute employs about 30 scientists and technicians, backed up by a cadre of graduate and undergraduate students form the University's science departments

ments.
Working with more than \$2 million in state-of-the-art scientific equipment, the researchers at the institute believe they are closing in on the technology and know-how to make their solar cells more inexpensive to produce, and therefore more competitive with conventional means of producing power.

"The solar cell needs no water power, and it produces absolutely no poliution," Dr. sell notes

R produces assolutely no politition. Dr. Russell notes.

The goal is to develop solar cell technology capable of producing electricity for between 10 and 15 cents per kilowatt hour. Conventional ways of generating electricity cost between five and 15 cents per kilowatt hour generally, at present, Dr. Russell says. He does not see a time, at least in the near future, when solar-produced power will replace all dams, nuclear facilities and conventional generating plants, however.

The most optimistic projection for the use of solar-produced energy right now is between 20 to 30 percent of the total output, he says. But this would go a long way in helping ease the pouring of pollutants into the atmosphere.

SOLAR POWER MAKING INBOADS

Right now, Dr. Russell explains, there is probably a lot more solar-produced power eing used in the United States than is real-

being used in the United States than is real-ized by the general public, he adds. For instance, he notes, there is a particu-lar need for solar energy in places which are not served by the large power companies; grids. As an example, there are now between 6,000 to 86,000 homes dependent on solar power in an area where there is no grid, he notes.

notes.

In fact, he says, there is extensive market right now for a wide variety of solar-generated products such as watches, calculators and small radios. U.S. Coast Guard ships are using solar cells for their navigational aides, and the auto industry is beginning to use them in devices that remove hot air from the interior of an auto, Dr. Russell notes.

General Motors has even developed a solar-powered demonstration car which re-cently traveled the length of Australia, he

As of now solar cells can compete with diesel fuel generation in such things as pumping water in places where there is no

power grid, he adds.

Since the Institute has been in operation, he says, it has spun off two other private industry operations to date. Shell Oil spent \$50 million to open a solar cell production plant here to take advantage of the Institute's research, but this closed when the price of oil dropped suddenly a few years back, Dr. Russell says. Also, a colleague at the Institute opened a

solar cell manufacturing plant at Newark known as Astropower, and that is now in operation, he adds

As it stands, the solar cell industry in the United States is \$300 to \$500 million operation, and it is growing at the rate of 20 per-

cent a year, Dr. Russell says.
One problem, however, has been the drop in world oil prices in recent years, which is posing problems for the Institute, Dr. Rus-

Grants for photovoltaic research, which had stood at about \$150 million in 1980, dropped to about \$35 million this past year. he explains.

EXTENSION OF TIME FOR MORNING BUSINESS

BYRD. Mr. President, I ask unanimous consent that morning business be extended an additional 10 min-utes, and I ask unanimous consent that at the conclusion of the remarks the distinguished Senator from California (Mr. Wilson), if there is no other Senator seeking recognition at that time, that the Chair adjourn the Senate under the order previously en-

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

ORDERS FOR FRIDAY

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, I thank the Chair. I ask unanimous consent that, when the Senate completes its business today, it stand in adjourn-

ment until 9 a.m. on tomorrow.

The PRESIDING OFFICER. Is there any objection? Hearing none, it is so ordered.

CONSIDERATION OF THE GLENN AMENDMEN

THE PRICE-ANDERSON BILL AT 9:30 A.M. Mr. BYRD. Mr. President, I ask unanimous consent that at 9:30 a.m. tomorrow the Senate resume the consideration of the Price-Anderson bill, at which time the pending question will be on the adoption of the amendment by Mr. GLENN.

The PRESIDING OFFICER. With-out objection, it is so ordered.

WALVER OF THE CALL OF THE CALEN Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar be waived. The PRESIDING OFFICER. With-

out objection, it is so ordered.

NO RESOLUTIONS AND MOTIONS OVER, UNDER THE RULE, TO COME OVER

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, no resolutions and motions over, under

the rule, come over.

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders or their designees on tomorrow, there be a period for morning business not to extend beyond 9:30 a.m. and that Senators may speak during that period for not to exceed 5 minutes each.

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

PROGRAM

Mr. BYRD. Mr. President, at 9:30 a.m. the Senate will resume consideration of the Price-Anderson bill, at which time the pending question will be on the amendment by Mr. GLENN.

The PRESIDING OFFICER. That is correct

Mr. BYRD. There will be rollcall votes tomorrow. I hope and expect that the Senate will complete action on the Price-Anderson hill tomorrow. There will certainly be a vote in relation to the Glenn amendment, and there will be a vote on final passage. So there will be a number of rollcall votes tomorrow.

I thank the distinguished Senator from California, I yield the floor.

OFFICER. Th The PRESIDING

Senator from California.

Mr. WILSON. Thank you, Mr. President. And I thank the distinguished majority leader.

UNITED STATES-MEXICAN RELATIONS

Mr. WILSON, Mr. President, I rise today to begin a series of statements in which I will take little pleasure, but feel that they are necessary and it is

time that they were done.

Mr. President, it was the great
Yankee poet Robert Frost who first
declared that good fences make good neighbors. The United States and Mexico have been neighbors, and good ones, for over 200 years. We share ones, for over 200 years. We share nearly two-thirds of the North Ameri-can Continent and a richly interwoven culture. Unfortunately, we also share a 1,900-mile border that in recent years has become anything but a good fence. As a result, neighborly feelings have been strained. The special rela-tionship that has boned our two nations as we share values of faith, work, family, and love of country on both sides of the Rio Grande has been put in jeopardy.

Over the next several days, I will address that special relationship and the factors that currently endanger it.
Mr. President, my interest in United

States-Mexican relations goes back a

ery long way. Being mayor of San Diego for 11 years gave me a special opportunity for a kind of over-theopportunity for a kind of over-the-fence intimacy with my counterparts in nearby Baja, CA. I was privileged to work closely with three different mayors of Tijuana and two different governors of Baja, CA. Together we supervised the busiest international border crossing in the world. At the same time, Mr. President, we felt, per-haps as no one else, the devastating impact of the international drug traf-fic practiced by smugglers who have turned that border between our two countries into a deadly sieve. On both countries into a deadly sieve. On both sides of that border lives are being ruined and indeed, lost while fortunes are being made, ugly fortunes, Mr. President. And so it would be a false friendship that would attempt to cover up problems, for if friendship is to be real and enduring it must rest on honesty. And there are times when friends, especially good friends, must be brutally honest with one another. This is such a time.

While Mexico most certainly did not create the American appetite for illegal drugs, it is feeding that appetite. It has become the portal through which pass at least one-third of the marijuahas the least one-time of the marijua-na, the heroin, the cocaine entering the United States. There are any number of statistics by which we might measure the impact of that

deadly traffic.

We could talk about the number of police officers increased by cities in my State and in virtually every State in the Nation. We could talk about the number of new judgeships that have been created at both the State and Federal level. We could talk about the impact of this drug traffic in terms of the tax dollars it has cost to finance not only those new police officers and new judges but the new probation offi-cers, the new penal authorities, who have had to respond to the increase in criminal activity occasioned by this drug traffic.

(Mr. SHELBY assumed the chair.) Mr. WILSON. Recently, Mr. President a survay taken by an organiza-tion concerned with criminal justice standards ascertained that in 12 of the major cities of the United States, including Los Angeles and San Diego, that male felons convicted for felonics that were not directly drug related tested positive for a drug other than marijuana. The relationship between the habit, burglary, robbery, and crimes of violence in order to support that habit, is undeniable. In fact, it is a fact that we can take virtually judi-cial notice of. But perhaps the most compelling statistic, Mr. President, is that having to do with the number of deaths from drug overdose. Add to that, Mr. President, the special sense of outrage that we have all felt as courageous young agents of the Drug Enforcement Administration have been brutalized and indeed kidnapped, tortured and murdered by what nominally law enforcement officers within Mexico in the pay of Mexican drug kingpins.

Mr. President, is we are to send out these young men and women and ask them to engage in the undercover work that for the money is perhaps the most dangerous undertaking imaginable, we at the very least owe them the kind of protection in the law that our law can give them, the kind of resources which will make real and not merely an empty phrase "the war on drugs." You cannot win that war unless we committed adequate resources to it. We have not done so, Mr. President.

We have not done an adequate job of educating our young people to the tragic peril and waste of drug abuse. We must do far more than we have to curb demand. But it is no adequate response from our Mexican friends to say that they did not create the appetite. tite. Indeed, they are suffering in much the same fashion that we are. Their youths are dying. Their coura-geous law-enforcement enforcement officers have been victims of the vio-lence that is prompted by the incredible profit in this deadly and poisonous trade.

We must say that together there must be a much better effort because there is simply too great a risk. Indeed, as I look at my friend, the President, with whom I spend a great deal of time in the Armed Services Committee concerned about other threats to the security of the United States, it seems to me that there is really no greater threat than that posed by this drug traffic to our future, to our health, to the vitality of this Nation, and indeed to its very se-

curity.

The kind of thing that has been happening, Mr. President, is the result of a pervasive corruption of a kind that the U.S. Commissioner of Customs, William von Robb, has said pre-cludes the effective cooperation between United States and Mexican offi-

I will only say, Mr. President, that we cannot simply turn a blind eye. We cannot look the other way when our children and Mexican children are being lost to the scourge of drugs, when the enormous profits of that trade have permitted the corruption of law enforcement officers on both sides of the border, by the wholesale cor-ruption that has permitted a virtual government within a government to exist within certain regions of Mexico. That cannot be viewed as purely an internal concern of the Government of Mexico, not, Mr. President, when it has inescapably the impact which it has upon the health and indeed the safety of Americans, young and old, whether they be directly involved themselves as users of dangerous drugs or simply the victims of violence on our streets by someone seeking to support a habit.

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It is true that there have been some efforts made, that improvement has taken place, but the effort is by no means adequate. Candid exchanges between the governments of our two countries have led to efforts to attempt to eliminate some of that corruption, to crack down on drug smuggling, but not nearly enough has yet been done.

I must say that it is our friendship for the people of Mexico, but ever more, I will admit, out of concern for the people of the United States, that we must view honestly and unflinchingly the responsibilities which neither nation has yet undertaken sufficiently so that we can honestly say that we are waging a war against drues.

drugs.

Mr. President, in the days that follow, I will detail some of the efforts that must be made and, unhappily, how far short existing efforts have fallen. We cannot say that full cooperation has been given to the United States in what should be an interna-

tional cooperation of the kind that is required to deal with an international menace.

The United States and Mexico share a future as well as a border. For ourselves and for our children, let us make that future what it can and should be, and not see what has been a true friendship deteriorate into a loveless juxtaposition in which the two partners sharing that border are divided by distrust.

But before there can be trust, there must be honesty in word and in deed. If we are honest with ourselves and with our friends, then I think there is hope of rebuilding that special relationship that should exist between Americans; and Mexicans and, more to the point, we owe it to our children to make that effort. If we fail to do so, our shared future is one of tragic peril and waste, and I do not find that acceptable.

ceptable.
Instead, let us live together in dignity and in mutual respect as valued neighbors and cherished friends. But

in order for us to do that, we must come to grips with a problem that has thus far cluded our best efforts, because those best efforts are not really good enough—not on this side of the border, not on their side.

border, not on their side.

Mr. President, in the days that follow, I will be compelled to say painful things. I will take joy in the fact that one day we will have addressed them sufficiently so that we will no longer be compelled, as I am today, to look across that border and say: "My friends, it is not enough, not nearly enough. We must do much, much better."

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 a.m., Friday, March 18, 1988.

Thereupon, at 8:28 p.m., the Senate adjourned until tomorrow, Friday, March 18, 1988, at 9 a.m.

EXTENSIONS OF REMARKS

TTAL NEED FOR NATION TO BUILD AIR AND SPACE MUSEUM ANNEX FACILITY

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. GRANT, Mr. Soeaker, building a new six and space museum to preserve the priceless artifacts of a vital part of our national horitage is an idea whose time has come

The National Air and Space Museum of the Smithsonian Institution is one of the most visited attractions in the world. It is a pricoless natural treasure

Today I am introducing a bill to construct an annex or new facility to house those treasures which are too large for any conceivable which could be built on the Mall. A prime example is the Space Shuttle Enterprise.

I would like to take this opportunity to reprint the remarks which the Secretary of the Smithsonian Institution, Dr. Robert McC. Adams made to the Board of Regents at their meeting last month. Dr. Adams makes his case very clearly and concisely as to the need and the opportunity which I feel this bill presents for the American people.

Dr. Adams said:

NATIONAL AIR AND SPACE MUSEUM EXTENSION PLANNING

The National Museum Extension

The National Museum Amendments Act of 1965 directs the National Air and Space Museum to "" collect, preserve, and display acronautical and space flight equipment of historical interest and significance; "" in keeping with its general mandate to increase and diffuse knowledge, the Smithsonian interprets this as conveying a broad responsibility not simply to assemble and exhibit historical sir and space artifacts but to conduct related research and to synthesize and interpret the significance of the mass of new scientific discoveries and successive waves of technological advance that are associated with human-directed flight. With the recent appointment of Dr. Martin Harwit as the Director of NASM, the Museum has entered upon a significant new phase of activity. An astrophysicist who has long been involved in NASA programs and related international research activities. Dr. Harwit brings to the Museum an opportunity for the substantial programs of the Smithsonian Astrophysical Observatory to find their first public outlet. He has a long-standing commitment to the public communication of scientific understanding, as well as a deep concern for developing new and more effective ways to link research findings to education and outreach.

Prominent among the new directions that NASM's programs should now begin to take is a helpithened emphasis on international complementaries and cooperation that have contributed to the enormous success and rapidity with which our frontiers of knowledge have advanced. This is reflected in the multinational character of much of the progress that has occurred in aerospace. Frequently the innovations have been highly competitive and subordinated to military requirements, but on the other hand

the extraordinary advances in astronomy and astrophysics have consistently been the product of a very high order of international collaboration. Current probes of International collaboration current probes of International techniques and acting worldwide resource constraints, are also assuming a prevailingly cooperative, international character.

acter.

Global interdependency is another theme that needs much fuller elucidation and heightened emphasis. Communications satellites link continents as well as nations ever more closely together, permitting dissemination of information at rates that were almost unimaginable until a very few years ago, Advances in remote sensing capabilities that have accompanied our leap into space offer unprecedented possibilities for looking back at our earth as a single giant ecosystem. Large-scale, ongoing processes that other bureaus of the Smithsonian have long been engaged in studying and monitoring, such as atmospheric and occanic pollution, descriffication, and the decline of bio-diversity as particularly reflected in tropical deforestation, can be understood and followed with strikingly enhanced clarity with radar imagery from shuttles and satellites. The picture of this as an endangered planet is so strikingly transformed when seen from space that the Smithsonian's communication to its public of a unified vision of the intersecting human and natural processes that are at work needs to become a prime responsibility of the National Air and Space Museum.

At the same time that the possibility of

At the same time that the possibility of At the same time that the possibility of these important new vistas of understanding emerges, NASM is confronted by a critical shortage of exhibit and other facilities that threatens to cripple even its basic collecting program. Having brought together the most significant collection of air and space craft in the world during the forty-one years of its existence, it already lacks space to make significant further additions to its collections unless they are subjected to the highly destructive effects of indefinite external stornge. Making matters still more critical is the fact that the large size and difficulty of disassembly of current air note external storage. Making matters still more critical is the fact that the large size and difficulty of disassembly of current air and space craft make it virtually impossible to move them from the airfield to which they are delivered to the present Museum building on the Mail or to the Museum storage facility at Silver Hill, Maryland. This absolute shortage of space exists even though the Museum has taken deliberate steps to limit the growth of the collection by carefully screening offers of donation, through deaccession of marginal items collected in the past, and through an extensive prugram of lending air and space aircraft to other museums in the U.S. and abroad.
Despite these efforts, the collection has continued to grow. At this time there are already a number of air and space craft that meet every criterion for inclusion in the collection but that cannot be viewed at NASM. For some, this is a simple matter of size, Aircraft that belong in the collection but are not now being sought due to storage limitations include the Lockheed Super Constellation, MiG 15, Lockheed SR-71, Vickers Viscount, and Boeling B-47. Air and space craft ow in the collection that cannot be exhibited included the Boeling 367-86 (protype for the 707), Vought XF8U Crusader, Saturn V

launch vehicle. Boeing Flying Fortress, Si-korsky S-42 Flying Boat, and B-29 Enola Gay. These are not simply oversized air or space craft. Each has ushered in a new era, a new system of transportation. While these craft can readily be seen in many places today, in fifty to one hundred years they will be seen only in museums where they will generate the same interest as the Ford Tri-Motor and DC-3 do today.

It is a concededly legitimate question whether these large craft might be adequately represented for future generations by merely recording their passing by means of photographs, drawings, and models. No museum has undertaken to collect steel mills or ocean liners. But unlike these latter examples, it is well within the capability of

mills or ocean liners. But unlike these latter examples, it is well within the capability of our technology to store and exhibit airpianes and spacecraft of any size known or contemplated today. Without a continuing flow of newer artifacts the present collection becomes truncated at an arbitrary point in time and will gradually lose a considerable part of its present, unique significance.

The NASA/Smithsonian Transfer

siderable part of its pitestin, disque againet.

The NASA/Smithsonian Transfer Agreement establishes the Air and Space Museum as the repository and guardian of the historic material objects of America's civilian space program. The Museum is thus responsible to this and future generations as the sole source of actual space age artifacts the public can view. By remaining the sole authorized guardians of these objects (while maintaining a fair and effective loan program) the Museum prevents commercial or other destructive exploitation of this material heritage and assures the dissemination of that heritage to the public.

But beyond the considerations just mentioned is an even weightier one: the transcendent importance of the field of human endeavor represented at the National Air and Space Museum. It can well be arrued that the unquestioned leadership this country has given to the conquest of air and space is likely to stand in the light of history as our most profound and enduring scientific or technological contribution to mankind. For this reason, it would be tragically shortsighted to foreclose further collection efforts on the purely expedient grounds that further housing for collections is not available. We have an obligation, in other words, to take deliberate steps directed toward overcoming this shortage as soon as conditions permit.

Only an extension, as now proposed, with

toward overcoming this shortage as soon as conditions permit.

Only an extension, as now proposed, will allow the Museum to proceed with its mission of collecting and exhibiting air and space equipment of historical significance without an artificial restriction on size. But while the need for an extension from this viewpoint alone is great, the ability to store and exhibit large artifacts is only one of the supportive considerations. The new facility also will need to display a character of its own, to be attractive and important in its own right.

own, to be attractive and important in too own right.

For the new themes suggested earlier to be properly treated an extended effort at planning that takes a museum-wide approach needs to begin soon. This planning process should comprehensively consider the location and scheduling of construction of new facilities, the utilization or disposal

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor. Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of facilities whose present contents or activities will be relocated, the magnitude and sources of the funds that will be needed for their operation and maintenance as well as construction, and projections of the flows of visitors to be anticipated.

sources of the funds that and maintenance as well as construction, and projections of the flows of visitors to be anticipated.

Fundamental to such a planning effort is a detailed, substantive consideration of the new configuration of Museum programs that will result. This must embrace future allocation of activities in the present Museum as well as in the extension. Suitable accommodations need to be found for an enhanced program of scholarly research. Allowance needs to be made, too, for the use of clearly understandable evidence for objects and discoveries that are likely to become increasingly complex. This might take the form of restored artifacts, illustrative models, clearly labeled text or drawings, and works of art that convey images of the ways in which all of the phenomena associated with the conquest of all and space are conceived and communicated. Without any doubt, the project will need to take advantage of recent advances in the use of interactive displays and oilner learning adds. These enormously increase the quality of the learning experience and enable the Institution better to meet the differentiated interests of individual visitors. But they do so by arresting a visitor's attention, scriously impeding traffic flows that are already excessively heavy in our existing Museum.

Beyond these essential requirements, it should be a planning objective to try meet the persistent, widespread expressions of visitor interest in being able to view the restoration of aircraft as this is carried for in the new Extension to help in housing the Museum's specialists in inaccessible facilities at Silver Hill. To the extent possible, space might also be provided for in the new Extension to the just in the still of the safe and of the provided for in the new Extension to the pin housing the Museum's specialists in inaccessible facilities at Silver Hill. To the extent possible, space might also be provided for in the new Extension to the pin housing the form of the facilities at Silver Hill. To the extent possib

age.

To initiate the planning process, the S retary proposes to establish a small working group of staff from various units within the institution to assist in the development of a scope of work for a study of program re-quirements.

The study also must consider its spatial The study also must consider its spatial requirements, the form of a facility in which to house such a program, and investigate sites for its location. Costs of the program, the facility, and its operations then must be estimated and a strategy for funding those costs must be outlined. The body of work that results should provide a sound basis for articulating future needs for authorization.

A funding requirement of \$100,000 for the initial phase of the study is estimated. believed that this amount can be identified within fiscal year 1988 financial resources.

To ensure that the foregoing reflects the

interests of the Board of Regents, the fol-

interests of the Board of Regents, the fol-lowing motion is proposed: VOTED that the Board of Regents en-courages the Secretary to proceed with a planning study for an extension of the Na-tional Air and Space Museum consistent with the program outlined.

My good friend, Walter Boyne, the immediate past director of the Air and Space Museum infused me with enthusiasm for this roject. When it is built, it will be a testiment to his vision.

Seldom have I met an individual for whom I have more respect and regard than the new Director of the Museum, Dr. Martin Harwit. He is ably assisted by Don Lopez whom I came to know because of his relationship to one of my closest friends in the Florida State Senate.

This year presents a unique opportunity. This year presents a unique opportunity. We have men and women in place to make this a reality. We have groups who are dedicated to raising funds to make this dream come true for the American people.

I would urge you, my colleagues, to join with me in this great venture. Future generations will look back on your vision in the same fash-ion we pay tribute to the generosity and vision of James Smithson and his gift to the Ameri-

THE NURSING RESEARCH FACILITIES ACT OF 1988

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. PURSELL Mr. Speaker, today my Michigan colleague, Mr. DiNGELL, and I are intro-ducing the Nursing Research Facilities Act of 1988. This bill establishes extramural contruction authority for the National Center for Nursing Research at the National Institutes of

Since its establishment 2 years ago, the National Center for Nursing Research has become the local point within the Federal Government and the nursing community for the conduct, support, and dissemination of basic and applied clinical research, training and related programs in nursing. In just a short time, the center's support for nursing resourch has led to a number of significant sci-entific achievements which will enable nurses to provide better care to patients and their

Nursing research is growing as mambers of the profession become aware of the opportu-nities available to them and how these opportunities can affect their future. This grov particularly important today because of the severe shortage of nurses across the country. by supporting nursing research, the Federal Government through the NCNR plays a major role in the ongoing national effort to attract and retain nurses to the profession.

But recent advances for nursing research have been stowed by the senses to bettered.

have been slowed by the severe shortage of research facilities at the academic institutions which facilitate and support nursing science. Few schools of nursing have the physical plants and laboratories needed for the con-

duct and continued expansion of patient-care research Nurse researchers have had to resort to borrowing research space from other departments or other institutions. The tack of laboratories, observation rooms, and conference and study space has hindered the pro-

ductivity and progress of nurse scientists.

The Nursing Research Facilities Act is designed to increase the capacity of academic institutions to support nursing research. The bill authorizes the NCNR to make grants for the acquisition, construction, improvement, and repair of laboratories and other research facilities. Grants will be subject to NIH peer review and the recipient institution will be required to match the Federal contribution dollar for dollar. To ensure that all colleges and universities have an equal opportunity to compete, the bill sets aside 15 percent of the authorization for smaller institutions.

I know that this Congress shares our commitment to nursing and the growth of nursing research and I would urge my colleagues to cosponsor this legislation which is vital to the progress of nursing science.

HOUSE PREROGATIVES

HON. TRENT LOTT

OF MISSISSIPPI

in the house of representatives

Thursday, March 17, 1988

Mr. LOTT. Mr. Speaker, I am inserting at this point in the RECORD a letter which the distinguished Republican leader [Mr. MicHeL] and I have sent to you relating to the constitutional prerogatives of the House in originating propriations measures.

The letter follows:

CONGRESS OF THE UNITED STATES, Washington, DC, March 15, 1988. The Breaker,

The Breaker,
House of Representatives,
Washington, DC.
DEAN MR. SPEAKER: We read with concern
a statement attributed to you in the March
8, 1988, Washington Post regarding the
prospect of the Senate passing a new contra
aid bill. Quoting from the Lou Cannon article: "The Constitution provides that appropriations bills originate in the House, and
Wright said the Senate 'ought to be mindfull' of this if it seeks to originate a bill for ful' of this if it seeks to originate a bill for

We fully defend and support the constitu-tional prerogatives of the House to originate general appropriations bills, a proposition long established under our precedents. To quote from Cannon's Procedure, §834: "Under Immemorial custom the general ap-propriations bills, providing for a number of subjects as distinguished from special bills appropriating for single, specific purposes, originate in the House of Representatives and there has been no deviation from that practice since the establishment of the Con-stitution. We fully defend and support the constitu-

stitution.

However, we must take exception to the implication of the article, attributed to you, that this principle could somehow be extended to a contra assistance bill which involves only transfers of already appropriated funds. As a ruling on a point of order established on the most recent House contra aid bill (H.J. Res. 484), the measure "is not a general appropriations bill. It only transfers unobligated funds and does not appropriate new budget authority." (Chalirman Hughes, Committee of the Whole, Congressional Record, March 3, 1988, pp. H 675-76.)

We are hopeful that you were either misquoted or misinformed as to what the prece-dents actually establish in this regard. Our concern extends beyond the immediate issue of contra aid to the larger institutional im-peratives of comity and an effective working relationship between the Houses. If you should mistakenly open the door to such an expanded application of the appropriations origination clause, it would be possible for any Member to force a House vote on a resobutton to return to the Senate any bill which contains even the most miniscule transfer or reappropriation provision. This in turn could throw a giant monkey wrench

into our legislative machinery.

We would therefore respectfully request that you reexamine the precedents, as we have, with a view to clarifying any misun-derstandings which may have been created by the statement attributed to you in the Post article. We think such a clarification would be useful to House and Senate Mem

ers alike.

Thank you for taking the time to consider our views and the larger institutional issues and precedents involved

With warm regards, we are Sincerely yours, ROBERT H. MICHEL

Republican Leader.
TREUT LOTT,
Republican Whip.

TRIBUTE TO SPRINGFIELD, MA, FIRE CHIEF RAYMOND M. SUL-LIVAN-AN IRISH SON

HON, EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. BOLAND, Mr. Speaker, I would like to pay tribute to Raymond M. Sullivan, who will be the grand marshall of the Springfield delegation to the St. Patrick's Day Parade in Hol-yoke, MA, this Sunday, March 20.

I cannot think of anyone more dose the honor of representing Springfield than Ray Sullivan. He is a lifelong resident of my home city of Springfield, MA, where he has served the fire department for the last 37 years. Since 1984 he has been chief of the 500member unit, and more recently, he was appointed by Governor Dukakis to serve on a nine-member board to implement the new Massachusetts fire sprinkler law.

Ray's life has been a testimony to the proud trish heritage which he will be representing in Sunday's parade. The oldest son of the six children of Patrick and Catherine Sulfithe six clinders in Paulic and Carlot Scarl, van, immigrants of County Kerry in Ireland, Ray Joined the U.S. Navy at age 17 and served in the South Pacific in World War II. He married Mary McCarthy in 1949 and together they have raised four children: Mary Service Carott Ray is a conf Louise, Garrett, Brian, and Gerald. Ray is a longstanding member of the Elk's Club and he and Mary are members of Sacred Heart Church in Springfield.

Mr. Speaker, sons and daughters of Irish immigrants are celebrating today with family and triends all across the country. Ray Sull and thenos an across ure country. Hay suffi-van and his family are no exception. I have no doubt that Catherine Fitzgerald Sullivan, Ray's 87-year-old mother, will be beaming a proud firsh smile and crooning an Insh ballad when for son marches in the green fields of the Holyoke St. Patrick's Day Parade. CONGRATULATIONS TO ANTOINETTE TIGHE

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. BONKER. Mr. Speaker, it gives me oreat pleasure to share with my colleagues complishment of one of my conents, Antoinette Tighe of Montesano, WA. Tuesday was an eventful day because her longstanding dream of becoming a U.S. citizen was realized.

A native of Lebanon, Antoinette traveled to the United States in 1963 where she estab lished her family and became a prominent ant of several communities, most recently in the Pacific Northwest. Her life in the United States has been one of hard work, generosity, states has been one of their work, generosity, and great pride in and, dedication to her adopted country. Antoinette's indomitable spirit and concern for others have endeared her to the countless friends she has made

A wife, mother of four children, and successful businesswoman, this energetic person is involved in many aspects of community life charitable activities. She is in a facand respected person wherever she goes. with a friendliness that is appreciated by all.

The communities where she has resided have from her enormous generosity. People like her.

Antoinette is a relentless participant in political affairs. For a good reason—she wants po-litical leaders, and the government they serve to be just and responsive. She strives to make her adopted country a better place to live.

She has known hardship, yet Antoinette is a fighter and has overcome many obstacles including the painful and debilitating disease,

I am proud of this opportunity to publicly congratulate Antoinette on this special achievement and look forward to officially representing her and her husband, Dan.

GEORGE F. KENNAN HONORED

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

MOODY, Mr. Speaker, George F. Kennan has championed the cause of peace with wisdom, dedication, and eloquence. Time and again he has called for greater under-standing between the United States and the Soviet Union. He has called on the leaders of both nations to recognize that, in the age of nuclear weapons that can destroy us all, their

security is inevitably entwined.

On March 5, 1988, Physicians for Social Responsibility honored Professor Kennan for responsibility notified indicates the half include here his remarks on that occasion. Once again, he challenges our most fundamental assumptions about the Soviet Union and calls on the superpowers to reconsid their tremendous reliance on weapons that

can destroy us all, t insert Mr. Kennan's remarks:

REMARKS MADE BY GEORGE P. KENNAN I am naturally deeply moved by the en-tirety of this evening.

I cannot deny that it was pleasant to bear

I cannot deny that it was pleasant to bear so many nice things said about me by so many friends and relations. It was Adlal Stevenson, I seem to recall, who once said that flattery doesn't necessarily hurt you, as long as you don't believe it. I shall rely on my Calvinist up-bringing to reduce all these extravagant statements to their proper size, and to balance them out with my awareness of the many faults of character that people kindly refrained from mentioning.

More important, of course, is the deep appreciation I would like to express to our hosts, the Physicians for Social Responsibility, for the honor they are doing me and for

hosts, the Physicians for Social Responsibility, for the honor they are doing me and for the hospitality we are all enjoying. I know of no body of professional people, here or elsewhere, who have spoken out more courageously or to better effect than they have on the dangers inherent in nuclear weaponry. And not just to better effect but also with greater competence; because their professional commitment to the preservation of life, and their familiarity with the tragedy of the dying and with the follies of the lyring, as illustrated in their patients, must give them an insight second to now into all them an insight second to none into all

give them an insight second to note into all that is at stake in the nuclear problem. There could, therefore, be no set of hands from which this sort of award could have meant more to me. I accept it, I hope, with due humility, as a form of encouragement to myself and to many others not to waver in the commitment that brings us here to

gether tonight

There are one or two reflections that have been much on my mind in this recent period; and I would like to present them to

period; and I would like to present them to you very briefly.

The first relates to the concept of "deter-rence." This concept, as you know, has lain at the heart of our entire national discussit the near of our children account of second of the nuclear weapons race for years and decades in the past. It has infused tens of thousands of statements and calculations. In its name, and in no other, have many tens of billions of dollars been expended, and vast, unnecessary arsenals of highly dangerous explosives created. And on all these millions of occasions when the term has been used, it has carried with it the im-

these millions of occasions when the term has been used, it has carried with it the implication that there were fearful things the Russians wanted to do—attacks on Western Europe, first nuclear strikes, or what you will—and would assuredly have gone alread and done, had they not been "deterred" by the threat of our nuclear retallation.

Well and good; but suppose there had never been any reality to this assumption in the first place. Suppose the Soviet leaders never had either the desire or the intention or the incentive to do any of these things. I ask you to consider this, because I, as one who has been involved in the observation of Soviet-American relations longer. I believe, that anyone now in public life on either side, have never seen any evidence of any desire, intention or incentive on the Soviet side to do any of those things. And if this is true, has it not then been a tremendous abuse of popular understanding to referate on thousands and thousands of occasions a word that carries the opposite implications? So compelling, to my mind, is this question that I am coming to feel that until we can wean ourselves of this seriously misleading assumption and abandon the use of the word that purveys it—until we can learn to recognize that the danger lies not in any-

ing assumption and abandon the use of the word that purveys it—until we can learn to recognize that the danger lies not in anything anyone seriously wants to do to anyone else but in the nature of the weapon itself, and that we and the Russians, as the principal creators and cultivators of this weapon, are in a common predicament—

until we can contrive to understand this, to convey it to others, and to behave accordingly, the chances of our working ourselves out of this terrible bind, regardless of the INP treaty, regardless of what goes on in Geneva, are going to continue to be discouragingly slight.

agingly signt.
The second point I have to make is related to that first one, and goes even deeper. For many years we have encouraged ourselves and others to believe that we deplored the and others to believe that we deplored the existence of nuclear weapons; that our ultimate aim was to get rid of them entirely, that our cultivation of them was only a response to their continued cultivation by the Russians; and that to the extent the latter could be brought to reduce their own arsenals and to permit verification of that reduction we would be only too glad to reduce our own

The service Mr. Gorbachev has recently rendered us is to make it evident that for many highly placed people here and in Paris and London and Bonn this is simply many highly placed people here and in Paris and Iondon and Bonn this is simply not true at all. These people, to judge by their reactions to recent Soviet initiatives, do not really want denuclearization on any terms. What the Russians are doing has little or nothing to do with their approach to this problem. They have taken the nuclear weapon to their hearts. They cannot picture life without it, And this, regardless of all the dangers its continued cultivation holds—proliferation, inadvertent release, computer failure, mixed signals, what you will. In the name of this anxious preoccupation with the imagined danger of a Soviet attack, these people are prepared to hold humanity hostage, now and indefinitely into the future, to all the very real dangers inherent in the retention and continued cultivation of the weapons of mass destruction—as though the preservation of the skins of as though the preservation of the skins of this single generation now allve were more important, in any case, that the continuity of a civilization, in which this generation is

only a tiny and not very impressive link.

So wildly overdrawn is this view—so great
is here the gap between image and reality—
that I can see it only as the product of some that I can see it only as the product of some mass neurosis, and a highly morbid one at that—a neurosis I can only assume to be rooted in the effort to repress some sort of inner insecurity by the unreal image of an external danger.

My friends: if half of what I have just said is true, then our problem is deeper than we have commonly supposed; for it is one that will have to be tackled not in the statistics of nuclear competition but in the states of mind that underlie much of our participation in that competition. And this is where you, my hosts, the doctors come in. For every doctor worth his sait has to be, if I am every doctor worth his sail has to be, if I am not mistaken, something of a psychiatrist; and of all the professional elements involved in the anti-nuclear movement you are the best qualified to understand the problem I have been talking about and to point the way to its overcoming. I cannot myself suggest the solution. But if, as so often happens in life, the understanding of a problem is already half of its solution, them my attempt to suggest the nature of this one will not have been entirely in vain.

BROOKLYN IRISH AMERICAN PARADE COMMITTEE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize the Brooklyn

Irish American Parade Committee, which is holding its 13th annual parade on Sunday, March 27.

The Irish American community in Brooklyn is one of the oldest and most active groups in the borough. The annual parade highlights the cultural educational and historical accomplishments the community has made to Brooklyn

The parade takes place on the historic site of the Battle of Brooklyn, in which many Irish freedom fighters gave their lives during the American Revolution.

This year's parade is dedicated to "Erin's Daughters." Brooklyn's Irish American women who made an impact in education, nursing, the trade union movement, and the structle for economic and social justice.

Some of those honored include Mary Harris Jones, known more familiarly as Mother Jones, who aroused the public conscience about the dangerous conditions under wh many people, including children, worked; Agnes Nestor, the president of the Internanal Gloveworkers Union; Mary Konney O'Sullivan, the first woman organizer for the American Federation of Labor; and Ellen O'Grady, the first woman deputy police com-missioner in New York and the founder of the Friend in Need Day Nursery for Irish working

The grand marshal for the parade this year is Ann S. Healion, the New York State pres-ident of the Ladies Ancient Order of Hiberni-ans. I would like to wish her, the parado committee and all of the participants the best of luck for this year.

RUDENT ARCTIC NATIONAL WILDLIFE REFUGE DEVELOP-MENT CAN BOLSTER AMERICA'S PRUDENT ENERGY SECURITY

HON, RICHARD K. ARMEY OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

ARMEY. Mr. Speaker, America is in search of a comprehensive, national energy policy, one that is a product of rational and coordinated tax, regulatory, and environmental guidelines. Too often, and for all the wrong reasons, Congress has imposed such things as the windfall profits tax and the incremental pricing provisions of the Natural Gas Policy Act that are counterproductive and convoluted, and have had a destabilizing effect on America's oil and gas industry.

In my view, Congress must not only revisit these issues, but implement policies that will reinvigorate the Nation's oil and gas economy. One such policy ought to promote the prudent development of the Arctic National Wildlife

Refuge [ANWR].

Numerous geologic surveys suggest that ANWR exhibits the best potential for a huge oil and gas finding, perhaps one as extensive as what petroleum geologists discovered at Prudhoe Bay several years ago. Furthermore, industry's arctic experience, particularly at Prudhoe Bay, clearly demonstrates its ability to conduct oil and gas operations in this fracile ecosystem without hindering existing environmental conditions.

I commend to my colleagues the v Charles Krauthammer in "Wildlife or Oil," an article that appeared a few months ago in the Washington Post. I readily concur with Mr. Krauthammer's conclusions, and believe that Congress should approve legislation that profor the discretionary leasing of ANWR for oil and gas production.

WILDLIFE OR OIL?

(By Charles Krauthammer)

The choice is easy.
While 3,000 American sailors steamed up and down the Persian Gulf last month, 10 and down the Persian Gulf last month, 10 congressmen headed for a cooler August on the Arctic tundra. Both missions had to do with securing oil supplies. The congressmen's task was to check out the Arctic National Wildlife Refuge. The administration wants to explore it for oil. According to current estimates, there is a 20 percent chance of finding an oil field there as huge as the one at Prudhoe Bay, 60 miles to the west, which now provides Americans with one out of every five domestically produced barrels of oil.

Ecologists, however, worry about the damage that oil exploration might do to the wildlife refuge. Their fears have been heard before. When Prudhoe was discovered, envir ronmentalists protested that the pumping and the pipeline would shatter the delicate

"ecosystem."
They were wrong. Even the foremost congressional opponent of Arctic exploration.
Rep. Morris Udall, admits it. "We've had 15

Rep. Morris Udall, admits it. "We've had 15 years or so with Prudhoe and we came out pretty good," Udall concedes. "The people who talked about ecological disaster have been proven wrong." 80; "But 15 years isn't very long in terms of something as fragile and precious as this Northern Slope."

How many years do we wait? Fifty? The question is important and the issue pressing because, even after a decision to explore is taken, it will be between 10 and 15 years before any oil starts to flow. During a future oil shortage we will not be able just to turn an Alaskan spigot. That capacity has to be built now.

The main connern of environmentalists is the Porcupine caribou herd, which numbers

The main contern of environmentalists is the Porcupine caribou herd, which numbers about 180,000 and migrates to the coastal plain for calving. But caribou concern was raised about Prudhoe 15 years ago. And it turns out that the caribou did very well, thank you. Their numbers have tripled since the pipeline was installed. It is a parasince the pipeline was installed. It is a para-dox of the ecology movement that its cen-tral theme is the astonishing creative adapt-ability of an interdependent Nature, yet its central task is to prevent man from disturb-ing the current natural balance lest Nature collaipse from the strain.

One obvious way to reconcile national se-curity with environmental concerns is strict-ty to results development. No deliber

curity with environmental concerns is strictly to regulate development. No drilling
during caribou calving season, if you like.
One proponent of the environmental view,
writing in The New York Times, warns
against such compromises, citing "precautions gone for nought" at the Arctic National Wildlife Refuge.
One incident, it seems, "occurred in
March 1986. Gienn Eilson, manager of the
wildlife refuge, reported that a female polar
bear had been routed from and abandoned
her den when an oil company crew lnadvert-

her den when an oil company crew inadvert-

her den when an oil company crew inadvert-ently transported equipment through the restricted area. Again, elaborate precautions proved faulty."
What to say to those who rank energy in-dependence with polar-bear housing on the national agenda? Ultimately, sentimental environmentalists are concerned less about the real environment than about the envi-ronment of the invariation. Beach sweets roment of the imagination. People want to know that pristine places exist—some-where—even if they will never see them, No doubt, such inaccessible preserves are a continuously such successible preserves are a soothing social asset.

But Alaska consists of 375,296,000 acres. The Arctic National Wildlife Refuge contains 19,000,000 acres. The area proposed for exploration is 15,000 acres, or less than 1 percent of that. It is hard to see how the lower-48 urban dweller's idea of the Great North is noticeably damaged by the existence of gravel pits and oil rigs in this dot in the wilderness. Has our idea of the Great North been diffusionable by the fact that some 5,000 acres of Prudhoe Bay have been given over to industry?

Environmentalists correctly point out that the Reagan administration, now Louting

Environmentalists correctly point out that the Reagan administration, now touting Arctic exploration in the name of energy independence, has prevented other steps toward that goal. It resisted energy-efficiency standards in electrical appliances. It slackened fuel-efficiency standards in cars. It steadfastly opposes oil-import fees and It steadfastly opposes oil-import fees and gas taxes. And as part of its budget balancing flimflam last year, it proposed slowing down filling the Strategic Petroleum Reserve.

But the fact that the administration has But the fact that the administration has been lax on conservation does not refute the argument for development. Administration sincerity is irrelevant to the case for exploration. The facts remain: American energy dependence has grown dramatically during the 1980s oil glut tull. Almost half of American oil (45.6 percent in July) is now imported. There may soon be dead Americans in the Persian Gulf. And in the final analysis, when Americans die there, they die for oil. Domestic American oil production is declining. The Pruding reserves will be gone within 10 to 20 years. The Artic National Wildlife Refuge holds the promise of replacing that flow.

winding Refuge holds the promise of replacing that flow.

Apocalyptic predictions about the caribou
were wrong before. The weight of the evidence is that they are wrong again. But
even if they are right and one has to choose
between caribou and country, it is hard to
see how there is a choice.

THE 1988 BREAKPAST OF CHAMPIONS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. HOYER. Mr. Speaker, on Saturday, March 26, 1988 the Prince George's County Champions Association will celebrate its 15th annual "Breakfast of Champions."

The association, made up of community leaders and civic and business groups, has chosen the breakfast as a means to recognize the outstanding achievements of our county's youth. Over the years, hundreds of young people have been honored for their accompany. olishments in athletics, academics, career/vocational pursuits, and the arts.

Since its inception, the association has heralded from among our county's youth such outstanding award recipients as Sugar Ray Leonard, Stacy Alford, and Joseph Shoppard. Winners have included not only sports stars but high achievers who are mathematicians, pianists, special olympians, and artists.

This year there is another impressive list of notable young athletes, artists, and scholars:

notable young almeles, artists, and scholars:
Individual Award Winners—Athletics—
Jennifer L. Payton, 1987 All-Met Swim
Team; Scott R. Goff, 1987 All-Met Baseball
Team; Daniel Edelen, 1987 All-Met Football
Team; Garland Hawkins, 1987 All-Met Football
Team; James Chroniger, 1987 WMAC
Wrestling Champion; Philandieus Bryant,

ESSIONAL RECORD — Extensions

1987 Wrestling Champlon: John Gwynn,
1987 All-Met Basketball Team; Christopher
Mercler, 1987 All-Met Soccer Team; David
Ross, 1987 All-Met Soccer Team; Jennifer
Athey, 1987 State Cross Country Champlon;
April Pish; 1987 State Swimming Champlon;
Elena Tomelden, 1987 Ladies Figure Skating
Champlon; Rick Stevena, 1987 All-Met Basketball Team; Christine Kellibrew, 1987
State Snot Put Champlon; Sherce Bearden,
1987 State Long Jump & Triple Jump
Champlon; Kellie Roberts, 1987 State
Indoor & Outdoor Hurdles Champlon;
Elbert Ouzis, 1987 All-Met Frotball and
1987 All-Met Wrestling; Christopher E. Harwood, 1987 1st. Place Regional Duckpin
Champlon; Stacey Martin, 1st Place Mid-AlIntic USTA Champlon; John Ceruzzl, 1987
All-Met Soccer Team; Sharmba Mitchell,
1987 1st Place Golden Gloves & USA-ABP
Champlon: Erik Inler, 1987 Parade AllAmerican Soccer Team; Nevin Paige, 1987
State Shot Put Champlon; John Ceruzzl, 1987
State Shot Put Champlon; 1987
State Shot

Venables, 1987 All-Met Boys Basketball Team; Karen Nelson, 1987 State Gymnast Champion.

Athletics—Teams: Regina High School Varsity Softball Team, 1987 CGAA Softball Champion; Bowie High School Socer Team, 1987 State Champions: DeMatha High School Parsity Basketball Team, 1987 WMAC Champions: DeMatha High School Varsity Soccer Team, 1987 WMAC Champions; Gwynn Park High School Basketball Team, 1987 State Champions; Gwynn Park High School Basketball Team, 1987 State Champions; Gwynn Park High School Basketball Team, 1987 State Champions; Gwynn Park High School Basketball Team, 1987 State Champions; Gwynn Park High School Rasketball Champions; Laurel High School Football Team, 1987 State Champions; Bowie Boys & Girls* Ciub 13-AAA Baseball Team, 1987 Maryland Cup; Central High School Girls Soccer Association Titans, 1987 Maryland Cup; Central High School Girls Track Team, National Junior Superbowl Champions; Pallotti High School Boys Football Team, 1987 Tri State Champions; Pallotti High School Girls Soccer Team, 1987 Tri State Champions; Pallotti High School Girls Softball Team, 1987 Tri State Champions; Pallotti High School Girls Softball Team, 1987 COAA Champions; Pallotti High School Girls Softball Team, 1987 Fallotti High School Boys Track Team, 1987 State A 800 Champions; Pallotti High School Girls Softball Team, 1987 COAA Champions; Pallotti High School Boys Track Team, 1987 State 4 x 800 Champions; Pallotti High School Girls Softball Team, 1987 COAA Champions; Clinton Boys & Girls* Club 95 lb Football Team, 1987 Track Team, 1987 State Champions; Northwestern High School Girls Softball Team, 1987 State Champions; Northwestern High School Girls Softball Team, 1987 State Champions; Northwestern High School Girls Softball Team, 1987 State Champions; Morthwestern High School Girls Softball Team, 1987 State Champions; Morthwestern High School Girls Softball Team, 1987 Metro Superbowl Champions; Riverdale Baptist Baseball Team, 1987 Tri-State League and Tournament Champions.

Special Champions; Byron Breeze, Gold

ball Team, Silver Medal, 1987 International Special Olympies.
Arts—John Holyfield, Finalist, Corcoran Scholastic Regional Art Show; Jamie L. Sugg, Ist Place, Statewide Poster Contest, Mon Tonya Jackson, National Officer, FifA: Laura E. Kelly, Number 1 Rating, State Solo & Ensemble Pestival; Donnese M. Upson, Best National Interpretive Teen Dancer; Janet A. Pittman, Number 1 Rating, State Solo & Ensemble Pestival; Mark Curtis, 1st Place, International Student Media Pestival; Markysse Simmons, Critics Circle Rating, 1987 National Piano

Playing Auditions; Chandra Portune, 1st Place, State & Regional Plano Soloist; Michelle Dorsey, Maryland All State Chorus. Academics: Peter R. Myers, 1st Honors, Regional Math & Verbal Talent Scarch; Steven J. Harmeyer, National Merit Scholarship Pinalist; William Wirt Middle School Puture Homemakers of America—Maryland, Chanter of Excellence. Chapter of Excellence,

The list of names will grow as more of the country's youth are honored each year at the breakfast. This unique event is thought to be the only one of its kind in the country. The association brings together the newest nomi-nees, their families, and friends to bestow recognition in the form of a medalition or plaque upon the champions. In the past, guest speak-ors, such as Joe Theismann, Jo Jo Starbuck, and Congressman Tom McMillen have told and congressinal flow McMitten have took their own success stories at the breakfast, and this year the guest speaker will be Morgan Wootten, head coach of the nationally recognized DeMatha Catholic High School Basketball Team.

It was a small group of citizens in 1974 who began the special "Breakfast of Champions" but the number of lives their work has touched has grown to thousands. This year's Steering committee includes: John 1 Roman president; Jeannette Ferguson, vice president; Pat Boyd, treasurer, Dawn Schutze, secretary; Ron Schiff, immediate past president, John Moylarr, Manilyn Cinicola; and Rev. William

Mr. Speaker, I know all my colleagues will oin with me in congratulating the 1988 Prince George's County "Breakfast of Champions" George's County "Breaklast of Champions" winners who will be honored later this woek. Every one of them is undoubtedly an example of the high level of achievement of which American youth are capable.

REESTABLISH BIPARTISAN N CENTRAL COMMISSION ON AMERICA

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. PURSELL. Mr. Speaker, during the debate on the most recent Contra aid proposal, I spoke about the need for a bipartisan United States foreign policy for Central America. A key element of that policy would be to reestablish the National Bipartisan Commission on Central America, created in 1983 by President Reagan and chaired by former Secretary of State Henry Kissinger.

The Kissinger Commission's membership,

hich was chosen from the ranks of Federal, State, and local government, academia, busi-ness, labor, and the legal profession, was truly bipartisan. Its diverse political membership in-cluded Nicholas F. Brady, former U.S. Senator from New Jersey; Henry Cisnoros, mayor of San Antonio; William Clements, Governor of Texas; Wilson Sunday Johnson, president of the National Federation of Independent Business; Lane Kirkland, president of the AFL-CIO; John Silber, president of Boston Univer-sity; and Robert Strauss, former chairman of

sily, and nototic towards, bother distinguished the National Democratic Party.

The Kissinger Commission's mandate was to develop a long-term United States policy for Central America that addressed social.

economic, and democratic development in the region and responded to threats to its security and stability. In keeping with these goals, the commission identified and made recommendations regarding several key challenges that needed to be addressed in order to amelio rate the crisis in Central America. These included the economic challenge of poverty, social injustice, and deckning economic growth and the political-security challenge of insurgencies threatening the legitimacy and stability of governments in the region. To a great extent, these challenges remain unre-

The United States will have ongoing eco nomic, cultural, and strategic ties to Central America. Instead of continuing the narrowly focused, piecomeal debate over military versus humanitarian aid for the Contras, we must explore and develop a comprehensive long-term policy for the region as a whole. Ex-pansion and improvement of efforts such as the Caribbean Basin Initiative, the United States college scholarship program for Contral American students, economic assistance and human development programs should be the focus of United States policy.

Today, my Democratic colleague from Pennsylvania, Mr. Muntha and I are introducing a resolution calling on the President to re-establish an independent, bipartisan advisory body modeled after the Kissinger Commission that will assist Congress and the administration to sustain a long-term, consistent United States policy for Contral America. I would urge my colleagues on both sides of the aisle to cosponsor this resolution.

BUDGET ACT WAIVERS

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. LOTT. Mr. Spoaker, the Rules Committee's Subcommittee on the Legislative Process, of which I am the ranking minority member, often gets inquiries about the number of times we waive the Budget Act in nules reported from the Rules Committee. I think it is important in responding to this ques-tion that we also include those instances in which all House rules have been waived, since, in so doing, we are also waiving the

entire Budget Act.

1 have therefore asked my subcommittee counsel to prepare a table comparing budget and blanket walvors over the past five Congresses, through March 1, 1988, of this 100th Congress. The conclusion reached from this analysis is that today we are waiving the Budget Act or all House rules in one out of every two rules we grant-roughly 50 percent of the time.

While this is the same as it was in the 96th Congress, and lower than in the past three Congresses, when such waivers comprised 67 percent, 72.1 percent, and 81.7 percent of partiest, 721 person, and on person or order of business resolutions, there is a variable in this which should be removed for a more accurate picture. That is the former section 402(a) point of order against authorizing measures reported after May 15. That point of order was repealed in Gramm-Rudman I in December 1985. If we consider this same data without the section 402(a) waivers, we

nd that total budget/blanket waivers totaled 50 in the 96th Congress or 19.3 percent of rules reported; 60 in the 97th Congress or 39.5 percent of rules reported; 83 in the 98th Congress or 43.7 percent; and 107 in the 99th Congress or 65.2 percent. Therefore, the 49.5 percent level thus far in this Congress is the second highest in the five Congresses studied. The table follows:

BUDGET ACT WAIVERS REPORTED IN HOUSE, 95TH-100TH CONGRESSES

Budget Act section waved	964h Cong	97th Drag	981h Cong	99th Corp	100m Cong
					. !
303(a)	. 9	12	48	. 19 25	- 4
305(a)		15	1,	zi	
401(a) 401(b)	. 13	21	10	5	j
402(1)	·	47	54	".	
Subholal, Budget Act wavers	. 127	×	133	106	23
Rules (includes Budgel Act)	. 0	4	4	28	23
Total Beciget/Market maners	12/	102	137	134	46
Total rates reported Total budget/hisaket wavers as	259	122	190	164	93
percentage of rules reported	. 49	67	721	31.7	495

res: Legistive Calendar, Committee on Rules 96th-99th Couper of Activities, Committee on Rules, 96th-99th Congresses; "Robot Taken", Committee on Rules, 100th Congress, Jan. 27, 1947-Marc

COMMENTARY AND EXPLANATION OF BUDGET ACT WAIVERS TABLE

The table is based on waivers contained in The table is based on waivers contained in order of business resolutions or "rules" reported from the House Rules Committee providing for the consideration of legislation or conference reports. This table not only includes instances in which the rules waived specific sections of the budget act against provisions in a measure, but also instances in which all points of order were waived against the consideration of a measure of a substitute made in order as critical. warter against the consideration of a measure of a substitute made in order as original text for amendment purposes. This is because a waiver of all points of order (all House rules) includes a waiver of Budget Act provisions which have the standing as House rules

The Budget Act sections which have been waived, together with an explanation, are listed below:

Section and Explanation

Section and Explanation
302(a).—Requires that the joint explanatory statement on a budget resolution conference report include an allocation by committee of outlays, and new budget, entitlement, and credit authority.
302(c).—Prohibits the consideration of any
gesistation reported from a committee which
has not filed its section 302(b) suballocations.

tions.

302(f).—Prohibits the consideration of legislation which exceeds a committee's sec.

202(b) suballocation for discretionary new budget authority, new entitlement authority, or new credit authority, the consideration of legislation providing new budget authority, new entitlement authority, new credit authority, or a change in revenues or public debt before the budget resolution for that year is adopted.

305(a).—Prohibits consideration of a budget resolution for that year is adopted.

year is adopted.

305(a).—Prohibits consideration of a budget resolution prior to the sixth day after it is reported.

311.—Prohibits consideration of any legislation which would exceed the outlay ceiling

or revenue floor contained in the most recent budget resolution.
401(a).—Prohibits consideration of legisla-

tion providing new contract or borrowing authority not provided for in appropriations

401(b).-Prohibits the consideration legislation providing new entitlement au-thority which becomes effective during the fiscal year which ends in the calendar year

fiscal year whiteir trus in the sale man year in which the bill is reported. 402(a).—Prolibits the consideration of any bill authorizing new budget authority for a fiscal year if not reported on or before May 15th preceding the beginning of such fiscal year. [Note: This provision was re-pealed with the enactment of Gramm-Rudman I on Dec. 15, 1985).

T. PATRICK'S DAY 1988 AD-DRESS BY THE HONORABLE PADRAIC FLYNN, THE MINIS-TER OF ENVIRONMENT FOR THE REPUBLIC OF IRELAND

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. BOLAND. Mr. Speaker, I was honored to be invited to your annual St. Patrick's Day kuncheon today. The Honorable Padraic Flynn, the Minister of Environment for the Republic of Ireland made some fine remarks about the meaning of St. Patrick's Day and the contribu-tions of kish-Americans to this country. President Ronald Reagan was joined by many Members of the House and Senate in enjoying this occasion. Also on hand was the United States Ambassador to Ireland, Margaret Heckler and the Irish Ambassador to the United States, Padraic McKeman, Mr. Flynn started his remarks by saying, "I suspect there's no better place in the world to spend St. Patrick's Day than the United States."

I certainly agree and am happy to here include the full text of Mr. Flynn's remarks for

my colleagues to enjoy. T. PATRICK'S DAY 1988 ADDRESS BY THE HONORABLE PADRAIC FLYNN, THE MINISTER OF ENVIRONMENT FOR THE REPUBLIC OF IRE-

Mr. President, Friends of Ireland, distinguished guests.

Even though today is Ireland's day, I suspect there's no better place in the world to spend St. Patrick's Day than the United States.

The reason is simple.

The reason is simple.

Ireland and the United States have so much in common, that wherever the Irish go in the United States they find them-

much in common, that wherever the arising in the United States they find themselves among friends.

Likewise, wherever Americans go in Ireland, they find "cead mile failte"—a hundred thousand welcomes.

It's a great pleasure and a great honour for me to be here today.

Mr. President, it's a long time since you last paid us a visit. I hope you'll give us an opportunity in the near future to remind you and your colleagues of the special—the unique—nature of Irish hospitality.

The Irish take great pride in the contribution emigrants from our small country have made to the shaping of your great nation.

The presence of so many Irish names at a distinguished gathering like this is testimony to that contribution.

Testimony, too, to the respected place successive generations of Irish people have

carved out for themselves in American socie-

ty.
The Irish came.

They saw.
They contributed.
They're still seeking to do that.

Young people especially.
Highly qualified young people

Highly motivated young people.
Young people with a lot to offer the
United States.

Many of them, unfortunately, prevented from playing their full part in life here be-cause of uncertainty about their legal status.

Congress is currently considering legisla-tive proposals to reform the system for legal immigration.

It is our hope that the legislation eventu It is our nope that the legislation eventually adopted is going to expand the range of opportunities available to Irish people who, like their forefathers, se this country as offering unique possibilities for them to use their talents—their very considerable talents. It's surely in the interest of the United States that these poorle with settle. States that those people with skills in demand here should have a means of legal

But let me make it clear.

Since coming to office, my government's priority has been to create a different Ireland, so that young Irish people won't think it necessary to look beyond their own coun-try for their future, or part of their future. That kind of thing never happens by acci-

den

It is beginning to happen in Ireland be-ause we have a decisive Government. A Government determined to make Ire-

land internationally competitive.

A Government determined to offer our highly educated young people better options for the future.

A Government determined to create inter-national confidence in Ireland as a focus for investment and development. A Government determined to change

things

things.

We're not talking here about Celtic twilight. We're talking about the creation of a
strong, lean economy with someting to offer
investors, industrialists and our young work-

American investment has played a major part in helping to build Ireland's industrial base. It was never an investment in Celtic twilight, and we don't expect Americans, today, to invest in Ireland for sentimental

reasons.

Not at all.

When they invest, they do so because we offer a package of incentives and advantages second to none in Europe.

We're second to none as an industrial loca-

tion

tion.
Second to none, too, when it comes to what we can offer visitors.
In 1988, our capital city, Dublin, is a thousand years old. A thousand years of history, of beauty, of passion and pride and pulsing life, alive and vibrant—and waiting to give American visitors a welcome like they've never had before.

is most important that I register the

fact, here today, that the area where American involvement in Ireland has been most positive and most significant has been in re-

ation to Northern Ireland.

It is no secret that the relationship between Ireland and Britain has gone through

tween relains and britain has you chough a difficult period in the last few months. It is no secret, but now is not the time to deal with the individual incidents which, in aggregate, have caused tension. Those incidents which in the control of t dents, individually and severally, have been met with strength, dignity and resolution on the part of the Irish Government.

That Government is determined to pro-tect and advance the interests of the nation-alist community in Northern Ireland while

allst community in Northern Ireland while seeking a wider political solution which would accommodate Irishmen and Irishwemen of all tradition. We will build on the Anglo Irish process begun by the Taoiseach Mr. Haughey in 1980 and continued through the 1985 Anglo Irish Agreement. We have stuck by the spirit and the letter of that agreement. It is imperative that we take this approach II is imperative to the Value and the seeking the s

proach. It is imperative, too, that I place on record our gratitude for the understanding and sympathy that has been shown for our position by our friends on this side of the Atlantic

We are grateful, also, for the practical support the United States is giving to the Anglo Irish process. Over the past three years, the United States has contributed a total of one hundred and twenty million dollars to the International Fund for Ireland.

That money is breathing life into areas of the North and the border regions of the South, most devastated by the troubles of two decades. The Pund is working hard to stimulate investment, encourage enterprise and bring new jobs—jobs shorn of discrimination—to communities which we the new terms.

and bring new jobs—jobs shorn of discrimi-nation—to communities which up to now were bereft of hope.

I know that you face difficult budgetary constraints at the present time. However, I would ask you, not only on behalf of the Irish Government, but also on behalf of the vast majority of ordinary people, North and South, to maintain the lifeline you've been providing. providing.

Mr. President, as you know it's customary on St Patrick's Day to offer a gift of Sham-

In keeping with that tradition, it's my very pleasant task to present you with a gift of Irish shamrock in an Irish crystal bowl which was made in Dublin in honour of its millennium vear.

I wish you and all he vivial St. Patrick's Day. and all here a happy and con-

TRADE FIGURES SIGNAL NEED FOR H.R. 3

HON. DON BONKER

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. BONKER, Mr. Speaker, for 2 days Congress has received reports which give us little cause for optimism about the health of our economy. Today, the Commerce Department revealed that our country's trade deficit for January totaled \$12.4 billion, an increase of \$200 million over the previous month's figures. Coupled with yest orday's report th 1987 trade deficit rose to a record \$160.7 billion, the message is clear: We must reduce this Nation's trade deficit if we want the United States to romain the world's strongest

We in Congress have realized the threat this deficit is for our future and have begun work on its reduction. H.R. 3, the Omnibus Trade Bill, develops a comprehensive trade policy for our Nation and is now pending in conference. While there have been setbacks in the scheduling of the conferee's efforts, the subconferences are all actively working to-wards conference completion by April 1.

Long hours have gone in to making H.R. 3 a botter piece of trade legislation and to ad-dress some of the administration's objections In hopes that the President will sign the bill

into law when it arrives on his desk in late April. Major elements of the bill have been de-leted in this effort, such as the scofflaw penalties and the private right of action provision.

mmerce De-The figures released by the Co reason by the commerce partment oday fly in the face of the administration's claim the falling dollar will solve our Nation's trade problems. The President continues to attack the trade bill as protectionist without extending his comments to include the positive features of the bill, such as its numerous export promotion provisions. While I cannot fault the President for his objection to the Gephardt amendment, he is well aware that his controversial provisions are unlikely to be in the final legislation

Instead of attacking congressional work on comprehensive trade policy, I would like to hear what the administration is doing to resolve our trade crisis. The only recent initiative on trade my office has seen in recent weeks is the Commerce Department and OMB proposal to cut branch offices of the U.S. and Foreign Commercial Trade Service within the International Trade Administration. While this budget shuffle may save the country a few thousand dollars in adminstrative work, it could cost the Nation millions in lost export sales. It is incomprohensible to many Membors of Congress how the administration can cut assitance to our exporters and expect to reduce our trade deficit. Our trade balance will only improve when exports rise relative to im-

Mr. Speaker, I urge the administration to join the Congress in making America competi-tive again. Help us pass H.R. 3.

OVERCROWDED YOUTH COR-RECTIONAL FACILITIES TOP STATE AGENDAS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. MILLER of California, Mr. Socaker, new evidence from the States suggests that the time has come to rethink how we deliver services to troubled youth. According to a just-released survey by the National Conference on State Legislatures [NCSL], overcrowding in juvenile correctional facilities is reaching crisis proportions in over half of the States. NCSL's report, "Current Juvenile Justice Issues Facing State Legislatures," found that:

rcrowding is a significant problem in 26 of the 39 responding States

Nine States are currently involved in litigation, are under court order or are running juvefacilities under a judicial consent decree

because of overcrowding problems; Six States foresee overcrowding of deten-tion facilities as a major problem in the next

NCSL's findings are just one more indict-ment of our juvenile justice system. The only good news in this report is that overcrowding is forcing several States to reexamine how and where they treat delinquent youth. More than one-third-18-of the States are exploring community-based programs and other atternative treatment strategies to incarceration, including specialized educational programs, therapeutic foster care, vocational rehabilita-

and restitution services programs Twenty-three States reported that they expect alternative treatment and dispositional options to top their legislative agendas in the next 3 years. Some States mentioned that funding pressures, a change in treatment philosophy, as well as overcrowding, were motivating them to examine such alternatives.

Other States noted the need to focus on special youth populations. Missouri and Pennsylvania, for example, expect to address the needs of youthful offenders with AIDS; white Oregon and Pennsylvania expect to look at the problems experienced by substance abusing youth and juvenile offenders with emotional problems, respectively.

The upcoming reauthorization of the Juve-nile Justice and Delinquency Prevention Act provides us with the opportunity to mitigate this crisis by strengthening community-based programs and other alternative treatment approaches for delinquent youth, perticularly for nonviolent offenders. I urge my colleagues to take note of the problems States are facing in dealing with deliquent youth as we consider new approaches to serving all children in State care.

ARABS SHOULD TAKE GAZA REFUGEES

HON. BILL GREEN

OF NEW YORK IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. GREEN. Mr. Speaker, I would like to www. Scheen. www. speaker, I would like to bring to my colleagues' attention on op ed place in the March 18th Wall Street Journal which adds some Important historical perspec-tive to the current situation in the Middle East. It has been of great concern to me that the Il has boen of great concern to me that the raging dobate on how to achieve Mideast peace usually leaves cut the main point: that peace in the Mideast depends on the Arabs doing for their refugees what Israel did for Jewish refugees from the Arab countries. I am reprinting Max: Fisher's article below which makes this point elequently.

The article follows:

ARABS SHOULD TAKE GAZA REFUGEES (By Max Singer)

The sad plight of Palestinian Arab refu-gees living in Gaza and elsewhere has been brought forcefully to the attention of the world. By their willingness to risk Israeli bullets and clubs to protest, the people in the dismal refugee camps who have been forced to live their whole lives under allen rule demonstrated the strength of their anger and unhappiness. Fortunately there is something that can be done to relieve their

something that can be done to relieve their suffering.

But it will not be possible to help without distinguishing among three different issues; how israel should be dealing with the demonstrations right now; how ultimately to resolve the Palestinian problem; and how to reduce the suffering by the refugees that presumably caused the demonstrations.

Whether the Israell army is using more force than necessary to restore order in the short run is being much debated. No doubt there have been many examples of excessive and wrongful force. But no army ever copes with such challenge without such examples. And no one has sigued convincingly that And no one has argued convincingly that the Israell army is doing a worse job of con-trolling itself than a U.S. or British or Swedish or any other army would do in the

face of such attacks. It is not a meaningful moral standard to call on an army to do better than any army can do-atthough even the best should try to do better.

There is even more debate about the long run question of how to resolve the overall issue between Israel and the Palestinians and between Israel and the Arab states that are at war with israel. The Palestinians presumably are the most eager to get things scitied, because they don't have any state or or territory. The Israelis also have a deep desire for peace, because they have been in a state of war for 40 years, with a draft and regular casualties between periods of active fighting, and because even their existence as a state is still not accepted.

Unfortunately, the Abab states have much less reason to end the war they began in 1948 than either the Israelis or the Palestinian Araba. Perhaps this is why none of them has even said that it would be willing for Israel to keep the traditional Jewish Quarter of the fold City of Jerusalem, which Jordan held for 19 years after expelling the Jews in 1948. Working out peace between Israel and the Palestinians would be difficult even if they were the only two parties involved. But so long as there is no peace between Israel and the Arab states the problem is even more difficult. Not only are there more stringent security requirements, but it is hard to see how Palestinian parties of peace would be able to prevail over Palestinian exported by the Arab states that are unready to make peace.

To provide medium-term belo to those To provide medium-term help to those people whose anguish has been so forcefully brought to our attention by the scenes of violence, we need to go beyond short-term questions about the methods used to restore order—which is a difficult and dirty business at best. But we can't wait until the long-term question of how to resolve the two wars—Palestinian-Israeli and Arab-Israelia settled two wars-Pales

In the medium term the biggest thing that can be done for the refugees in Gaza is to give them the freedom to decide whether to continue to live there or to live in some

that can be done for the refugees in Gaza is to give them the freedom to decide whether to continue to live there or to live in some other Arab country.

In 1948, as a result of Israel's war in independence with the Arab states, about 600,000 Arabs became refugees from israel. Within the next few years about 600,000 Arabs became refugees from the Arab countries and were restitled in Israel. Both population movements were a drop in the bucket when compared with some 50 million refugees of all religious resettied in the world turnoil of the 1940s. Nearly one-third of the Arab refugees ended up in the tiny piece of Palestine called Gaza, which for nearly 20 years was occupied by Egypt, its neighbor to the West.

For 40 years almost all of the Arab refugees—in Gaza and elsewhere—have been compelled by the Arab states to live in refugee camps because the Arab states understood that the suffering of the refugees kept on Israel's border would be a political weapon against Israel. Perhaps this cruel policy was acceptable at first, when it was not known how long it would take to achieve peace (or, as the Arab states intended, to eliminate Israel). But the horror of the past three months demonstrates that this Arab policy is no longer tolerable. Arabs are forcing fellow Arabs to pay too high a price for too long.

Of course, the refugees may prefer to stay in camps in Gaza, instead of settling in other Arab countries, to be nearer to theiroriginal homes, and to maximise their pressure on Israel. They never have been given a choice. Now they should be. (Some may stay—even if it means living under Israeli

rule until peace comes-because living con-

rule until peace comes—because living conditions and economic opportunities in the territories are better than those of most of the people of most Arab countries.)

Israel could also contribute to helping the refugees by improving living conditions. But the demonstrations were not a response to poor living conditions. This is clear both from what the demonstrators say and from the fact that living conditions are very much better than they were when Israel took over from Expt and Jordan.

Of course, getting the Arab countries finally to act decentily to the Arab refugees would not be nearly a complete answer to the problem brought into our homes by recent events. Full justice cannot be brought to either Palestinians or Israels until there is peace.

until there is peace.

But if the Arab states gave their fellow But if the Arab states gave their relow Arabs the freedom to choose, at least the most desperately unhappy could choose to leave the territorics. This would reduce the overcrowding for those who choose to stay— at least in Gaza—and give relief to those who feel nost angulahed about living under

ACK WALLACE IS FRIENDLY SONS OF ST. PATRICK MAN OF JACK THE YEAR

HON, PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. KANJORSKI. Mr. Speaker, on this St. atrick's Day, 1968, it is most appropriate that Parick a Ley, 1966, it is most appropriate that I bring your attention to the Friendty Sons of St. Patrick of Greater Wilkes-Berre Man of the Year, Jack Wallace. Jack has boon a friend of mind for more than 20 years, and I am proud to join his many friends in the Friendty Sons in committed to the bearer. congratulating him for this honor.

The Greator Wilkes-Barro newspaper, the Citizens' Voice wrote a warm editorial to con-gratulate Jack, who also happens to be their gramma sack, who are nappers to be the courthouse reporter. Bocause the sentiments expressed in this article so closely reflect my own, I would like to take this opportunity to re-print the Citizens Volce article.

[From The Wilkes-Barre, (PA), Citizens' Voice, Mar. 14, 1988]

Sons' Honor to Wallace Makes Us Proud

The Friendly Sons' 1988 "Man of the Year" is a member of the Citizens' Voice family—and we're proud to say so.
Jack Wallace, courthouse reporter for the Citizens' Voice, will be honored this coming Friday at a dinner at Gas Genetl's Inn.
"Jack" definitely fits the "Friendly Sons of St. Patrick of Greater Wilkes-Barre" bill. He's the epitome of Irish outgoing good will and wit (with just a touch of temper). Not a morning goes by in the offices of this newspaper when Jack doesn't either have an Army story to tell, have a wrong to right, or have a hand ready to help. "Is everything well?" is his traditional greeting. "Need anything?"

Jack richly deserves the honor "Man of Jack richly deserves the honor "Man of the Year" for this same reason. His good will, wit and work are of and for this com-munity. King's College is his aims mater. Twenty seren solid years in Wilkes-Barre newspapering, and a preminent presence in the courthouse on behalf of the public, are his career contributions. Army service in Korea, 28 terms as preadent of the local Newspaper Guild, 15 years with the St. Therese Little League are the public services of this man who does even more for others pri-

this man who does even more for others privately.

In addition—we've got to get a light touch in here somewhere—he may well also have the nicest head of hair of all the Friendly

Sons.
Seriously, the Citizens' Voice is proud to say Jack Wallace is the "Man of the Year" because be is what we think we are—sons and daughters of Wyoming Valley who are working hard at newspapering and community service because we sincerely care about this community and all the people we are associated with within it.
So we hope you will join us as we say to one of ours who's also one of yours. "Congratulations Friendly Sons of St. Patrick of Greater Wilkes-Barre Man of the Year, Jack Wallace.

Greater Will

HE COAST GUARD BUDGET: SOME COMMON SENSE AND SIMPLE ELOQUENCE

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. DAVIS of Michigan, I want to make a few remarks in protest of the serious budget cuts being faced by the U.S. Coast Guard. When the continuing resolution was passed by this Congress just before Christmas last year, few of us knew what was in store for the Coast Guard. It was not until the cold light of January that we discovered further cuts had been made.

The response from around the country objecting to the damage inflicted on the Coast Guard by this cut has been united in its appeal—"Please save the U.S. Coast Guard." would like to have included in RECORD just one letter from among the hundreds I have received about the Coast Guard's predicament. I choose this particular letter from Mr. Robert A. Woods of Posen, Ml, because of its common sense and simple elo-quence, I sincerely hope this session of Congress will take his message to heart when it begins deliberation on the appropriations for fiscal year 1989.

TRANSCRIPTION OF WOODS LETTER

JANUARY 29, 1988. Congressman Bob Davis, Washington, DC.

Washington, DC.

Six: I am writing this letter to let you know that I protest the cut in the U.S.
Coast Guard budget. I have called your office in Alpena, Mich., and also informed them of protest. It is hard for me to believe that you lawmakers in Washington, who we see on T.V. and making big talk about fighting drugs and how drugs are killing our young people, and then you turn around and cut the budget of the service that is on the front line trying to stop drugs and other contraband from coming into the County. It is my feeling that by cutting said budget, you are telling drug runners and other illegal businesses come on in, the Coastlines to the United States is wide open to all. I know that I am only one vote, and one taxpayer.

the United States is wide open to all. I know that I am only one vote, and one taxpayer, but I am a 62 year old born American.

And I think that if we are going to make all these big cuts, then we should make them in the billions of dollars we send all over the world, and stop selling our services down the river. I feel that I am wasting my

time writing this letter, but I had to let you know how I feel. Yours Truly,

ROBERT A. WOODS. POSEN, MI.

CHARLES COUNTY IS MY HOME

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. DYSON. Mr. Speaker, I rise in recogni-tion of "Charles County is My Home," which was designated the official song for Charles County on December 15, 1987, by the county commissioners. The piece, composed by Kate U. Shiffer, was orginally proclaimed the coun-ty's official song during the U.S. bicentennial celebration in 1976.

The song has been performed sporadically over the past 12 years at such occasions as the coronation of Queen Nicotina at the county fairgrounds and during the ceremony for the descendants of Matthew Henson at the county courthouse.

The commissioners said they plan to distribute copies of the song to all public libraries

and the public schools.

The composition is as follows:

CHARLES COUNTY IS MY HOM (Words and Music by Kate U. Shiffer)

Charles County is my home, There's no place I'd rather be, she has a quiet grace, And is rich in history!
Her shores are bound by rivers, Farms deck the country side, Her people toil from dawn 'til dusk, and they have an innate prival.

Charles County is my home, There's no place I'd rather be, She has a beauty all her own, and sure looks good to me!

her own, and sure looks good to me!
r people are such gentle folk, who will
greet you as their own, There is no place
I'd rather be, Charles County I call

Charles County is my home, There's no place I'd rather be, Her people have a biding faith, and versatility!

Though I may travel far and wide, and other places see, Maryland is my home state, But Charles County's home to me! Charles County's home to me!

ALEXANDER YAMPOLSKY DAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. PORTER. Mr. Speaker, today, many of my colleagues and I join citizens in Chicago, IL, Portland, OR, London, England and elsewhere around the world to celebrate "Alexander Yampolsky Day," Numerous members of the House and the Senate, along with hun-dreds of members of the Freedom for Alexander Yampolsky Committee, which is based in Wilmette, IL, sent telegrams and letters to Secretary Gorbachev urging him to grant an exit visa to refusenik Alexander Yampolsky.

Soviet authorities have repeatedly denied Alexander an exit visa since 1972 on the grounds that he know state secrets. Although he has not worked in his professional capacity for 16 years, Alexander received another re-fusal in May 1987. Secretary Gorbachev him-

self has stated that "state secrets" become obsolete after a maximum of 10 years. Surely, any secrets Alexander may have had access to can no longer be legitimately labeled state

I tried unsuccessfully to call Alexander this morning, I wanted him to know that the U.S. Congress continues to closely monitor his case, and that we look forward to the day, sometime soon, when he and the rest of the refuseniks are able to live as they choose. I also wanted Alexander to know of the unrelenting work performed by the Freedom for Al-exander Yampolsky Committee, organized by Bernice Bloom and Dolly Skoble, with the tireless support of Rabbi William Frankel and Temple Am Yisrael in Northfield, IL.
On December 6, when over 100,000 people

gathered in Washington, DC for the mobilization rally for Soviet Jews, my colleague Sin YATES and I accompanied members of the Freedom for Alexander Yampolsky Committee to the Soviet Embassy to deliver 6,000 peti tion signatures to Soviet officials. In January, we tried to call Alexander in Lenigrad. Al-though our call was not received, Bernice and Dolly have talked to him and relayed our message of support and good wishes.

As cochairman of the Congressional Human

Rights Caucus and an active supporter of Soviet Jewry, Alexander's situation is all too familiar. His case exemplifies the plight of nu-merous Jews. Christians, and other religious minorities denied their basic human rights because of their desire to emigrate or to practice

heir religious beliefs.

Mr. Sogaker, despite recent improvem we must not forget Alexander Yampolsky, the thousands of other Soviet Jews who remain in the Soviet Union against their will, and the hundreds of religious prisonors who currently reside in prisons, psychiatric hospitals and labor camps. I would like to share with my col-leagues some of the letters and telegrams sent today to Secretary Gorbachev requesting permission for Alexander to emigrate, and to commend them for their efforts on his behalf. MINHAIL GORRACHEV

:

General Scorelary of the Central Committee of the CPSU, Moscow, U.S.S.R.
In the spirit of renewed openness and co-

operation between our two countries, we urge you to grant an exit visa to Alexander Yampolsky of Leningrad, who has repeatedly been denied permission to emigrate since

Cordially,
Ton Lauros,
Ports JOHN PORTER. Cochairmen, Congressional Human Rights Caucus.

CONGRESS OF THE UNITED STATES. CONGRESS OF THE UNITED STATES.

HOUSE OF REPRESENTATIVES.

Washington, D.C., March 16, 1988.

HIS Excellency Mixiall GOBBACHEV.

General Sceretary of the Communist Party,
The Kremlin, Moscow 103009 U.S.S.R.

DEAR MR. GOBBACHEV. I am writing to you
on behalf of Alexander Yampolsky, a Soviet
citizen who has been trying to emigrate to

citizen who has been trying to emigrate to Israel for the past fifteen years.

As you know, your country once again has denied permission for Alexander to emigrate, on grounds that he was exposed to state secrets in his previous job. Although more than 15 years have past alince Alexander's exposure to such secrets, and even though Yampolsky has not been allowed to work in his chosen profession since 1972.

the Soviet Union has consistently denied him permission to leave the country.

Since his older brother died of cancer three years ago, Alexander is now alone—with no remaining family in the country. Only you, Mr. Secretary, can prevent Alexander Yampolsky from being alone forever. In the interest of glasmost and in accordance with the spirit and intent of the Helsinki Accords, I respectfully urge you to reconsider your decision to keep Alexander Yampolsky from emigrating from the Soviet Union.

Sincerely

Sincerely.

LANE EVANS, Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REFRESENTATIVES,
Washington, DC, March 15, 1988.

Washington, DC, March 15, 1988.
His Excellency Mixhalt Gorandux,
Secretary General of the Communist Party,
The Kremin, Moscon, U.S.S.R.
Deas Ma. Secretary: As a member of the
Congressional Human Rights Caucus
(CHRC), I am witing to express my deep
concern for the plight of Alexander Yampolsky.
As you know, the CHRC is a bipartisan orcontrained in the U.S. Congress which 6.

As you know, the CHRC is a bipartisan or-canization in the U.S. Congress which fo-cuses attention on behalf of individuals being denied their internationally recog-nized human rights and fundamental free-doms. Although your country has made aig-nificant ateps toward improving human rights, which are positively recognized by myself and the 155 other members of the CHRC, Alexander Yampolsky is one of the many Soylet refuseniks still waiting to emi-grate.

grate.

According to reliable sources, Alexander first applied for an exit visa in 1975. He has been repeatedly refused on the grounds of access to "state secreta," although Alexander has not been exposed to "state secrets" since he left his professional work in 1972. His older brother died three years ago and Alexander remains alone in the Soviet

Alexander has many friends in the Chicago, II. area who are closely monitoring Alexander's application to receive an exit visa. I respectfully urge you, Mr. Secretary, to intercede on behalf of Alexander and allow him to emigrate. I feel this action will clearly demonstrate your commitment to improv-ing relations between our countries and the human rights situation for Soyiets Jews. I look forward to receiving a reply to my

request. Sincerely,

LYNN MARTIN, Member of Congress,

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 1988. SSSR. RSPSR

SSSR, RSPER
103127 Moskva, Staraye ploshehad, 4, Generathoma Sekretarya Tak RPSS, Gorbachous MS.
Dasa Ms. Gorrachev. I am writing on
behalf of Alexander Yampolsky, who has
been attempting to emigrate to Israel for
the last fifteen years. His most recent denial
came in May of 1987 on the grounds that be
was exposed to "state secrets" in his previous employment. However he has not
worked at this employment since 1972—16
years ago.

worked at this employment aure are are a personal property of the denial for reasons of "state secrets" should last for a maximum of ten years. Mr. Yampolsky lives all alone in Leningrad, his older brother died of cancer three years ago and he has no other relatives in the Soviet Union. His only wish is to emigrate to Israel. In the spirit of giasmost, I hope that you can

personally look into this case and that it

will be resolved quickly.

Thank you for your time and attention to this matter.

Yours truly.

JOHN MILLER Member of Congress.

Congress of the United States.
House of Representatives,
Washington, DC, March 15, 1988.

Mikhail S. Gobbachev, General Secretary of the Communist Party of the U.S.S.R., The Kremlin, Moscow 10312, RSFSR, U.S.S.R.

DEAR MR. SECRETARY: I join in solidarity with Alexander Yampolsky of Leningrad who has been seeking to emigrate to Israel for sixteen years!

Mr. Yampolsky has repeatedly been denied an exit visa since 1972 when he first denied an exit visa since 1977 when he lifst applied to emigrate. At that Lime he lost his job and has not worked in that field since that time. Nonetheless, he continues to be refused permission to emigrate on the grounds that he was exposed to "state secrets" during his former employment. Security is not a genuine issue after sixteen

Mr. Yampolsky has no family in the Mr. Yampolsky has no family in the Soviet Union and he wants to go to Israel. Mr. Gorbachev, please allow Mr. Yampolsky his right to leave the Soviet Union and grant him an exit visa.

I appreciate your attention to this specific case, and look forward to your favorable response to his request.

Sincerely.

Sincerely,
Christopher H. Smith,
Member of Congress.

CONGRESS OF THE UNITED STATES

COMMESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 1988.

HOLL MIRHAIL GORRACHEV,
General Scendary, The CPSU Central Committee, The Kremlin, Moscow 103132,
RSFSR, U.S.S.R.

DEAR MR. GREEAL SECRETARY: I am writing to ask that in the spirit of glasnost you allow Alexander Yampolsky of Leringrad to emigrate to Israel.

He first petitioned for a visa 15 years are

He first petitioned for a visa 15 years ago but has been refused on the grounds he was exposed to state secrets in his former em-

ployment. His case was last reviewed by your officials in May 1987 and a request for a reconsideration was refused in December.

Many of us remain concerned over issues if human rights and religious rights as they affect your nation. I would welcome new that Mr. Yampoisky has been allowed to leave Russia to live with friends in Israel, Sincerely,

DENNIS HASTERI, Member of Congress.

MIKMAIL GORBACHEY,
General Secretary of the CP, Kremlin,
MOSCOR, RSRSR
DEAR MR. SECRIFARY: I wish to add my
name to all of those who sak that Mr. Alexander Yampolsky be given an exit visa and
be permitted to emigrate to Israel. This man
has no information or experience that can
be considered state secreta. Please give him
the opportunity to live in Israel.
Sincorrely yours.

Sincerely yours.

Sinkey R. Yares, Member of Congress.

CONGRESS OF THE UNITED STATES.

CONGRESS OF THE UNITED STATES.

HOUSE OF REFRESENTATIVES,
Washington, DC, March 15, 1988.

MIKHAIL CORBACHEV.
General Secretary of the CPSU, Kremlin,
Moscow, U.S.S.R.

DEAR MR. GORRACHEV: I am writing to express my concern over the situation of Alexander Yampolsky. Mr. Yampolsky has been trying to emigrate to Israel for fifteen years, and has consistently been denied.

The initial reasons given for refusing Mr. Yampolsky center on the claim that he had access to state secrets during the course of his employment. Yet, since first applying for permission to emigrate in 1972, Mr. Yampolsky has been forbidden to work in his profession. Surely, whatever secrets Mr. Yampolsky has had access to are no longer relevant after fifteen years.

Mr. Yampolsky may have had access to are no longer relevant after fifteen years.

Mr. Yampolsky has no family left in the Soviet Union. His dider brother died three years ago. All he wishes is to emigrate to Israel.

Relations between our two countries have Relations between our two countries nave-improved dramatically in recent months. Nevertheless, they can never be completely satisfactory until people like Alexander Yampolsky can live where they choose in peace and freedom. Thank you for your immediate attention to this important matter.

Sincerely yours,

CHESTER G. ATELES,
Member of Congress.

CONGRATULATIONS AND GOOD LUCK TO LEHIGH CAGERS

HON, DON RITTER

OF PERHSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. RITTER, Mr. Speaker, It is a pleasure to Mr. RITTER Mr. Speaker, it is a pleasure to take this opportunity to convey congratulations to Lehigh University's Coach Fran McCaffery, who at 28 is the youngest NCAA-Division I head coach, and to point with pride to the accomplishments of his team. Lohigh, is that fine university in the city of Bothlehorm including beautiful South Mountain and the new mountaintop campus exending to lands in . the valley called Saucon.

the valley called Seucon.

As a graduato—class of 1961—and former.
Lohigh faculty member and administrator prior to running for Congress, I'd like to commend:
Lehigh for being the 1967—88 winner of the East Coast Conference (ECC) Baskethall-Tournament. With this season's record of 21 Tournament. With this season's record of 21 victories against only 9 defeats, they will go against the Nation's No. 1 team, Temple, also of Pornsylvania, in the first round of the NCAA playoffs Friday in Hartford. On behalf of the citizens of the Lohigh Valley, I wish them good luck and Godspeed. Given Tomple's No. 1 ranking in the Nation, it promises to be a

Transmin in Bro Hassin, it promises to be a very bugh contest.

The Engineers earned their second NCAA bid in 4 years as Lohigh's Daren Queenan, the Nation's second leading scorer, became only the inith collegiate player ever to score 2,500 points and collect 1,000 rebounds in a name of the Nation of the Nati career. Queenan's teammate Mike Polaha was voted the tournament's "most valuable CBTOOL playor." Both graduated from Atlentown's Central Catholic High School where they were-"stars" and provide the Engineers with their first two 20-point-plus-average scorers as the same team. Also, this is the first Lehigh team. to boast three 1,000 point scorers as 6'7" Bill Cheslock joins Queenan and Polaha in this group.

Mr. Speaker, over the years, Lehigh has been known more for two other sports having won many a Lambert Cup and "Eastern's" for preeminance in wrestling and football, respec-tively. But now Coach McCaffery has changed all that and Lehigh alumni and fans are rejoicing. Usually, it was rival Lafayette, sitting atop

College Hill in lovely Easton, PA, which reigned supreme in Lehigh Valley College basketball. Indeed, the shoot-out in the county in the semifinals of the ECC Tournament de mined the winner. Lehigh won that game 67-65, avenging an earlier loss to the valiant but out-gunned Leopards. Thus this championship was doubly sweet.

Fran McCallery has compiled a 49-38

record over three seasons and looks forward

to a bright and exciting future with the Engineers. All Lehigh players can share in the impressive statistics and records accomplished by this season's team which carries the best wishes of all their fans in the Lehigh Valley and around the Nation as they look forward to the NCAA Tournament. Mr. Speaker, at this point I include the team roster.

1987-88 LEHICH LINIVERSITY POSTERS

(Alphabetical)

No and Rame	Class	Picteri	Hegh	Weight	Secondary school	Korertown
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A TRIBUTE TO MARTHA PHELPS

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. KANJORSKI, Mr. Speeker, I rise today to pay tribute to Ms. Martha A. Phelos, the chairperson of the Pennsylvania Sorvice Deliv-ery Area Association (PSDAA) and the execu-tive director of the Lehigh Valley Private Industry Council, who is resigning soon to join her husband in Australia.

Ms. Pholps' tenure in these important lead-rship positions in Pennsylvania has been onship por merked with high achievement.

The Pennsylvania SDA Association is comprised of the 28 Job Training Partnership Act Service Delivery Area Administrators in the Commonwealth of Pennsylvania dedicated to assisting unemployed, displaced, and disadvantaged people. Ms. Phelps has served as the chairporson of this group since July 1984, and has gained the respect, admiration, and friendship of her associates for the exemplary manner in which she has fostered cooperaon, communication and cohesion among the SDA administrators.

Over the past year, Pennsylvania's SDA Association has exceeded the national averages for its unemployed and displaced worker participants with a 71-percent job placement rate and an average hourly wage of \$5.48. In fact, Pennsylvania's SDA Association is now a standard boarer by which other States coordinate their associations.

Under Ms. Phelps' leadership, the Pennsylvania SDA Association now works closely with vama SDA Association now works closely with the National Association of Counties, the De-partments of Welfare, Transportation, and Labor and Industry to improve services for un-employed and displaced workers. Recognized by Governor Casey as a loader in Pennsylva-nia's job training efforts, Ms. Phelps was invit-

ed last November to join the group that estab-

lished Pennsylvania's Job Centers Program.
Undoubledly, Ms. Phelps will be missed by her colleagues and friends in the Pennsylva-nia SDA Association. However, the legacy of her lenure and service to unemployed and displaced workers, and the improvements she has made to the organization, after she departs for Austrelia.

CONSCIENCE VIGIL

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. ATKINS, Mr. Speaker, I am addressing the House today as part of the congression call to conscience vigil for Soviet Jews. would like to talk about a refusenik family of particular interest to me, the Schwarzman

Anatoly and Eugenia Schwarzman and their son Dimitri have been trying to leave the Soviet Union since 1975. They have been refused 12 times. The reason given is Anatoly's supposed possession of state secrets learned in a job he left in 1973, 15 years ago. General Secretary Gorbachev has stated that secrecy refusals should not last longer than 10 years. By this rationale, the Schwarzmans should ave been released long ago.
But one need not subscribe to the rationale

of Mr. Gorbachev to understand that the Schwarzmans should be free. Under the Helsinki accords, every Soviet citizen has the right to practice their religion as they see fit and the right to emigrate to wherever they please. However, the Soviet authorities treat roligious expression as a crime. The Schwarzmans hold picnics and celebrations of Jewish holidays in parks outside of Moscow. For this they seem to have been sentenced to life in the Soviet Union.

Their applications to emigrate to a place where they can live in freedom have been denied by the Soviet authorities in a variety of arbitrary and cynical ways.
For example, Dimitri Schwerzman recently

married Anna Lurio, of another Moscow re-fusenik family. Naturelly, it was assumed that Anna would be automatically included in the family's application for emigration. But the Ovir, the Soviet agency that controls emigration, insisted that the family submit their entire application again. This was obviously a cruel delaying tact

In another delaying maneuver, the Schwarzman's case was sent to a special commission in the Presidium of the Supreme Soviet for consideration, suggesting the existence of an appeals process. However, the Schwarzmans were not allowed to present their side of the story to the commission. As it turned out, the commission sent the case back to the Ovir without decision, which then sent it back to the Moscow regional Ovir office without deci-sion. The Moscow office simply issued another refusal. So much for the appeals proc-

These are only a few examples of the ways in which the Soviet Union frustrates attempts by its Jewish citizens to emigrate. It is true that at the end of the last year we saw a rapid increase in the number of Jews allowed to emigrate. The increase has been attributed to the summit here in Washington, and the new atmosphere of glasnost. However, from the Schwarzmans' perspective, glasnost has not changed a thing.

We in the Congress can take an active role in helping them by publicizing their case. I would like to thank all 104 of my colleagues who joined me in writing to Mikhail Gorbachev on the Schwarzman's behalf. The tremendous Members of Congress agree that we should not be blinded by glasnost, and that we must keep up the vigil for Soviet Jews until they are allowed to live in peace and freedom. Whenever we are tempted to think that everything is fine in the Soviet Union, let us remember Anatoly, Eugenia, Dimitri, and Anna Schwarz-

DIESEL TAX COLLECTION

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

ANDREWS. Mr. Speaker, today, Mr. Speaker, I introduce legislation with Representative Roo Chambler, Representative JAKE PICKLE, Representative BRIAN DONNEL LY, and 12 other members of the House to improve the diesel tax collection provision of the 1987 reconciliation bill. This provision, included at the urging of the Treasury Department, changed the collection point for the diesel tax This change has caused severe cash flow problems for drilling contractors, waterway operators, farmers, general contractors, and other off-highway diesol fuel users.

Off-highway users remain exempt from the ax under the Omnibus Reconciliation Act of 1987. The act, however, requires some indus-tries—such as oil drillers, oilwell servicing conmes—such as oil driffers, oilwolf sorvicing con-tractors, peophysical contractors, waterway oporators, fishermen, general contractors, and farmers—to pay the excise tax at the time of purchase and then file for a refund from the Internal Revonue Sorvice. They will not earn sorvice to the time to the text. any interest from this loan to the Forland Gov.

While these businesses are required to pay the 15.1 conts per gallon Federal tax and then file for a refund of the tax, State and local governments, aviation companies, railroads, and industrial usors, will have the ability to gain an exemption from the Treasury Departmont

Most will not have the money to pay the tax. Many times, the tax will far exceed the profit earned. For oil drillers, this tax could profit earned. For oil drillers, this tax could cost each company between \$100,000 and \$2,000,000 annually. For example, one contractor, having a floot of 20 oilstore drilling rigs could use approximately 500,000 gallons of diesel fuel per month. With the tax of 15.1 cents per gallon, this additional tax cost will be \$906,000 per year.

Waterway operators will have to pay approximately \$240 miltion annually, interest free, in tax to the Federal Government. Other groups will be similarly affacted.

groups will be similarly affected.

My bill will add off-highway users to the list of groups which will be exempt from the 1987 of groups which will be exempt from the 1997 act provisions. It will change the wording of the 1997 act so that it is mandatory, not discretionary, for IRS to issue these guidelines within 90 days of enactment of the bill. The groups listed would also be permitted to file for an immediate refund of amounts already paid prior to the issuance of guidelines, pro-viding a method by which they can recoup their initial loss quickly. Interest will accrue on

amounts already paid.
In addition to the reporting requirements set out by Treasury under the authority of the 1967 provisions, my bill would also require the purchasers and sellors of diesel to report the number of gallons sold or bought at the end of the year-on their tax nature-and to seed of the year-on their tax return-and to report their tax identification numbers. This enables the IRS to use computer matching to assure increased compliance

I look forward to working with colleagues on the House Ways and Means Committee, as well as those Members who have introduced similar bills in the House, to resolve this dilem-ma. To prevent a further increase in our Federal budget deficit, I believe we must find way to make up whatever revenue loss that may occur as a result of a legislative solu to this problem. I have asked the Joint Tax Committee for a revenue estimate of my bill as well as for suggestions for ways to make it

In a related matter, I would like to make clear my support for a proposal to allow the independent marketers to remit Federal gasoline tax directly to the Internal Revenue Service. This proposal also allows State and local governments to purchase gasoline tax free from their distributors. It was passed last year as part of technical corrections in the House Ways and Means Committee, and by the full Mays and wears committee, and by the full House, but was dropped along with other technical corrections legislation from the budget conference. This proposal will cure the problems presented by the 1986 act provi-sions changing the collection of the gasoline

In conclusion, I encourage my colleagues to review this bill closely and to lend their support to these improvements to the diesel tax collection provision of the 1987 reconciliation

CONGRESSIONAL SALUTE TO CHRISTIAN WOMEN OF FAITH AND SERVICE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

FAUNTROY. Mr. Speaker, I am privilogod today to bring to the attention of my col-loagues that on Sunday, March 20, 1988, the Israel Metropolitan Christian Methodist Episco-pal Church wit honor 15 women who have dovoted their lives to Christian and community

At their annual Women's Day celebration, At their armus vicinitis bay constaudin, Pastor Wardell Bonner and the officers and members of the Israel Metropolitan Church have chosen to recognize and congratulate these outstanding women who have demon-ctrated their devotion to God and their faithful-

ness to His teachings.
These words from Proverbs 31:31 speak to

this special occasion in their honor:
"Give her of the fruit of her hands; and let her own works praise her in the gates

I invite my colleagues to join me in saluting these 15 women of honor, courage, faith, and

Janava Carter-District of Columbia governent worker.

Bortha R. Chatman—Retired Federal Govrnment employee. Gloria Frazier—Social worker. Laura Hardy—retired Federal Government

employee, Louellen Hodge-retired educato

Dorothy Kent—retired registered nurse.
Bessie Jordan—retired Federal Government

Sandra McCane-educator, District of Columbia schools

Cynthia R. Mason-retired Federal Governmont worker Annie Minter-retired Federal Government

employee Juanita S. Searles-educator, District of Co-

mbia public schools. Ruben Tabor—retired Federal Government

Dabra Young-social worker

-manager, stations and branches, U.S. Postal operations.

Emmna L. Hamilton-directror, patient transport, Prince George General Hospital Center.

NORIEGA MUST GO

HON, WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. HERGER. Mr. Speaker, I was unable to be here last Thursday to participate in the debate and vote on the situtation in Panama. I had an important committment in California that I could not avoid, I could not however, let this pass without expressing my wholehearted support for House Resolution 399, and for the

Panamanian people.

Few would argue with the assertion that the regime of General Noriega has become one of the most corrupt in the hemisphere. Noriega, a former member of the Panamanian secret police, has been commander in chief of the armed forces since 1983. His government is believed to have murdered a number of in-dividuals who opposed his oppressive policies, and is rumored to have directed funds and intelligence information to both the Communist Sendinista Government in Nicaragua, and the Manist FMLN guerrillas in El Salvador.

Mandasi PMLN governous in El Salvador.

If Norloga was in charge of any other
Nation I would still be concerned. The fact
that he rules the country that is home to the
Panama Cenal, which offers a vital and unique ink between the Pacific and Atlantic Oceans and is crucial to U.S. national security, magnifies the importance of the crisis and the need for a lasting solution.

Many of us were hopeful in 1984 that the canal would be in stable hands as a result of the Presidential election that was promised by the military government. The election, the first since 1968, was won by more than 509,000 votes by the opposition candidate. Unfortu-nately, Noriega, who was fearful of loosing power, demanded a recount of the votes, and declared that his candidate had been the real

Since that time, things have steadily grown Since that time, trings have steadily grown worse. Noticea's involvement in the international drug trade has increased exponentially since 1983, culminating in his indictment in Miami last month. Court documents suggest that Noriega may have roceived more than \$350 million in payoffs from the Medellin drug cartel; money that provided for Noriega's co-operation with efforts to funnel massive quantities of another than the provided for Noriega's co-operation with efforts to funnel massive quantities of another than the provided for Noriega's co-operation with efforts to funnel massive quantities of another than the provided for ties of narcotics through the Canal Zone.

I was concerned in 1977 that the instability of the Panamanian Government could endanger the canal. The current situation only serves to reinferce those perceptions. With the military in control of everything from the Panama Canal railroad, to the ports, to the civil eviation, there is certainly reason for con-cern. There is growing discontent among the people of Panama, and growing opposition to the Noreiga regime.

Those of us who opposed the Panama Canal Treaty did so precisely because of the dangers inherent in an unstable or corrupt regime controlling such a vital and strategic chokepoint as the Panama Cenal. Let us hope that our want from from that time are not on. that our worst fears from that time are not re-

We now have a golden opportunity to take decisive action to secure a more stable Panama. United States support for President Delvalla could lead to democracy for Panama and secruity for the canal. I believe that this resolution is an important first step toward that end, and am pleased that my colleagues in the House agree.

THE TRAGIC SLAYING OF EDWARD BYRNE

HON. ROBERT J. MRAZEK

OF NEW YORK IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. MRAZEK. Mr. Speakor, it is an unfortu-nate fact of life in a society with a myriad of-concerns that we must be shocked into recognition of the depth of a particular problem

One such trauma occurred recently in New York City. A New York Police Department rookie, 22-year-old Edward Byrne, literally was concused by the foot soldiers of the narcotics underworld as he guarded the home of a Queens man who had courageously complained about narcotics trafficking in his neighhorhood.

This tragic slaying was significant on several counts. First, and most importantly, the life of a young man who had plodged his career to a young man who had puoped his career to the public welfare was cruelly snuffed out. This callous act was not lost upon the people of New York City, New York State or the Nation. More than 10,000 of Edward Byrne's colleagues from around the country turned out for his funeral procession, both to morn the s of a comrade in arms and to show soli darity in a time of strife against the evil forces

hich would commit such an act. But the murder of Edward Byrne is also symbolic of a more frightening reality. It is clear that the sordid nature of the narcotics trade in our cities has resulted in a virtual open season on society's protectors. The niles of the game, which once dictated that deliberate attacks on police officers by the world would not occur denizens of the under

seom to have changed.

The murder of Edward Byrne has also brought the scope of the drug trade in this country into sharp focus. Drug lords threaten to become the masters of all they survey. The level of lawlessness which this reality has spawned is a chilling development even in a society where murder and mayhom have become the norm, not the exception.

How do we respond to the killing of Edward How do we respond to the killing of coward Byrne, and to the epidemic of drugs in our so-clety? Catchy slogans and media public rela-tions campaigns are fine up to a point, but they are not the final answer. Only by giving our unqualified support to the fight that Officer

Byrne himself was waging at the time of his death will we turn back this basic and unavoidable threat.

Now more than ever, we must reaffirm our support for the funding of aid to State and local drug enforcement efforts. The Reagan administration has proposed the cessation of this support. To this myopic gesture, we must iust say no.

Just as surely as we must recognize the seriousness of continued deficit spending in this country, we must also recognize that priorities must be assigned for our Federal resources. If the war on drugs is not worthy of serious levels of support, it is difficult to imagine ere our priorities are taking us

Mr. Speaker, I join with my colleagues from New York and around the Nation in offering sympathy to the family of Edward Byrne for their loss. But along with our condolences, we must also produce a reaffirmed commitment to the Anti-Drug Abuse Act of 1988 and the legislation's support for State and local drug-enforcement programs. By so doing, we can

demonstrate that Edward Byrne did not die in a vain struggle against a bloodthirsty enemy. The killing of Edward Byrne has brought a human dimension to a situation so staggering and dangerous that our first collective impulse may be to turn away from the brunt of the problem. If we can be sure of anything in this world, however, it is the knowledge that the drug epidemic won't simpty go away.
Today, there are more Edward Byrne out on

the front lines in this battle. These brave individuals deserve our support. To turn away from them now would be an act of cowardice and neglect in the midst of a terrible siege.

IN HONOR OF POLICE OFFICER EDWARD BYRNE

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, 1 riso today to join my colleauges in the New York delegation to speak about two injustices against the people of America.

The first of these injustices was the cold-blooded murder of New York City Police Officer Edward Byrne on February 26. Officer Byrne was shot in the head while he was guarding a key witness in an important drug trial. New York City police are currently invostigating whether the order for the murder of this officer came from two of New York's drug kingpins who are currently in jail, one facing drug and weapons charges, and the other ting trial for murder.

The murder of Officer Byrne was tragic, and I congratulate the New York Police Depart-ment's prompt actions in investigating this crime. Officer Byrne is one of the many vic-tims of the effects of drugs on our society. Daily, people are robbed, attacked, and killed as a result of drugs. According to a study prepared for the Justice Department, from half to three-fourths of the men arrested for serious rimes in major cities test positive for the use of illegat drugs.

The fight against drugs must be made a top priority of the Nation. Drugs are not just a New York City problem, or just a Miami problem. tem, or even just an east coast problem. This

is a national problem which requires national support. And this brings me to the second injustice which needs to be discussed. After getting a few big headlines enunciating the need to fight the war against drugs the President, for a second year, has "just said no" to Federal support for State and local efforts to fight drugs. Statements and commercials alone cannot control the flow of drugs into our country or the sale of drugs on our streets. Our police need more resources and support e effective in this war. to b

Along with increased support for State and local police forces to combat drugs, I believe that we must use our resources to stop illegal drugs from ever entering the United States. I am confident that this objective can be realized using a strategy which I have advocated since before I was elected to Congress. We can stop drug smugglers at our Nation's borders using airbone detection technology. I have proposed an agreement between the Navy and the Coast Guard to use Navy E2C Navy and the Coast Guard to use Navy E2C Hawkeye radar planes to stop drug smugglers in the Southeastern United States. The Coast Guard currently uses two of these planes quite effectively. In hoarings before the Mer-chant Marine and Fisherlas Subcommittee on the Coast Guard and Navigation, they have stated that with six to eight E2C's, the Coast Guard might be able to prevent all drugs from enforing the east coast of the United States. Unfortunately, this effective weepon may be prevented from use due to the drastic cuts the President has proposed in the Coast Guard's fiscal year 1989 budget.

inicial year 1809 000get.

Mr. Speckor, I hope that the President will recognize and support measures which could correct these two injustices, and I hope that Congress will take the proper steps to ensure that Officer Byrne, killed in the line of duty, did not till be with did not die in vain.

TRIBUTE TO MARIACHI VARGAS

HON, SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to the world re-nowned musical group known as Mariachi Vargas de Tocalition, Mosico. Since 1908 when the group was founded in

Tocalition, Moxico, the musicians have been dedicated to playing and singing songs related to their Mexican horitage. Through the years, Mariachi Vargas has appeared in cinema, in radio, worked with full orchestras, and profe sional songwriters to communicate the stories of their ballads. Evon though music has changed styles over the years, the ballads and musical style of Martachi Vargas has re-mained the same traditional folk music as its

forefathers had intended for it to be.
One of the reasons, perhaps, that the music has come through the years uncorrupted may be due to the fact that the ownership of the be due to the fact that the ownership of the bend still remains in the hands of mariachis truly dedicated to the style of the original Vargas (amily, The group has grown in number from one guitarren player (a round backed hardshell bass guitar, with five strings) and one vihuela player (a small version of the same instrument) to four violin players, a harp,

a quitarron, a viheula, and a guitarra de golpe. iese players appear in their familiar oversized hats, and decorative vests and pants to sing about love, poverty, death, separation, joy and anguish.

Currently, Mariachi Vargas is touring the country with Linda Ronstadt to pay tribute to the unheralded Mexican folk singers and songwriters of the 19th century. The current mariachis on tour with Linda Ronstadt are. Jose Martinez, Mario A. de Santiago, Juan Biurquiz, Daniel Martinez, Ildefonso Moya, Francisco Gonzalez, Rigoberto Mercado, Federico Torres, Arturo Mendoza, Nati Santiago, Victor Cardenas, Rafael Palomar, and Gilberto Puente.

I ask my colleagues to join me in extending congratulations to the members of Mariachi Vargas for their efforts in sharing with us musical treasures of their Mexican heritage

THE INDICTMENTS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. FAZIO. Mr. Speaker, I riso today to draw my colleagues attention to a news story which is quickly being overstadowed here today by the President's decision to dispatch troops to Honduras—that is the indictments handed down by the Federal grand jury yes-terday in the Iran-Contra scandal.

The 23-count indictment represents the most sweeping account of law-breaking at the White House since Watergate.

The 100-page indictment describes a sordid tale of the efforts by the White House to evade a 2-year statutory ban on military aid to the Nicarague robels.

It reveals an administration so obsessed with supporting the Nicaraguan Contras that it would covertly soil military arms and sophisti-cated missiles to one of America's most notorious enemies—the ayatollah in Iran—in order to finance its illegal and undeclared war in Central America.

Poindexter, North, Secord and Hakim all appear to have blatantly broken the law. And if the laws of the land are not upheld, our con-stitutional system begins to break down.

Clearly, the Iran-Contra affair represented a breakdown in the system of shared power and shared control over the Federal purse-strings envisioned by the Founding Fathers in Phila-

But justice is being done. The system is prevailing. And the indictments and trial should proceed. Any consideration of pardons is entirely premature.

EDUCATION VOLUNTEERS COM-MENDED IN AMERICAN SAMOA

HON. FOFO I.F. SUNIA

OF AMERICAN RANGA

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. SUNIA, Mr. Speaker, as you and my colleagues know, my congressional district lies 8,000 miles away from these halls on Capitol Hill. Although fully belonging to the United States, American Samoa seems to many who visit its islands so far distant from the ordinary appurtenances and usual aspects of mainland American life. To a certain extent they are corrent.

Some earnest mainland Americans, howev er, try to bring to my islands the best of stateside ways, especially in the field of education. It is a group of these dedicated volunteers whom I wish to commend warmly.

Parallel to the four secondary schools which the American Samoa Government runs exists a system which is under the jurisdiction of the bishop of Samoa-Pago Pago. Within the Bish-op's system Marist Brothers High School for boys educates approximately 250 students in grades 9 through 12. Without the participation of eight Americans this school would not exist volunteers teach the classes, they coach the athletic teams, they counsel the students, they maintain the grounds and the buildings, including their own residence

During this academic year Marist High School enjoys the services of alumni of Saint Joseph's University in Philadelphia, PA: Mr. Mario R. Brunetta III, of Vineland, NJ; Mr. Timothy Cunniff, of Plainfield, NJ; Mr. Joseph Leufer, of Richboro, PA; Mr. Joseph G. Lunan-uova, of Lincroft, NJ; Mr. Edward Paulsen, of Pittsford, NY; and Mr. Raymond P. Robinson, of Bethichem, PA; an alumnus of the University of Pennsylvania; Mr. William Gallagher, of Chadds Ford, PA; and an alumnus of Fordham University in the Bronx, New York: Mr. Michael Kelly, of Philadelphia, PA.

I have met these men on several occasions, both here on the east coast and in American Samoa, where I have spoken to their classes on the application of our work on Capitol Hill to those who live in the territory. By commit-ting their time and energy to improving the standard of learning in American Samoa, they have richly honored my constituents. Their work adds so much to the good of the terri-tory. I congratulate them most heartily and wish them all possible success in their years to come. They have earned it.

THE AMERICAN ASSOCIATION FOR COUNSELING AND DEVELOPMENT

HON, DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. GLICKMAN. Mr. Speaker, I rise today in hopes that my colleagues will join me in congratulating the American Association for Counseling and Davelopment [AACD] as they convene their national convention, March 20 23. AACD is an organization comprised of more than 57,000 counselors, counselor educators, and rolated human development professionals who work with our Nation's most

valuable resource, its people.

The theme of the AACD National Convention is "Human Responsibility: Facing the Challengo." AACD members have assumed responsibility to improve the lives of the homeless, the mentally ill, the economically disenfranchised, the educationally disadvan-taged, the unemployed, the disabled, and those who are discriminated against because of race, color gender, religious affiliation, or age. They have also holped hoighten congres-sional awareness of these concerns and have focused attention on constructive steps to address thom.

These professionals have embraced their responsibility to work in the public policy arena, not just to enhance their profession, but to work on behalf of those whom they serve: their students and their clients. AACD has been active in providing data to the Congress and to the executive branch which has helped us make informed, compassionate and cost-effective decisions in ragard to education and human service programs

AACD members can be found working in arious settings, such as educational institutions, human service agencies, community mental health centers, business and private practice rehabilitational facilities and hospitals, Government agencies, and correctional institutions. From those backgrounds, they provide us insights that are unique and particularly beneficial.

Mr. Speaker, this association is on the front line of various social issues like AIDS, substance abuse prevention, job retraining, dropout and youth suicide prevention, mental health and rehabilitational services. They also work for such global issues as civil rights,

human rights, hunger and world peace.

Let me also note with pride that this year's AACD president hails from my homelown of Wichita, KS. Dr. Brooke Collison is a professor in the counseling and school psychology unit of the department of personnel services at Wichita State University. Brooke's ascension to the AACD presidency is one of many honors to a man who is both compassionate and dedicated toward making this a better and more peaceful world.

Again, Mr. Speaker, I hope that my colagues will join me in thanking the American Association for Counseling and Development for their efforts in working to improve people's lives and on the occasion of their national

LETTER FROM DR. HENRY KING STANFORD

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. RAY, Mr. Speaker, I recently received a letter from Dr. Henry King Stanford, regarding the Nicaraguan democratic resistance. Dr. Stanford has been president of three colleges and two universities in a career spanning more than four decades. For 19 years he was the president of the University of Miami, and he recently completed a year as interim presi-dent at the University of Georgia. Dr. Stanford now resides in the third district of Georgia, and I am fortunate to have the benefit of his advice on a variety of issues.

Dr. Stanford possesses a tremendous amount of knowledge and insight about developments in Central America. For this reason, I ant to share with my colleagues the text of a letter I received from Dr. Stanford regarding the Nicaraguan democratic resistance. I insert the text of this letter in the RECORD:

the text of this lotter in the HECORD:

DEAR RICHARD: It was a great pleasure to see you again at the dedication of the Plains depot as an historic site.

At that time I told you how much I appreciated your voting to support continuing military aid to the Contras. Ortega never would have agreed to any kind of a peace

plan, in my opinion, if it had not been for the continuing pressure applied to him by

the continuing pressure applied to him by the Contras.

I do not know why it is that wishful-think the Contras.

I do not know why it is that wishful-thinking Americans will not believe what dictators say about their future intentions. Adolf Hitler laid out a good blueprint in Mein Kampf, but the Western World, particularly Great Britain and France did not want to believe him. I arrived in Nazi Germany for a year's graduate study six months after Hitler had remilitarized the Rhineland in violation of the Treaty of Locarno. His generals had strongly argued against the move. He decided to order the German troops in anyway. He ws so nervous the night before he had to be administered hypodermics. His order to the generals was to withdraw in the face of any opposition from Britain and France. So overcome were these two nations with the pacifism of the times that no one, except Winston Churchill, who was out of office, wished to oppose Hitler. He could have been toppled at that time.

I was president for the University of Miami when President Kennedy wavered about

have been toppied at that time.

I was president of the University of Miami
when President Kennedy wavered about
providing assistance to the Bay of Pigs invaders. The result was the entrenhement of
a Markist dictator 90 miles across the Florida straity from Keny West

a Marxist dictator 90 miles across the Flori-da straits from Key West.

Ortega had announced that his revolution is one "without borders." The meaning of that is readily apparent: the installation of Marxist regimes throughout Central Amer-

I know why it is that representative gov-I know why it is that representative government cannot conduct foreign policy consistently over a long period of years. De Toqueville explained it so fittingly in his Democracy in America, published in France about 1837 after his visit to the United States. National opinion in our form of government zigzags, our foreign policy following the swerves. I carnestly hope that Gorbachev will be successful in his policies of glasnost and perestroita, but my hope is tethered by the realization that whenever Marxists are in control, they do not voluntarily give up political power. Gorbachev could well suffer the same fate as Kruschev when he, Kruschev, criticized the past too forcefully to suit the majority opinion of the Communist Party Presidium.

Thank you again for your vote in favor of military assistance to the Contras.

Sincerely,

Sincerely,

HENRY KING STANFORD.

EVADA-FLORIDA LAND EX-CHANGE AUTHORIZATION ACT OF 1988 **NEVADA-FLORIDA**

SPEECH OF

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 1988

Mr. UDALL. Mr. Speaker, I rise in support of NII. ODALL MI Speakel, Tise in support of S. 854, the Nevada-Florida Land Exchange Authorization Act of 1988. The bill is identical to H.R. 1845, a product of the Committee has Interior and Insular Affairs. The committee has worked very hard on this logislation to make sure that it is fair and provides reasonable protections for important resources on the Federal lands.

There is one matter, Mr. Speaker, that I wish to take note of at this time. As I stated to you in my letter of February 5, 1988, the bill before the House today does not modify or amend the Endangered Species Act. It does provide for a long-term lease of certain public domain lands in Nevada and requires the

lessee to comply with the requirements of existing law, including the Endangered Species

It also requires the lessee to go further to minimize adverse impacts on species of fish, wildlife, and plants even if they do not come within the purview of the Endangered Species Act. It would not modify the current authority of any Federal agency under that act, nor would it affect the discretion of any Federal official in discharging his or her responsibilities under the act

As I further noted in my February 5 letter, the bill does make reference to the Endan-gered Species Act, but only to reiterate the existing requirements of the act to monitor possible impacts of ground water withdrawal on the habitat of endangered species. This emphasizes the importance of such monitoring, but it does not modify the current authority of the Fish and Wildlife Service nor does it affect the discretion of any Federal official under the Endangered Species Act.

Finally, the bill also contains a reference to the National Environmental Policy Act. It deals only with judicial review. The bill includes a finding that already-conducted studies and analyses are sufficient to meet the requirements of NEPA insofar as the land transfers are concerned. On the basis of that finding, are concerned. On the basis of that finding, judicial review of specified actions by the Secretary would be precluded. The adoption of such a finding would not constitute an amendment to NEPA, but would merely state the conclusion that adequate information exists and that the NEPA's purposes have been satisfact.

Mr. Speaker, with these understandings, I urge my colleagues to support this important piece of legislation.

SEAN MACBRIDE DAY

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mr. MORRISON of Connecticut. Mr. Speak er, today I am introducing a resolution to bonor the memory of the late Sean MacBride by making January 26, 1989, Sean MacBride

Mr. MacBride, an Irish statesman and a crumr. Macchoe, an irish statesman and a Cru-sade for human rights, died in January 1988. January 26, 1989, will be the 85th anniversary of his birth. Mr. MacBride was one of the founders of Amnesty International in 1961 and shared in the Nobel Peace Prize awarded the group in 1977 for its campaign on behalf of political prisoners throughout the world.

Mr. MacBride was the chief sponsor of the

MacBride Principles, I hope this resolution will help promote an understanding of the impor-tance of the MacBride Principles in promoting equal employment opportunities for Catholics in the 6 counties. The MacBride Principles call for American companies that operate in Northem Ireland to ensure equal employment op-portunitios for Roman Catholics. My visit last summor to Belfast and Derry

made me even more aware of the high em-ployment and impoverished conditions imposed on Catholics by employment determina-tion, U.S. investment must not be used in supt of such discrimination.

It is appropriate that I introduce this resolution on the day that we pay tribute to the

people of Ireland and the 40 million American citizens of Irish descent. Sean MacBride worked all of his life for peace and human rights in Ireland and elsewhere in the world. It is fitting that we spend a day to celebrate peace and the man who worked for it.

LEGISLATION TO BENEFIT THE DISABLED AND THEIR FAMILIES

HON, CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Mrs. MORELLA, Mr. Speaker, Lam introducng legislation today which would provide a tax deduction for the amount of premiums paid on a life insurance contract established as a trust for the benefit of a disabled individual.

This bill is intended to encourage family members to establish a trust for disabled members of that family to ensure their financal well-being after the death of the parents or other family members responsible for their support. I believe this approach will assist families in planning ahead for the care of disabled family members, thereby preventing the disabled family member from becoming dopendent on SSI, Medicaid, or other Government assistance.

Mr. Speaker, this legislation will benefit the disabled and their families, and I urgo my colleagues to join me as cosponsors of the

HOUSE CONCURRENT RESOLU-TION 259, RELATING TO ABC COLOR AND PARAGUAY

SPERCIL OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1988

Mr. RANGEL, Mr. Speaker, I rise in support of House Concurrent Resolution 259, which condemns the continued refusal of the Govconcerns the continued reliasal of the dov-ernment of Paraguay to permit the reopening of ABC Color and strongly urges the Govern-ment of Paraguay to take the necessary measures to allow ABC Color to reopen to guarantee total freedom of the press, and to allow the Paraguayan people to exercise their full rights and freedoms under the Paraguayan Constitution.

Paraguay is a major marijuana producing and trafficking country with an estimated 3,000 metric tons of marijuans harvested annually. Paraguay is also beliaved to be a significant cocaine trafficking country. Based on known seizures of cocaine originating or transiting Paraguay, almost 400 kilos in the last 6 months of 1987, the unconfirmed estimate is that as much as 1 metric ton of cocaine passes through Paraguay each month.

passes through Paraguay each month.
Paraguay appears to have become a significant money laundering location for narcotics
traffickers due to lax Government controls.
Foreign narcotics money reportedly is being
used to purchase land and property in Paraguay. United States Government narcotics
control assistance to Paraguay during fiscat
year 1987 totaled \$200,000, expended for

communications gear, transportation equipment, and data storage and retrieval material,

ABC Color was established in 1967 as a source of independent and reliable information for the people of Paraguay. During its history, ABC Color and its owner-editor Aldo Zuccolillo have been the victims of a campaign of harassment by the Government of Paraguay, including the denial of permits to import news print and the frequent arrests of staff, On March 22, 1984, ABC Color was indefinitely closed by order of the Interior Minister and its premises searched.

The Inter-American Commission on Human Rights of the Organizations of American States stated in its special report on Paraguay for 1987 that regulations imposed by the Govemment have enabled a single perty-the Colorado Party-to control the entire legislative and electoral processes, thus depriving the electorate of the requisite institutional con-

trols to guarantee genuine and fair elections. On February 14, 1988, General Stroessner was reelected in an uncontested election to his eighth 5-year term as President. During the Presidential election the democratic opposi tion in Paraguay was denied all access to the Government-controlled media, ABC Color was a small ray of light in a dark society tightly controlled by the Government of Paraguay

DEA closed its office in Asuncion in 1981. but recently reoponed it at the request of the American Ambassador Clyde Taylor in the face of increasing evidence that Paraguay is a major transit country for cocaine. Acc ondi a news story which appeared in March 7, 1988 edition of the Washington Post concerns the Reagan administration about Paraguay is the relatively little the Government has done to prosecute drug traffickers." The Washington Post news story gave sev-

eral examples of increased drug activity in Paraguay:

The seizure in Paraguay in late 1984 700 drums of ether, acetone and hydrochlo-ric acid-all chemicals used to refine coca

Please containing 95 pounds of cocaine were found hidden in secret compartments of a private plane that landed on a ranch in northeast Paraguay in June 1965;

In late 1906, authorities in Panama seized 88 pounds of cocaine shipped from Para-guay in metal cams disguised as containing hearts of palm:

In August 1957, customs agents in Brus-Belgium, uncovered more than 250 pounds of cocaine in Paraguayan soap boxes: and

In September 1987, a plane that had taken off from Paraguay crashed in the Artaken on from Pasagusy Chanton in the Al-gentine Andes with nearly 450 pounds of co-caine on board. No passengers survived; all had been known residents of Paraguay.

Given all of these activities I think DEA was wise in accoding to Ambessador Taylor's re-quest and once again reopening a DEA office in Asuncion. Suspected drug activity original ing or passing through Paraguay appears to have increased enough to justify stationing a DEA agent full-time in Paragusy.

I urge my House colleagues to join with me in voting for passage of House Concurrent Resolution 259. The light needs to shine on all activities in Paraguey including drug trafficking; ABC Color is one such beacon.

FRANK FRONHOFER REPEATS AS NEW YORK STATE WRES

HON. GERALD B.H. SOLOMON OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. SOLOMON. Mr. Speaker, I'm suro everyone in the House will join me in saluting Frank Fronhofer, of West Herbron, NY, wh has proven, not once, but twice, that poundfor-pound he is one of the best wrestlers in the State of New York.

Mr. Speaker, like many Members of Congress I am also a parent, in this case the father of sons who wrestled in high school. I know how hard they worked, the sacrifices they made to participate in this oldest and most demanding of sports, and the price they paid to excell. I, therefore, understand what it takes to be a State champion. New York is a taxes to be a State champon competitive, in fact, that only a few dozen boys have ever been two-time State champons.

Frank Fronholor, a junior 98-poundor at Salam Contral School, recontly joined that select body of two-time champions. Everything indicates that next year, he stands an lent chance of joining an even more select club, that of three-time champions. Last yes he earned a reputation for his mastery of wrestling technique, to which he has added this year greater strength and physical maturi-

Frank Fronhofer was not only one of the smaller wrestlers in a small weight class, but he represented one of the smaller schools of section II of New York. Under coach Mike Poplaski, this small school in rural, upstate New York has long been synonymous with wrosting excellence, winning league, and section class title year after year.

Frank Fronhofer is the son of an assistant

ch. He is a credit to his parents, his coach, his teammates, his sport, his school, and his community. Pleace join me in paying tribute to a young man who is an All-American in more ways than one.

GIRL SCOUTS HONOR LORETTA WARREN

HON. WILLIAM O. LIPINSKI OF ILLIMOIS

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. LIPINSKI, Mr. Speaker, it is my privilege to bring to the attention of this Cor outstanding constituent of mine who is the very model of dedication and generosity.

very model of dedication and generosity. For more than 30 years, Loretta Warren has given of hor time and of herself to countless young ladies as a troop leader of the Girl Scouts of Chicago. She has been a positive influence on many young women through the

The Girl Scouts of Chicago recently paid tribute to this fine woman, as did the Chicago City Council, I think it is appropriate that we in this Congress also recognize Mrs. Warren for this Congress also recognize was, trainer to what she has given to young people. Now more than ever, people like Loretta Warren are needed to help guide America's youth away from drugs and away from crime and back toward a more wholesome lifestyle-the kind that many of us remember.

I'm sure all of my colleagues join me in ap-plauding Mrs. Warren for her unselfish commitment to America's young women.

AGRICULTURAL ACT OF 1949 AMENDMENTS

SPEECH OF

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 1988

Mr. DE LA GARZA. Mr. Speaker, I rise in support of S. 2151 with the House amend-ment. This legislation will resolve an unanticipated problem that is dolaying the work of the aid and trade missions established in the continuing appropriations resolution for fiscal year 1988—Public Law 100-202—and will complete legislative action on the Agricultural Aid and Trade Missions Act of 1987.

The agricultural aid and trade missions pro-

gram is designed to encourage greater U.S. private sector and foreign country participation in trade development and food assistance ef-forts. The authorizing legislation for this program was originally considered in the Committee on Agriculture and the Committee on Foreign Affairs last year at the time the two committees were formulating proposals for inclusion in the omnibus trade bill, H.R. 3. The aid and trade legislation was made part of both the House and Senate versions of the trade bill, having been favorably reported by the House and Senate Agriculture Committees and the House Foreign Affairs Committee. Later, the legislation was tentatively approved by the House-Senate conferees on subconferonce six of the trade conference last Novem-

Because of strong support by members of the respective committees and in an effort to expedite congressional action, the Sonate added the aid and trade missions legislation as an amendment to the continuing resolution for fiscal year 1988, which was signed into taw as Public Law 100-202. The Department of Agriculture announced the program and ap-pointed a mission coordinator on January 14,

Recently, the Department of Agriculture Office of Gonoral Counsel ruled that, techni-cally, the aid and trade missions constitute advisory committees to the department and thus, are subject to the Federal Advisory Committee Act. This ruling has resulted in a delay in efforts to achieve completion of the delay in efforts to acroove completion or the 16 missions required by the continuing resolu-tion this year. The difficulty in completing this large number of missions in the remaining months of 1988 is further compounded by the months or 1988 is number compounded by the fact that eight of the missions are required to be completed by June. The bill before us today will exempt these missions from the Foderal Advisory Committee Act, to enable the program to meet the goals for it set by Commiss in a firmly manner.

the program to meet the goals for a set of congress in a timely mannor.

S. 2151 also contains the provisions of the Agricultural Aid and Trade Missions Act portaining to the section 416 commodity donation. program. The provisions in the continuing resolution incorporating the Agricultural Aid and.
Trade Missions Act included the amendments. to the Public Law 480 program to assist private voluntary agencies and cooperatives in their use of commodities received through the Public Law 480 program. However, the amendments to the section 416 program in the original aid and trade missions bill were in-advertently not included. S. 2151 includes the section 416 amendments to complete the aid

and trade package as originally intended.

The amendment to the bill offered today removes from the Senate bill section 6, v will increase the minimum quantities of eligible commodities that must be made available for commodues that must be made available for the section 416 program in fiscal years 1988 through 1990. Section 6 requires that any such increase in the minimum quantity of commodities for foreign donation must be provided for in advance in an appropriations act.

violed for in advance in an appropriations act.

Since no such appropriations have been provided, or likely will be provided, for increased tonnage in fiscal year 1988, this section of the original aid and trade missions bill can be eliminated from S. 2151, and considered again for fiscal years 1989 and 1990 in the trade bill conference.

Finally, the bill will authorize the farmer-tofarmer program, through fiscal year 1990. I am pleased to note that this program, initially au-thorized in the 1985 farm bill, has received favorable reviews. Under the program, U.S. farmors travel to poor, developing countries and provide hands-on expertise to local farm-

ers in improving their operating efficiencies.

I urge my colleagues to join me in approving S. 2151, with the House amendments.

POSSIBLE NICARAGUAN INCUR-SION INTO HONDURAN TERRI-TORY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1988

Ms. PELOSI. Mr. Speaker, the White House reports that there has been an invasion of Honduras by Nicaraguan forces. The facts are

Based on the administration's version of events, the President is committing American troops to the region. The President says that American show of force is needed and has sent United States troops to Honduras. Such a military response will have a negative impact on the Central American peace process and is indicative of the President's contined preference for a military solution.

The President's decision reflects the chaotic

decisionmaking process which has character-ized the administration's entire Central American policy. What is needed now is restraint. the Nicaraguan Government has called on the United Nations and the OAS. President Reagan has called in troops. Instead of sending troops, he should be sending Secretary of State Shultz. The presence of U.S troops is unnocessary and is certain to aggravate an aldy tense situation.

Cease-fire talks between the Sandinistas and Contra leaders are scheduled to resume next week. The United States should redouble efforts to encourage negotiations in accordance with the Central American peace plan, not send troops, which is a clear sign of hostility. Thank you.

CONGRESSIONAL ST. PATRICK'S DAY MESSAGE OF PEACE AND JUSTICE FOR NORTHERN IRE-LAND

HON, MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES Thursday, March 17, 1988

Mr. BIAGGI. Mr. Speaker, it is my honor to place into the Recono today on behalf of the 41 of my colleagues who joined as cosigners the 1988 St. Patrick's Day message of peace and justice for Northern ketland. It is a message which focuses on the very real and serious problems which affect Ireland and Northern treland in patricials. em Ireland in particular.

We celebrate St. Patricks's Day today all across this Nation and around the world. Yet once again this celebration is marred by the ongoing tragedies in the six northeast counties of Ireland. Yesterday was one of th grievous days of shame in the entire history of the conflict. Yesterday at a funeral mass for three Irish civilians murdered by British soldiers in Gibralter, a horrible scene of viole crupted when a grenade was tossed into the crowd of mourners and shots were fired on the crowd as well. Reports indicate that at least three persons were killed and more than 50 injured. As of this writing it is not clear that those responsible have either been identified or apprehended. However, it is obvious to those of us who watched this tragedy on television that the so called security forces who were there to maintain order in fact due to their indifference really are accomplices to the murders that occurred. How could a funeral person with live granades to penotrate the solemnity of this funeral. That is a question that deserves an answer.

The issue we must recognize is that the dual evils of violence and discrimination pose the greatest threats to Ireland and Northern Ireland. The United States must play a constructive role in seeking to end discrimination and violence-all violence civilian or officia and should make it as a commitment on St. Patrick's Day and everyday. I, also, thank those of my colleagues who joined on this

At this point in the RECORD I wish to insert the full text of the message and those who signed it:

ST. PATRICK'S DAY MESSAGE

Peace, justice and freedom for all the people of Ireland is our hope on St. Pat-rick's Day and every day. Our commitment to help achieve this gual is constant throughout the years.

to help achieve this goal is constant throughout the years.

Our foremost concern continues to be the deep-rooted economic discrimination which affects all the people of Northern Ireland but especially victimizes the Catholic minority population. Unemployment in the North continues to be the highest in all of western Europe and the rate in some large Catholic cilies exceeds 60 percent. We support those policies and initiatives which will alleviate if not climinate the problem. We believe it is time for major improvements of the existing government-sponsored programs in Northern Ireland which are aimed at fighting discrimination. We specifically call for wholesale reforms in the Fair Employment Agency of Northern Ireland, especially in the area of enforcement of anti-discrimination laws.

We also recognize the important role of American businesses which provide more

than 11 percent of the employment in Northern Ireland. To that end we strongly support legislation that would require American companies to adopt the MacBride Principles of Fair Employment and Non-Discrimination as a new code of corporate conduct in Northern Ireland. We call for the convening of hearings in the House and Senate on the respective bills to accomplish this important goal. We urge that special ef-forts be made this year as a tribute to the late Sean MacBride whose recent passing we

we support the continuation of United States economic aid to Northern Ireland. We believe this aid, if distributed to benefit both communities without discrimination and to promote human rights as proscribed by the authorizing legislation, can be a tangible investment in Northern Ireland's peaceful future. However, we have concerns over reports about the initial distribution of aid by the International Pund. We call for thorough Congressional oversight to ensure that the letter and spirit of the authorizing law is followed. We note the progress made last year

We note the progress made last year toward reform of our visa policies as they relate to political figures from Ireland seek-ing to visit the United States. We believe ing to visit the United States. We believe the one year moratorium on visa denials based solely on political views is a key first step. However, we relterate our support for more permanent reforms to end those poli-cies which have promoted censorship cles which have promoted censorship against segments of the Irish American community.

We restate with emphasis our absolute opposition to all forms of violence in Northern Ireland, civilian or official. We strongly disagree with actions taken in recent months by the British government which under-mine confidence in the rule of law in Northby the British government which undermine confidence in the rule of law in Northern Ireland. Especially noted was the decision to drop their investigation into reports that the main security force in Northern Ireland, employed a "ahoot to kill" policy against certain civilians. We specifically call for a new, independent and public probe into these allegations against the Royal Ulster Constabulary. The security forces in Northern Ireland must respect the law not represent themselves as being above it.

We must also note with deep concern the refusal by the Court of Appeals of Great British to free the Birmingham Six. We also regret the decision by the British government to continue certain repressive legislation aimed at the Irish people.

Finally, in this an important election year in the United States, we call upon all the Presidential candidates, Democrats and Republicans, to subscribe to the position that Presidential candidates, Democrats and Republicans, to subscribe to the position that party to adopt a specific statement on Northern Ireland which will serve as a blueprint for a future Administration policy.

Sincerely,

LIST OF COSPONSORS

Senator Denis DeConcioni and Representatives Hamilton Pish; Frank Annunzio, Thomas Downey, Matthew G. Marther, Robert Mrazek, Barney Frank, Thomas Poglietta, Benjamin Gilman, Gary Ackerman, Raymond McGrath, James Traficant, Paul Kanjorski, Robert Dornan, Ronald Dellums, James Jeffords, Nicholas Mavroules, William Coyne, Major R. Owens, Norman Lent, Joseph DioGuardi, Charles Rangel, Robert Roe, Lane Evans, Mary Rose Oakar, Floyd Flake, Robert Borski, Matthew Rinaldo, Thomas Manton. Edward Fvighan, Walter Fauntroy, Curt Weldon, Austin Murphy, Doug Walgren, Albert Bustamante, Thomas Carper, Joseph Moakley, Louise Slaughter, Bruce Morrison, Nick Joe Rahall, and Patricia Schroeder. Rahall, and Patricia Schroeder.

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Consulting on Astrollus, Rabition, and Persist, Marting, and Persist, Mr. Lealy (Chalman), Mr. Melicher, Mr. Pryor, Mr. Boren, Mr. Edicher, Mr. Pryor, Mr. Boren, Mr. Edich, Mr. Courad, Mr. Fawler, Mr. Ducchele, Mr. Bersax, Mr. Lugar, Mr. Dole, Mr. Hellen, Mr. Cochwin, Mr. Bocchwin, Mr. Bocchwin, Mr. Bocchwin, Mr. Bocch, Mr. Wilson, Adv., Walson, Adv. Ber. Kurres.

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Mr. Cochran, and Str. Humphrey.

Af. Cochran, and Mr. Hemphrey.

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maye, Mr. DeChancial, Mr. Gase, Mr. Buyudhan,

Mr. Dodd, Mr. Ackans, Mr. Stovens, Mr. Buyudhan,

Mr. Lood, Mr. Ackans, Mr. Stovens, Mr. Bellanfeld,

Mr. McClure, Mr. Belina, Mr. Warney, Mr. Dode,

od Mr. Osari.

CONTROL OF THE PROPERTY OF T

amure.

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DeConciol, Mr. Michele, Mr. Rockrifter, Mr.

Orahara, Mr. Minksowki, Mr. Simpoon, Mr. Transand, Mr. Station, and Mr. Species.

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President Pro Tempore—John C. Stemis. Sucretary of the Semate—Wester J. Stewart, Suggested at Arms of the Senate—Memy Ex

Sengent at Arms of the Sensie The Sensie Bernald. Sengent of the Majority C. abbest Bernald. Security for the Majority Lieuwill O. George, Jr. Chaplain of the Sensie-Revursed Michael C. Halverson, Lt.D., D.D.

UNITED STATES SUPREME COURT

Chief Justice Rehnquist, of Arbs Justice Rennan, of New Jersey, Justice Wilte, of Colorado, Justice Marshall, of New York, Justice Macchann, of Minacosta, Justice Dischann, of Minacosta, Justice Stevens, of Illinois, Justice Country of Arisma, Justice Country of Arisma, Justice Country, of California.

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Likarrism—Stephen G. Margeton,
Masshal—Allred Wong,
Reporter of Docksons—Frank Wagner,
Administrative Assistant to the Chief Judice—Nocl.
J. Augusty.

Public Information Officer-Test House.

UNITED STATES JUDICIAL CERCUITS JUSTICES ASSIGNED TERRITORY EMPRACED

TERRITORY EMDRACED

Bistrict of Columbia judicial circuit. Chief Sesting Reinquist.

Pirst judicial circuit. Justice Brewson. Shahe, human-instita. New Hampebire. Poerto Bien.

Second judicial circuit. Justice Brankall. Omnocibus. New York, vermont.

Third judicial circuit. Justice Renainan. Delaware. New Jetsey. Permayirana. Virgin Inland.

Powrth judicial circuit. Tutting Renainan. Delaware. New Jetsey. Permayirana. Virgin Inland.

Rayriana, Morth Carolina, South Carollina, Virginia. West Virginia.

Pitth judicial circuit. Justice White. Lonkinas.

Bisth Saiclal circuit. Justice Scalin. Erstacky.

Michigan, Ohio, Tennossee.

Seventh judicial circuit. Justice Stevens. Illinois.

Indiana. Wisconsin.

Spith judicial circuit. Justice Stevens. Illinois.

Indiana. Wisconsin.

Indiana, Wisconstn.

Riphth judicial circuit: Justice Bischawa, Arkansas, Iowa, Minnesota, Missouri, Hehranka, North
Dahota, South Dakota,

Nitah judicial circuit: Justice O'Consor, Alaka,
Artzona, Culifornia, Itahro, Montana, Nerada,
Oregon, Washington, Guam, Hawaii, Northern
Meriana Islanda.

Trath radicial circuit: Justice Write. Onlorado, Rasses, New Mackeo, Okalabanas, Urah, Wysening. Eferenth indicial circuit: Justice Ressesty, Alabana, Florida, Georgia. Federal judicial circuit: Chief Justice Rehnquist.

REPRESENTATIVE, STATE, AND CAPITOL OFFICE

(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.)

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Croic, Larry E. (Idaho).
Crane, Philip M. (III.).
Crockett, Geo. W., Jr. (Mich.).
Dannemever, William E. (Calif.).
Darks, George (Buddy) (Ga.).
Daub, Hal (Nebr.).
Darks, Ack (III.).
Darts, Robert W. (Mich.).
DePailo, Feter A. (Orreg.).
de la Garza, E. (Tex.).
DePailo, Foter A. (Orreg.).
de la Garza, E. (Tex.).
DeLay, Tom (Tex.).
Deliums, Ronald V. (Calif.).
de Luae, Ron' (V.1).
Derrick, Butler (S.C.).
DeWise, Michael (Ohio).
Dickirino, William L. (Ala.).
Dincell, John D. (Mich.).
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Dingward, Joseph J. (N.Y.).
Dison, Julian C. (Calif.).
Domonelly, Brian J. (Mass.).
Dorgan, Byron L. (N. Dak.).
Dornan, Borert K. (Calif.).
Downey, Thomas J. (N.Y.).
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* Delegate from the Virgin Islands.

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Delegate from the District of Columbia.
 Resident Commissioner from Puerto Rico.

Delegate from Guam

McMillion J. Marrie Ch.	ice No.		_
THE REAL PROPERTY.	. 401		fice N
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	2133	Schoefer, Den (Colo)	13
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Meyers, Asn (Kans.)	315	DERROTTERSON F. ACRES Jr. (WILL)	34
Mics, Dan (Pla.)	1107	Sharp, Philip R. (Ind.) Sharp, E Cleg. Jr. (Pla.)	24
Michel, Robert H. (DL)	2455	Shara Christopher (Coon)	. 4
Miller, Charrace E. (Ohio)	2112	Shumpen, Normen D. (Call.)	16
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Murphy, Austin J. (Pa.)	2210	Smith Neel (Sours)	33
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 6. Proof farnished.—Proofs or "leave to print" and advance speeches will not be furnished the day the manuscript is received but will be submitted the following day, whenever possible to do so without causing delay in the publication of the regular proceedings of Congress. Advance speeches shall be set in the Concessional Recons site of type, and not more than six sets of proofs may be furnished to Members without charge.

 7. Notation of withheld remarks.—If manuscript or proofs have not been returned in time for publi-

- calion in the proceedings, the Public Printer will insert the words "Mr. addressed the Senate (House or Committee). His remarks will appear hereafter in Extensions of Renarks" and proceed with the printing of the Concassional Record.

 8. Thirty-day limit.—The Public Printer shall not publish in the Concassional Record any speech or extension of remarks which has been withheld for a period exceeding 30 calendar days from the date when its printing was authorized Provided. That at the expiration of each session of Congress the time limit herein fixed shall be 10 days, unless observed or extension concerning the consultation of the sension of Congress the time limit herein fixed shall be 10 days, unless observed or extending the committee. Downselfows.—The permanent Consumstational Records and the publication is fessived; therefore all accretions and up for printing and bridging 30 days after set and up to publication is fessived; therefore all accretions also publication is fessived; therefore all accretions also publication is fessived; therefore all accretions are supported to the consumation of control of the consumers of each session of Congress the line limit shall be 10 days, unless otherwise ordered by the committee. Provided further, That no Member of Congress shall be coulted to make more than one revision. Any revision shall consist only of corrections of the original copy and shall not include deletions of correct material, substitutions for correct material, as addition of new subject matter.

 10. The Public Printer shall not publish in the Consumers and Records in the full report or print of any committee or subcommittee when the report or print has been previously printed. This rule shall not be consumed to apply to conference reports. However, insamuch as a House of Representatives Ride XXVIII, Section 912, provided that conference reports to printed in the daily edition of the Concassional Records.

 11. Makexp of the Extensions of Ressarks in the Concassional Records.
- causaional Accoun, they shall not be printed therein a second those.

 11. Makeup of the Extensions of Remarks.—Extensions of Rensarks in the Concassional Recons
 shall be made up by successively taking first an extension from the copy submitted by the official reporters of one House and then an extension from
 the copy of the other House, so that Senate and
 House extensions appear alternately as far as possible. The sequence for each House shall follow as
 closely as possible the order or arrangement in
 which the copy comes from the official reporters of
 the respective Houses.

 The official reporters of each House shall design

the respective Houses.

The offlicial reporters of each House shall designate and distinctly mark the lead item among their extensions. When both Houses are in session and substit extensions, the lead item shall be changed from one House to the other in alternate issues, with the indicated lead item of the other House appearing in second place. When only one House is in season, the lead item shall be an extression submitted by a Momber of the House in season. This rule shall not apply to Concassionate Roome printed after the sine die adjournment of the Congress.

12. Official reporters.—The official reporters of

- 12. Official reporters.—The official reporters of each House shall indicate on the manuscript and prepare headings for all matter to be printed in Extensions of Remarks and shall make suitable refer-
- prepare headings for all matter to be printed in Extensions of Remarks and shall make suitable reference thereto at the proper place in the proceedings.

 13. Two-page rule—Cost estimate from Public
 Printer.—(1) No extraneous matter in excess of two
 printed Recors pages, whether printed in its entirety in one daily issue or in two or more parts in one
 or more issues, shall be printed in the Comensanovat. Recors unless the Member announces, coincident with the request for leave to print or extend,
 the estimate in writing from the Public Printer of
 the probable cost of publishing the same. (2) No extraneous matter shall be printed in the House procredings or the Senate proceedings, with the following exceptions: (a) Excepts from letters, felgrams, or articles presented in connection with a
 speech delivered in the course of debate; (b) communications from State legitiatures; (c) addresses
 or articles by the President and the Members of his
 Cabinet, the Vice President, or a Member of Congress. (3) The Public Printer shall return to the
 families of the respective House any matter submitted for the Cononexsional, Record which is in
 contravention of these provisions.

SCHATE SUPPLEMENT TO "LAWS AND RULES FOR PUBLICATION OF THE CONGRESSIONAL RECORD"—EFFECTIVE PERSURY 10, 1970

1. Statements brought to the Chamber for inser-on in the body of the RECORD will be accepted at

the desk by the Lexicaltire Clerk when presented only by a Senator himself. The statements will be reviewed by the Parliamentarian and the Chief of control of the Parliamentarian and the Chief of control of the Parliamentarian and the Chief of the Chief of the Body of the Recomp, but shall first be gain-ered editorially by the Chief of Official Reporters in that section of the daily Comeansatonal. Recomposition of the Chief of Chie

consents may use a season the description of the Rucous.

5. All statements accepted under paragraphs (1) to (4), inclusive, shall be printed in 8-point type, except those parts which, while intrinsic, are insertions of themselves, such as editorials, letters and lekerams, newspaper and magnetine articles, statistics, citations, quotations, speeches, and other papers. These shall continue to be printed in 7-robin terms. papers. The

HOUSE SUFFLEMENT TO "LAWS AND RULES FOR PUBLICATION OF THE CONCRESSIONAL RECORD"—EFFECTIVE AUGUST 12, 1988

- CATION OF THE CONCARSIONAL RECORD"—EFFECTIVE AUGUST 12, 1988

 1. Extensions of Remarks in the delity Congressional Record.—When the House has granted leave to print (1) a newspaper or magazine article, or (2) any other matter not retrained to the proceedings, it shall be published under Extensions of Remarks. This rule shall not apply to quotations which form part of a speech of a Member, or to an authorized address, speech, or article delivered or released subsequently to the sine die adjournment of a session of Congress may be printed to the Concarssional. Racona. One-minute speeches delivered during the morting business of Congress shall not exceed 200 words. Statements exceeding this will be printed following the business of the day.

 2. Any extraneous matter included in any alaternative control of the control of the point of the permitted in the "Extensions of Remarks" section, and that such material will be duly noted in the Member's statement as appearing therein.

 3. Under the general leave request by the floor manager of specific legislation only matter pertaining to such legislation will be included as per the request. This, of course, will include tables and colloring to make a decidation of the Racona entitled "Extensions of Remarks" the Public Printer Cliphica state editorias.

- request. This, of course, will include tables and charts pertinent to the same, but not newspaper clippings and editorials.

 4. In the makeup of the portion of the Racoap entitled "Extensions of Remarks," the Public Printer shall withhold any Extensions of Remarks which initialized the Printer shall withhold any Extensions of Remarks which initialized the Printer shall withhold any Extensions will be printed in succeeding issues, at the direction of the Public Printer, so that more uniform daily issues may be the end result and, in this way, when both Houses have a short season the makeup would be in a sense made easier so as to comply with daily force defines, which might run extremely shall be a sense made easier so as to comply with daily force defines, which might run extremely all the printer of the thinks of the printer of the force of the force

Daily Digest

HIGHLIGHTS

House passed disaster relief assistance bill.

Senate

Chamber Action

Routine Proceedings, pages \$2387-\$2514

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 2184-2190, S.J. Res. 274 and S. Con. Res. 104.

Page \$2492

Measures Passed:

Age Discrimination Claims Assistance Act of 1988: Senate passed S. 2117, to extend the statute of limitations applicable to certain claims under the Age Discrimination in Employment Act of 1967 that were filed with the Equal Employment Opportunity Commission before the date of enactment of this Act.

Page \$2477

Private Relief: Senate passed S. 1609, for the relief of James P. Purvis.

Page \$2477

Extension of Certain Desense Medical Benefits: Senate passed H.R. 3967, to amend the Department of Defense Authorization Act, to extend medical benefits for certain former spouses.

Pone \$2470

Indefinitely Postponed: Senate indefinitely postponed the following measure:

Employment of School Bus Drivers: H.R. 4063, to require the Secretary of Labor to permit North Carolina and South Carolina to continue to employ 17-year-old school bus drivers under certain conditions until June 15, 1988.

Veto Message on the Civil Rights Restoration Act: Senate began consideration of a veto message on S. 557, the Civil Rights Restoration Act (Grove City).

A unanimous-consent agreement was reached providing for further consideration of the veto message on Tuesday, March 22, with a vote on reconsideration of the bill to occur at 12 noon, the objections of the President notwithstanding.

Page \$2439

Price-Anderson Amendments Act: Senate continued consideration of H.R. 1414, to amend the Price-Anderson provisions of the Atomic Energy Act of 1954, to extend and improve the procedures for liability and indemnification for nuclear incidents, taking action on further amendments proposed thereto, as follows:

Adopted:

(1) By 45 yeas to 36 nays (Vote No. 58), McClure Amendment No. 1678, to extend the indemnification authority under the Price-Anderson Act for 30 years, until August 1, 2017, and to require the Nuclear Regulatory Commission to report to Congress by August 1, 2013, and the Secretary of Energy by August 1, 1987, and every 10 years thereafter, on the need for modifications to the Price-Anderson Act provisions.

(2) By 50 yeas to 34 nays (Vote No. 57), Breaux Amendment No. 1679 (to Amendment No. 1678), in the nature of a substitute, to extend the indemnification authority under the Price-Anderson Act for 20 years, until August 1, 2007, and to require the reports to Congress by the Secretary of Energy by August 1, 1993, and August 1, 2003, on the need for modifications to the Price-Anderson Act provisions. Poge \$2471

Vitiated:

McClure modified Amendment No. 1674, to extend the indemnification authority under the Price-Anderson Act for 30 years, until August 1, 2017, and to require the Nuclear Regulatory Commission to report to Congress by August 1, 1997, and every 10 years thereafter, on the need for modifications to the Price-Anderson Act provisions, which was agreed to on Wednesday, March 16, that action was today vitiated.

Glenn-Roth Amendment No. 1677, to create an independent oversight board to ensure the safety of Department of Energy nuclear facilities, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, and to ensure independent research on the effects of radiation on human beings.

Senate will continue consideration of the bill and amendments proposed thereto on Friday, March 18. Messages From the President: Senate received the following messages from the President of the United States:

Received on Wednesday, March 16:

(1) Veto Message on S. 557, Civil Rights Restoration Act (Grove City); which was considered (see above). (PM-122)

(2) Transmitting a draft of proposed legislation, Civil Rights Protection Act of 1988, to protect the civil rights of Americans and to clarify the application of tide 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 Committee on Labor and Human Services. (PM-123)

	Page \$2489
Messages From the President:	Page \$2489
Messages From the House:	Page \$2490
Communications:	Page \$2490
Statements on Introduced Bills:	Page \$2492
Amendments Submitted:	Page \$2497
Additional Cosponsors:	Page 52496
Authority for Committees:	Page \$2503
Notices of Hearings:	Page \$2503
Additional Statements:	Page \$2504

Record Votes: Two record votes were taken today. (Total—58)

Adjournment: Senate convened at 10 a.m., and recessed at 8:28 p.m., until 9 a.m., on Friday, March 18, 1988. (For Senate's program, see the remarks of Senator Byrd in today's Record on page S2513.)

Committee Meetings

(Committees not listed did not meet)

FINANCIAL MARKET EVENTS

Committee on Agriculture, Nutrition, and Forestry: Committee held hearings to review the current state of U.S. financial markets, focusing on the problems surrounding the October 1987 market break, receiving testimony from Wendy L. Gramm, Chairman, and Kalo A. Hineman, Commissioner, both of the Commodity Futures Trading Commission; David S. Ruder, Chairman, U.S. Securities and Exchange Commission; and Nicholas F. Brady, Dillon, Read & Co., Inc., New York, New York.

Hearings were recessed subject to call.

APPROPRIATIONS—LEGISLATIVE BRANCH

Committee on Appropriations: Subcommittee on Legislative Branch concluded hearings on proposed budget estimates for fiscal year 1989 for the Legislative Branch, after receiving testimony in behalf of funds for their respective activities from John H. Gibbons, Director, Office of Technology Assessment; James L. Blum, Acting Director, Congressional Budget Office; Ralph E. Kennickell, Jr., Public Printer, Government Printing Office; Charles Bowsher, Comptroller General of the United States; General Accounting Office; James H. Billington, Librarian of Congress; Joseph Ross, Director, Congressional Research Service, Library of Congress; and George M. White, Architect of the Capitol.

APPROPRIATIONS—TRANSPORTATION

Committee on Appropriations: Subcommittee on Transportation and Related Agencies held hearings on proposed budget estimates for fiscal year 1989, receiving testimony in behalf of funds for their respective activities from Jim Burnett, Chairman, National Transportation Safety Board; and M. Cynthia Douglass, Administrator, Research and Special Programs Administration, Department of Transportation.

Subcommittee will meet again on Thursday, March 24

NICARAGUA/HONDURAS BRIEFING

Committee on Armed Services: Committee met in closed session to receive a briefing on the current Nicaragua/Honduras situation from William. H. Taft IV, Deputy Secretary of Defense; and officials of the Central Intelligence Agency and the Joint Chiefs of Staff.

AUTHORIZATIONS—DEPARTMENT OF DEFENSE

Committee on Armed Services: Committee continued hearings on proposed legislation authorizing funds for fiscal year 1989 for the Department of Defense, and the five-year defense plan, receiving testimony from William H. Taft IV, Deputy Secretary of Defense.

Hearings were recessed subject to call.

AUTHORIZATIONS—DEPARTMENT OF DEFENSE

Committee on Armed Services: Subcommittee on Manpower and Personnel held hearings on proposed legislation authorizing funds for fiscal year 1989 for the Department of Defense, focusing on manpower requirements for the total force, receiving testimony from Grant S. Green, Assistant Secretary of Defense for Force Management and Personnel; Lt. Gen. Allen K. Ono, USA, Deputy Chief of Staff for Personnel; VAdm. Leon A. Edney, USN, Chief of Naval Personnel; Lt. Gen. John I. Hudson, USMC, Deputy Chief of Staff for Personnel; and Maj. Gen. Larry D. Dillingham, USAF, Assistant Deputy Chief of Personnel.

Hearings were recessed subject to call.

SHAREHOLDER VOTING RIGHTS

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on a uniform voting rights standard for all corporate issuers whose securities are traded in the nation's securities markets, after receiving testimony from New York City Comptroller Harrison J. Goldin, Richard A. Grasso, New York Stock Exchange, and Richard H. Troy, American Society of Corporate Secretaries, all of New York, New York; Robert A.G. Monks, Institutional Shareholder Services, Inc., and A.A. Sommer, Jr., Morgan, Lewis, & Bockius, both of Washington, DC; Richard Ruback, Harvard Business School, Boston, Massachusetts; Manning G. Warren III, Emory University School of Law, Atlanta, Georgia; Jeff Coors, Adolph Coors Company, Golden, Colorado; and John Hechinger, Hechinger Company, Landover, Maryland.

1989 BUDGET

Committee on the Budget: Committee continued hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget, receiving testimony from George P. Shultz, Secretary of State; Alice Rivlin and Joshua M. Weiner, both of Brookings Institution, and Daniel Borque, Voluntary Hospitals of America, on behalf of the Task Force on Long Term Health Care Policies, all of Washington, DC; and Barbara Matula, North Carolina Division of Medical Assistance, Raleigh.

Hearings continue tomorrow.

AUTHORIZATIONS—AMTRAK

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation concluded hearings on proposed legislation authorizing funds for the National Railroad Passenger Corporation (AMTRAK), after receiving testimony from John Riley, Administrator, Federal Railroad Administration; W. Graham Claytor, Jr., President and Chairman of the Board, National Railroad Passenger Corporation; Mayor Hal Smith, Jr., and Michael E. Sullivan, both of Hastings, Nebraska; and William T. Druhan, American Association of State Highway and Transportation Officials, William G. Mahoney, Railway Labor Executives' Association, and Ross Capon, National Association of Railroad Passengers, all of Washington, DC.

FEDERAL LANDS

Committee on Energy and Natural Resources: Subcommittee on Public Lands, National Parks and Forests concluded hearings on S. 1508, S. 1570, and H.R. 1548, bills to withdraw and reserve certain Federal lands for military purposes, after receiving testimony from John O. Rittenhouse, Deputy Assistant Secretary of the Air Force for Installations Management; A. Jeffrey Roth, Director of Navy Real Estate, Navy Facilities Engineering Command, United States Navy; Robert F. Burford, Director, Bureau of Land Management, Department of the Interior; Courtland Lee, Minerals Exploration Coalition, Landover, Maryland; T.C. Osborne, ASARCO Incorporated, New York, New York; and Dale Zimmerman, McDade, Warran and Zimmerman, Washington, DC.

WATER RESOURCES PROJECTS

Committee on Environment and Public Works: Subcommittee on Water Resources, Transportation, and Infrastructure concluded hearings on S. 2100, to authorize programs for the conservation and development of water resource projects of the U.S. Army Corps of Engineers, and S. 2101, to provide for the construction of various projects for improvements to rivers and harbors of the United States, after receiving testimony from Senators Ford, McConnell, and Dixon; George E. Evans, Jr., Kentucky Energy Cabinet, Frankfort; Charles Lehman, American Commercial Barge Line Co., Jeffersonville, Indiana; Gary P. La Grange, West St. Mary Parish, Port, Harbor and Terminal District, Louisiana; Don Salsbury, Mid-South Towing Co., Metropolis, Illinois; David H. Gambrel, Peabody Development Company, St. Louis, Missouri; Marc Gabor, United Mine Workers of America, David C. Campbell, National Wildlife Federation, Ed Osann, National Wildlife Federation, Albert A. Grant, American Society of Civil Engineers, and Donald L. Stokley, American Public Power Association, all of Washington, DC; Donald L. Hey, Wetlands Research, Inc., Lake County, Illinois; Gary L. Failor, American Association of Port Authorities, Toledo, Ohio; J. Stanley Payne, Jr., Virginia Port Authority, Norfolk; Nicholas J. Melas, Metropolitan Sanitary District, Chicago, Illinois; Kenneth L. Edwards, Riverside County Flood Control and Sanitary District, California; Gary Gagnon, Milwaukee Metropolitan Sewerage District, Milwaukee, Wisconsin; Virginia Valentine, Clark County, Nevada, Regional Flood Control District, Nevada; Dennis McDuffey, Rancho Palos Verdes, California; Judith Meister, Santa Monica, California; Councilmember Kay Horrell, Redondo Beach, California; R. Barry Palmer, DINAMO, Pittsburgh, Pennsylvania; and J. Henry Sather, Macomb College, Macomb, Illinois.

U.S.-CANADA FREE TRADE AGREEMENT

Committee on Finance: Committee held hearings on the U.S.-Canada Free Trade Agreement signed on January 2, 1988, to provide increased economic activity, higher trade levels, jobs, and enhanced competitiveness for the U.S. and Canada, receiving testimony from James A. Baker III, Secretary of the Treasury; and Clayton Yeutter, United States Trade Representative.

Hearings were recessed, subject to call.

NICARAGUA/HONDURAS SITUATION

Committee on Foreign Relations: Committee met in closed session to receive a briefing on the current Nicaragua/Honduras situation from Michael Armacost, Under Secretary of State for Political Affairs.

INF TREATY

Committee on Foreign Relations: Committee continued hearings on the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11), receiving testimony in open session from Michael J. Matheson, Deputy Legal Adviser, Department of State; Maynard Glitman, U.S. Negotiator For Intermediate-Range Nuclear Forces; and David F. Forte, Cleveland State University, Cleveland, Ohio; and in open and closed session from William F. Burns, Director, and Manfred Eimer, Assistant Director, Bureau of Verification and Intelligence, both of the U.S. Arms Control and Disarmament Agency.

Hearings continue on Tuesday, March 22.

CABLE TV

Committee on the Judiciary: Subcommittee on Antitrust, Monopolies and Business Rights held hearings to discuss competitive issues affecting the cable television industry, receiving testimony from William B. Finneran, New York State Commission on Cable Television, Albany; James M. Theroux, Wireless Cable Association, and Milton Maltz, Malrite Communications Group, on behalf of the Association of Independent Television Stations, Inc., both of Cleveland, Ohio; Mark Foster, The Microband Companies, Inc., New York, New York; George Kocian, Home Satellite Television Association, Tiverton, Ohio; Thomas Burke, United Satellite Industry Association, North Little Rock, Arkansas;

James P. Mooney, National Cable Television Association, and Joseph Collins, Home Box Office, Inc., both of Washington, DC; Amos B. Hostetter, Jr., Continental Cablevision, Inc., Boston, Massachusetts; Robert Thomson, Tele-Communications, Inc., Denver, Colorado; Gary R. Chapman, National Association of Broadcasters, Riverside, Rhode Island; Wendell Triplett, WWAT-TV, Chillicothe, Ohio; and John Siegel, KBHK-TV, San Francisco, California

Hearings were recessed subject to call.

CAMPAIGN FINANCE REFORM

Committee on the Judiciary: Subcommittee on the Constitution concluded hearings on S.J. Res. 21, S.J. Res. 130, and S.J. Res. 166, measures proposing amendments to the Constitution of the United States relative to contributions and expenditures intended to affect Congressional, Presidential, and State elections, after receiving testimony from Senators Hollings, McConnell, Roth, Cranston, and Kassebaum; Representative Schumer; Lloyd N. Cutler, Wilmer, Cutler & Pickering, Washington, DC; Walter Dellinger, Duke University Law School, Durham, North Carolina; and Joel M. Gora, Brooklyn Law School, Brooklyn, New York, on behalf of the American Civil Liberties Union.

BUSINESS MEETING

Committee on Veterans' Affairs: Committee ordered the following measures favorably reported:

S. 2049, to establish an independent national commission on the Veterans' Administration home loan guaranty program, to authorize reductions in the interest rate on loans made by the Veterans' Administration to finance the sales of properties acquired by the Veterans' Administration as the result of foreclosures, and to establish credit worthiness requirements for assumptions of VA vendee loans, with an amendment in the nature of a substitute; and

An original bill to allow Veterans' Administration access to certain IRS and SSA information records for income verification for pension eligibility determination.

Also, the committee completed its review of those programs which fall within the committee's jurisdiction and agreed on recommendations which it will make thereon to the Committee on the Budget.

House of Representatives

Chamber Action

Bills Introduced: 14 public bills, H.R. 4190-4203; 1 private bill, H.R. 4204; and 8 resolutions, H.I. Res. 506-510, H. Con. Res. 266, and H. Res. 406 and 407 were introduced.

Bill Reported: One report was filed as follows: H.R. 3757, to amend title 5, United States Code, to permit voluntary transfers of leave by Federal employees where needed because of a medical or other emergency situation, amended (H. Rept. 100-519).

Privileges of the House-Broadcast Coverage: By a yea-and-nay vote of 381 yeas, Roll No. 34, the House agreed to H. Res. 406, raising a question of the privileges of the House.

Late Reports: Committee on the Judiciary received permission to have until noon on Friday, March 18, to file reports on the following measures: H.J. Res. 480, granting the consent of Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Legislation Compact; H.R. 1259, to recognize the organization known as the National Association of State Directors of Veterans Affairs; and S. 1397, to recognize the organization known as the Non-Commissioned Officers Association of the United States of America.

Page H964

Disaster Relief Assistance: By a yea-and-nay vote of 368 year to 13 nays, Roll No. 36, the House passed H.R. 2707, to amend the Disaster Relief Act of 1974 to provide for more effective assistance in response to major disasters and emergencies.

Agreed to the committee amendment in the nature of a substitute.

Agreed To:

The Howard en bloc amendments that provide penalties for misuse of funds and violations of any provisions of the bill, and clarify and define the use of Department of Defense resources in providing disaster assistance; and

The Davis of Michigan amendment that directs the Department of the Interior to study undeveloped coastal areas of the Great Lakes for possible future inclusion in the Coastal Barrier Resources System.

Rejected the Walker en bloc amendment that sought to strike the Great Lakes erosion damage assistance and prevention provisions and language that authorizes \$55,000,000 for the New York Harbor collection and removal drift project.

H. Res. 403, the rule under which the bill was considered, was agreed to earlier by a voice vote.

Cholesterol Month: House passed and cleared for the President S.J. Res. 344, to designate the month of April 1988, as "National Know Your Cholesterol Month".

Black American Inventors: House passed H.J. Res. 377, designating March 27, 1988, as "National Black American Inventors Day".

National Agriculture Day: House passed and cleared for the President S.J. Res. 265, to designate March 20, 1988, as "National Agriculture Day".

Former Prisoners of War: House passed and cleared for the President S.J. Res. 253, designating April 9, 1988, as "National Former Prisoners of War Recognition Day".

Education Day: House passed H.J. Res. 470, to designate March 29, 1988, as "Education Day, U.S.A.".

Run to Daylight: House passed and cleared for the President, S.J. Res. 229, to designate the day of April 1, 1988, as "Run to Daylight Day". Page H968

Program: Agreed to adjourn from Thursday to Monday.

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of March 23. Page H964

Quorum Calls-Votes: Two yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H937, H962, H964. There were no quorum calls.

Adjournment: Met at 11 a.m. and adjourned at 2:40

Committee Meetings

EFFECTS OF RECENT TAX CODE CHANGES ON AGRICULTURE

Committee on Agriculture: Held a hearing on the effects of recent Tax Code changes on agriculture. Testimony was heard from Ewen Wilson, Assistant Secretary, Economics, USDA; and public witnesses.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on DEA, General Legal Activities, U.S. Attorneys, Antitrust Division, Foreign Claims Settlement and Community Related Services. Testimony was heard from the following officials of the Department of Justice: Jack Long, Director, DEA; Amold I. Burns, Deputy Attorney General; Robert L. Maddex, Chief Counsel, Foreign Claims Settlement Commission; and Robert L. Martinez, Acting Director, Community Relations Services.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on Marine Corps Procurement and Classified Programs. Testimony was heard from Maj. Gen. R.M. Franklin, USMC, Deputy Chief of Staff, Research, Development, and Studies.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on Department of Energy-Nuclear Fission, Commercial Waste Management and Enrichment Activities. Testimony was heard from the following officials of the Department of Energy: Theodore J. Garrish, Assistant Secretary, Nuclear Energy; and Charles E. Kay, Acting Director, Office of Civilian Radioactive Waste Management.

FOREIGN ASSISTANCE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Foreign Operations, Export Financing and Related Agencies held a hearing on Military/Security Assistance Overview, and Administrator of AID. Testimony was heard from the following officials of the Department of State: John Whitehead, Deputy Secretary; and Edward J. Derwinski, Under Secretary, Security Assistance, Science and Technology; and Alan Woods, Administrator, AID, U.S. International Development Cooperation Agency.

HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on HUD-Independent Agencies continued hearings on NSF. Testimony was heard from Erich Block, Director, NSF.

The Subcommittee also held a hearing on Office of Science and Technology Policy. Testimony was heard from the following officials of the Office of Science and Technology Policy: William R.

Graham, Jr., Science Advisor to the President and Director; and Jonathan F. Thompson, Executive Assistant.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on National Endowment for the Arts, National Endowment for the Humanities and on the Institute of Museum Services. Testimony was heard from public witnesses.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Defense Agencies, Military Construction Program and Reserve Components, Military Construction Program. Testimony was heard from the following officials of the Department of Defense: John B. Rosamond, Deputy Assistant Secretary (Materiel and Facilities); Maj. Gen. William F. Ward, Chief, Army Reserve; Brig. Gen. William A. Navas, Jr., Deputy Director, Army National Guard; Capt. James Olson, USN, Acting Deputy Director, Naval Reserve; Brig. Gen. Shirley M. Carpenter, USAF, Deputy Chief, Air Force Reserve; and Brig. Gen. John F. McMerty, USAF, Deputy Director, Air National Guard.

RURAL DEVELOPMENT, AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Rural Development, Agriculture and Related Agencies held a hearing on Human Nutrition Information Service and on Food and Nutrition Service. Testimony was heard from the following officials of the USDA: John Bode, Assistant Secretary, Food and Consumer Services; Laura Sims, Administrator, Human Nutrition Information Service; and S. Anna Kandratas, Administrator, Food and Nutrition Service.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on Architectural and Transportation Barriers Compliance Board. Testimony was heard from Thomas E. Harvey, Chairman, Architectural and Transportation Barriers Compliance Board.

BIPARTISAN COMMISSION ON THE CONSOLIDATION OF MILITARY BASES

Committee on Armed Services: Subcommittee on Military Installations and Facilities held a hearing on H.R. 1583, to establish the Bipartisan Commission on the Consolidation of Military Bases. Testimony was heard from Representative Armey; and Robert

A. Stone, Deputy Assistant Secretary (Installations), Department of Defense.

STATUS OF CONVENTIONAL FORCE REDUCTION TALKS IN EUROPE

Committee on Armed Services: Subcommittee on Military Personnel and Compensation held a hearing on the status of conventional force reduction talks in Europe. Testimony was heard from James Hinds, Deputy Assistant Secretary, Negotiations Policy, Department of Defense.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Procurement and Military Nuclear Systems concluded hearings on the procurement portion of the fiscal year 1989 Defense authorization, with emphasis on Air Force modernization. Testimony was heard from the following officials of the Department of the Air Force: John J. Welch, Jr., Assistant Secretary, Acquisition; and Lt. Gen. George Monahan, Principal Deputy Assistant Secretary, Acquisition.

DEFENSE ENVIRONMENTAL RESTORATION BUDGET

Committee on Armed Services: Subcommittee on Readiness, Environmental Restoration Panel held a hearing on the fiscal year 1989 Defense Environmental Restoration account request and related issues. Testimony was heard from Capt. Michael J. Carricato, Acting Deputy Assistant Secretary (Environment), Department of Defense.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Research and Development concluded hearings on the RDT&E portion of the fiscal year 1989 Defense authorization. Testimony was heard from E.D. Maynard, Jr., Director, Computer and Electronic Technology, Office of the Deputy Secretary, Research and Advanced Technology, Department of Defense; and public witnesses.

NATIONAL AEROSPACE PROGRAM

Committee on Armed Services: Subcommittee on Research and Development and the Subcommittee on Transportation, Aviation and Materials of the Committee on Science, Space, and Technology held a joint hearing on the fiscal year 1989 NASA Aerospaceplane authorization. Testimony was heard from the following officials of the Department of Defense: Raymond S. Colladay, Director, Defense Advanced Research Projects Agency; and John J. Welch, Assistant Secretary, Acquisition; William F. Ballhaus, Associate Administrator, Office of Aeronautics and Space Technology, NASA; and Robert Barthelemy, Program Manager, National Aerospace Program, Joint Program Office, USAF and NASA.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Seapower and Strategic and Critical Materials concluded hearings on the seapower-related procurement portion of the fiscal year 1989 Defense authorization. Testimony was heard from the following officials of the Department of the Navy: RAdm. Steven F. Loftus, Director, Fiscal Management Division, Office of Navy Program Planning; and RAdm. (Select) G.N. Gee, Director, Surface Combat Systems Division, Office of the Assistant Chief of Naval Operations (Surface Warfare); and Cdr. William E. Legg (Ret.), Director, Naval Affairs, Reserve Officers Association.

RECOMMENDATIONS OF THE COMMISSION ON MERCHANT MARINE AND DEFENSE

Committee on Armed Services: Subcommittee on Seapower and Strategic and Critical Materials held a hearing on recommendations of the Commission on Merchant Marine and Defense. Testimony was heard from the following officials of the Commission on Merchant Marine and Defense: former Senator Jeremiah A. Denton, Chairman; and Adm. James Halloway (USN Ret.), Commissioner.

CONDUCT OF MONETARY POLICY

Committee on Banking, Finance and Urban Affairs: Subcommittee on Domestic Monetary Policy held a hearing on the Federal Reserve's Conduct of Monetary Policy. Testimony was heard from public witnesses.

Hearings continue March 24.

OVERSIGHT

Committee on Education and Labor: Subcommittee on Employment Opportunities held an oversight hearing on waivers under the Age Discrimination in Employment Act. Testimony was heard from Clarence Thomas, Chairman, EEOC; and public witnesses.

CHILDREN'S TV ADVERTISING REGULATION

Committee on Energy and Commerce: Subcommittee on Telecommunications and Finance held a hearing on the following bills: H.R. 3288, Children's Television Advertising Practices Act of 1987; H.R. 3966, Children's Television Practices Act of 1988; and H.R. 4125, to permit television broadcasting organizations to conduct certain activities relating to promoting the educational and informational impact of television broadcast programming designed primarily for children and to avoid abusive advertising practices during such programming. Testimony was heard from public witnesses.

OVERSIGHT

Committee on Energy and Commerce: Subcommittee on Transportation, Tourism and Hazardous Materials continued oversight hearings on the "Federal Trade Commission's Role in Hostile Takeovers: Campeau Corporation's Attempt to Acquire Federated Department Stores." Testimony was heard from the following officials of the FTC: Mary L. Azcuenaga; and Andrew J. Strenio, Jr., both Commissioners.

ANTI-TERRORISM POLICY AND ARMS **EXPORT CONTROLS**

Committee on Foreign Affairs: Subcommittee on Arms Control, International Security and Science, Subcommittee on International Economic Policy and Trade, and the Subcommittee on International Operations held a joint hearing on anti-terrorism policy and arms export controls. Testimony was heard from the following officials of the Department of State: L. Paul Bremer, Ambassador-at-Large, Counterterrorism; and A. Allen Holmes, Assistant Secretary, Bureau of Politico-Military Affairs.

U.S.-SOVIET RELATIONS

Committee on Foreign Affairs: Subcommittee on Europe and the Middle East held a hearing on U.S.-Soviet Relations: Changes in Soviet Society. Testimony was heard from public witnesses.

NARCOTICS REVIEW IN SOUTH AMERICA

Committee on Foreign Affairs: Task Force on International Narcotics Control held a hearing on Narcotics review in South America. Testimony was heard from William von Raab, Commissioner of Customs, Department of the Treasury; from the following officials of the Department of State: Ann Wrobleski, Assistant Secretary, Bureau of International Narcotics Matters; and Robert S. Gelbard, Deputy Assistant Secretary, South America, Bureau of Inter-American Affairs; and Tom Byrne, Deputy Assistant Administrator, Office of Intelligence, Drug Enforcement Administration, Department of Justice.

DRAFT REPORTS

Committee on Government Operations: Subcommittee on Government Activities and Transportation approved for full Committee action the following draft reports: "FAA Regulation of Security at Major U.S. Airports"; and "Eastern Air Lines and Orion Air: FAA Oversight."

MISCELLANEOUS MATTERS

Committee on Government Operations: Subcommittee on Government Information, Justice and Agriculture approved for full Committee action amended H.R. 3933, National Historical Publications and Records Commission Amendments of 1988.

The Subcommittee approved for full Committee action the following draft reports: "Poor Management Is Impeding The Food For Peace Program" Operation Alliance: Drug Interdiction on the Southwest Border"; and "Coast Guard Drug Interdiction Air Operations: The Case of the Faltering Falcon Jet.

The Subcommittee also held a hearing on Operation of the Federal Communications Commission. Testimony was heard from Edward J. Minkel, Managing Director, FCC; Flora H. Milans, Associate Director, Resources, Community, and Economic Development Division, GAO; and a public witness.

DRAFT REPORTS

Committee on Government Operations: Subcommittee on Human Resources and Intergovernmental Relations approved for full Committee action the following draft reports: "Medicare Health Maintenance Organizations: The International Medical Centers Experience"; "Barriers to Prenatal Care: Can the United States Do More With Less?"; "From Back Wards to Back Streets: The Failure of the Federal Government in Providing Services for the Mentally Ill"; "Equal Access to Health Care: Patient Dumping"; and "Disease-Specific Health Claims on Food Labels: An Unhealthy Idea.

PROMPT PAYMENT ACT AMENDMENTS

Committee on Government Operations: Subcommittee on Legislation and National Security held a hearing on Prompt Payment Act Amendments. Testimony was heard from Jeffrey C. Steinhoff, Associate Director, Accounting and Financial Management Division, GAO; Joseph R. Wright, Deputy Director, Office of Management and Budget; and public witnesses.

Hearings continue March 23.

NATIONAL TRAILS SYSTEM IMPROVEMENT ACT

Committee on Interior and Insular Affairs: Subcommittee on National Parks and Public Lands held a hearing on H.R. 2641, National Trails System Improve-ment Act of 1987. Testimony was heard from Representative Pease; William Penn Mott, Jr., Director, National Park Service, Department of the Interior; George M. Leonard, Associate Chief, U.S. Forest Service, USDA; and public witnesses.

ADMINISTRATIVE LAW JUDGE CORPS ACT

Committee on the Judiciary: Subcommittee on Administrative Law and Governmental Relations held a hearing on the following bills: H.R. 1554, to establish a specialized corps of judges for certain Federal proceedings required to be conducted; and H.R. 2726, Administrative Law Judge Corps Act. Testimony was heard from Representative Kanjorski; James

Milton Spears, Acting Assistant Attorney General, Civil Division, Department of Justice; Marshall J. Breger, Chairman, Administrative Conference of the United States; Craig Pettibone, Assistant Director, Administrative Law Judges, Office of Personnel Management; and public witnesses.

OVERSIGHT

Committee on the Judiciary: Subcommittee on Civil and Constitutional Rights held an oversight hearing on the FBI authorization. Testimony was heard from William S. Sessions, Director, FBI, Department of Justice.

REFORM OF THE OPERATING-DIFFERENTIAL SUBSIDY PROGRAM

Committee on Merchant Marine and Fisheries: Subcommittee on Merchant Marine held a hearing on reform of the operating-differential subsidy program (H.R. 1088, H.R 2462, H.R. 3297, H.R. 3537, and H.R. 3808). Testimony was heard from former Senator. Jeremiah A. Denton, Chairman, Commission on Merchant Marine and Defense; and public witnesses.

Hearings continue March 30.

PANAMA CANAL COMMISSION AUTHORIZATION

Committee on Merchant Marine and Fisheries: Subcommittee on Panama Canal/Outer Continental Shelf held a hearing on the authorization for the Panama Canal Commission budget. Testimony was heard from the following officials of the Panama Canal Commission: William R. Gianelli, representative, Panama Canal Affairs, Department of Defense and Chairman, Board of Directors; Dennis P. McAuliffe, Administrator; and Michael Rhode, Jr., Secretary.

DOE AUTHORIZATION

Committee on Science, Space, and Technology: Subcommittee on Energy Research and Development continued hearings on Department of Energy fiscal year 1989 budget, with emphasis on nuclear fission. Testimony was heard from public witnesses.

Hearings continue March 23.

TOXICOLOGICAL STANDARDS

Committee on Science, Space, and Technology: Subcommittee on International Scientific Cooperation held a hearing on International Competitive Implications of Toxicological Standards: The Need for Consistent International Standards. Testimony was heard from public witnesses.

NATIONAL BUREAU OF STANDARDS AUTHORIZATION

Committee on Science, Space, and Technology: Subcommittee on Science Research and Technology concluded hearings on National Bureau of Standards

authorization. Testimony was heard from public witnesses.

SBA BUDGET REQUEST AND AUTHORIZATION

Committee on Small Business: Subcommittee on SBA and General Economy concluded hearings on the SBA fiscal year 1989 budget and on the SBA's reauthorization. Testimony was heard from public witnesses.

SOLVENCY OF THE VA HOME LOAN GUARANTY PROGRAM

Committee on Veterans' Affairs: Subcommittee on Housing and Memorial Affairs held a hearing on the solvency of the VA Home Loan Guaranty Program. Testimony was heard from Raymond J. Vogel, Chief Benefits Director, VA; John Luke, Associate Director, Resources, Community and Economic Development Division, GAO; and public witnesses.

ADMINISTRATION OF CHAMPVA

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing to examine the efficiency and effectiveness of the administration of CHAMPVA. Testimony was heard from the following officials of the VA: Renald P. Morani, Deputy Inspector General; Dr. Daniel H. Winship, Assistant Deputy Chief Medical Director, Programs and Operations; and a representative of a veterans' organization.

IRS REPORT ON THE "TAX GAP"

Committee on Ways and Means: Subcommittee on Oversight held a hearing on the Internal Revenue Service's 1988 report on the "Tax Gap". Testimony was heard from Lawrence B. Gibbs, Jr., Commissioner, IRS, Department of the Treasury.

INDIAN TREATIES

Committee on Ways and Means: Subcommittee on Select Revenue Measures approved for full Committee action amended H.R. 2792, to clarify Indian Treaties, executive orders, and acts of Congress with respect to Indian fishing rights.

NATIONAL FOREIGN INTELLIGENCE PROGRAM AND BUDGET

Permanent Select Committee on Intelligence: Subcommittee on Program and Budget Authorization met in executive session to continue hearings on fiscal year 1989 National Foreign Intelligence Program Budget. Testimony was heard from departmental witnesses. Hearings continue March 22.

COST EFFECTIVE PROGRAMS FOR CHILDREN

Select Committee on Children, Youth, and Families: Met and approved the following report: "Opportunities for Success: Cost Effective Programs for Children-Update, 1988."

Joint Meeting

OMNIBUS TRADE AND COMPETITIVENESS ACT

Conferes resolved the differences between the Senate- and House-passed versions of H.R. 3, Omnibus Trade and Competitiveness Act of 1987, dealing with worker adjustment provisions.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 18, 1988

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Agricultural Production and Stabilization of Prices and Subcommittee on Domestic and Foreign Marketing and Product Promotion, to hold joint hearings on soybeans and the world market, 9:30 a.m., SR-332.

Committee on Appropriations, Subcommittee on Treasury, Postal Service, and General Government, to hold hearings on proposed budget estimates for fiscal year 1989 for the U.S. Tax Court, Committee for the Purchase from the Blind and Other Severely Handicapped, Advisory Commission on Intergovernmental Relations, Merit Systems Protection Board, Office of the Special Counsel, Advisory Committee on Federal Pay, and the Federal Labor Relations Authority, 10:30 a.m., SD-116.

Committee on Armed Services, to continue open and closed hearings on issues relating to the Intermediate-Range Nuclear Forces (INF) Treaty, 9:30 a.m., SR-222.

Subcommittee on Strategic Forces and Nuclear Deterrence, to resume closed hearings on proposed legislation authorizing funds for fiscal year 1989 for the Department of Defense, focusing on the state of the United States strategic deterrence, 2 p.m., S-407, Capitol.

Subcommittee on Defense Industry and Technology, to hold hearings on the management of the national defense technology base, 2 p.m., SR-253.

Committee on the Budget, to continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1989 budget, 10 a.m., SD-608.

Committee on Finance, business meeting, to consider proposals relating to Internal Revenue Service procedures and collection practices, including the Taxpayer Bill of Rights, an alternative means of collecting the excise tax on diesel fuel, and an extension of the IRS refund offset program under which the IRS collects debts owed to Federal agencies, 9:30 a.m., SD-215.

Committee on Foreign Relations, closed briefing on the situation in Afghanistan, 11 a.m., S-116, Capitol.

Committee on Governmental Affairs, Subcommittee on Federal Services, Post Office, and Civil Service, to hold hearings on a proposed Federal employee leave sharing program, 2 p.m., SD-342.

Committee on the Judiciary, Subcommittee on Courts and Administrative Practice, to resume hearings on S. 1482, to make certain improvements with respect to the Federal Judiciary, 10:30 a.m., SD-226.

Select Committee on Intelligence, to resume closed hearings on the provisions of the Treaty Between the United States and the U.S.S.R. on the Elimination of Intermediate-Range and Shorter-Range Missiles (Treaty Doc. 100-11), 9:30 a.m., SH-219.

House

Committee on Appropriations, Subcommittee on Rural Development, Agriculture and Related Agencies, on Agricultural Cooperative Service and on Office of Transportation, 10 a.m., 2362 Rayburn.

Next Meeting of the SENATE 9 a.m., Friday, March 18

Next Meeting of the HOUSE OF REPRESENTATIVES 12 noon, Monday, March 21

Senate Chamber

Program for Friday: After the transaction of any morning business (at 9:30 a.m.), Senate will continue consideration of H.R. 1414, Price-Anderson Amendments Act.

Pending is Glenn-Roth Amendment No. 1677, to create an independent oversight board to ensure the safety of Department of Energy nuclear facilities, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, and to ensure independent research on the effects of radiation on human beings.

House Chamber

Program for Monday: Consideration of the following five Suspensions:

- 1. H.J. Res. 480, Granting the consent of Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact;
- 2. H.R. 1259, To recognize the organization known as the National Association of State Directors of Veterans Affairs:
- 3. S. 1397, To recognize the organization known as the Non-Commissioned Officers Association of the United States of America:
 - 4. H.R. 3459, Orphan Drug Act Amendments; and
- 5. H.R. 3757, Federal Employees Leave-Transfer Act of 1988.

(Recorded votes ordered on Suspensions will be postponed until Tuesday.)

Extensions of Remarks, as inserted in this issue

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Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. The months, \$225 per year, or purchased for \$1.50 per issue, payable in advance; microfiche edition, \$112.50 for six issue payable in advance. The semimonthy Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. Superintendent of Documents in Individual parts or by sets. I With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

Today, theiclose friendship between Greece Today, the close friendship between Greece and the United States remains strong. Greece is a member of NATO and hosts important American military facilities. The economic, social, and cultural ties grow stronger every day. Greek-Americans have provided great services to both countries. It is only befitting that Americans join their Greek friends in celehat membrane por fired received in control of ceep-brating this joyous occasion. I look forward to celebrating many more March 25ths! Mr. TORRICELLI. Mr. Speaker, on March 25, 1821, Greek patriot, Alexander Ypsilanti,

began a struggle that initially led to Greece's independence from the Ottoman empire in 1829 and eventually led to the creation of a Greek republic in 1924. It was not only a struggle to bring Greece the freedoms of de-mocracy, but it was also a fight to return de-mocracy to its birthplace after a histus of

mocracy to its manpiace and a made a many hundreds of years.

Mr. Speaker, it is with great pleasure and respect that I congratulate Greece on the 167th anniversary of its independence and that I thank it for laying the initial foundations of democracy, which so greatly influence America's Founding Fathers. In view of this fact, it is indeed fitting that Congress has passed Senate Joint Resolution 218 making March 25, 1988 a national day of Greek and American democracy.

Greece and America have a special rela-

tionship of sharing. Initially, we shared ideas. In the early days of the United States, our Founding Fathers looked to the Greek exam ple of two millennia past when forming our government. The founders of modern Greeze, in turn, looked to our modern example of de-

mocracy when forming their new society.

Later, we shared customs and families. As Greek immigrants flocked to the United States orbek initingrants flocked to the United States in the early 20th century, they influenced the nature of the American "melting pot." They brought with them their customs, language, cuisine, religion, knowledge, skills and a heritage of dedicated citizenship. America has, in return, affected life in Greece through Greek-American family ties. In view of the fact that Greek immigrants left some family behind in Greece, American ideas made their way back to those who remained in Greece Presently, most Greek families have at least one relative who is an American citizen.

Today. America and Greece continue to sti register a relationship of sharing. We share in this decleros of Europe as members of the North 'Atlantic Treaty Organization. We also share in the idea of easing tensions between Greece and Turkey, especially with regard to Cyprus. We are all encouraged by Prime Minister Papandipou's recent meeting with Turkish Prime Minister Ozal, and we all hope future talks carn lead to the peaceful resolution of any Groots-Turkish disputes. Lastly, the United States and Groece share in the benefits of a rule flopformatic, postical and economic mendship that will undoubtedly continue on into the distant future. Today, America and Greece continue to

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Stewart, Secretary of the Senate, announced that the Senate having proceeded to reconsider the bill (S. 557) entitled "An act to restore the broad scope of coverage and to clarify the application of title IX of the Edu-

cation 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", returned by the President of the United States with his objections. to the Senate, in which it originated

The message also announced that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

C 1600

IVIL RIGHTS RESTORATION ACT OF 1937-MESSAGE FROM THE SENATE CIVII.

The SPEAKER laid before House the following message from the Senater

The Senate having proceeded to reconsider the bill (S. 557) entitled "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 Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1973, and title VI of the Civil Rights Act of 1964," returned by the President of the United States with his objections, to the Senate, in which it originated, it was That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

IVIL RIGHTS RESTORATION ACT OF 1987—VETO MESSAGE FROM THE PRESIDENT OF THE CIVIL UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States:

To the Senate of the United States:

I am returning unsigned with my ob jections S. 557 and transmitting for your prompt consideration the Civil Rights Protection Act of 1988. The signed to eliminate invidious discrimi-nation and to ensure equality of opportunity for all Americans while pre-serving their basic freedoms from governmental interference and control. Regrettably, the bill presented to me fails to achieve that objective.

There is no matter of greater concern to me than ensuring that our Nation is free of discrimination. Our country has paid a heavy price in the past for prejudices, whether based upon race, gender, ethnic background, religion or handicap. Such attitudes

have no place in our society.

It was with this commitment in mind that in the wake of the Supreme mind that in the wake of the Supreme Court's 1984 Grore City College decision, I voiced my support for legislation that would strengthen the civil rights coverage of educational institutions that existed prior to that decision. I have repeatedly endorsed legission. I have repetitively enabled regis-lation to do just that. Today I am sending to Congress a bill that goes further than the legislation previously endorsed. This proposed bill is intended to accommodate other concerns

raised during Congressional consideration of the Grove City issue

Our bill advances the protection of civil rights. It would:

- -Prohibit discrimination women, minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher educa-tion, systems of vocational education, and private educational institutions which receive any Federal
- Extend the application of the civil rights statutes to entire businesses, which receive Federal aid as a whole and to the entire plant or facility receiving Federal aid in every other instance.

-Prohibit discrimination in all of the federally funded programs of departments and agencies of State and local governments.

Our bill complements well our body f existing Federal civil rights laws. But even more remains to be done. For example, I have urged the Congress to enact responsible legislation to deal with some obvious failures of the Fair Housing Act of 1968, including the need to protect persons with disabil-

Congress, on the other hand, has sent me a bill that would vastly and unjustifiably expand the power of the Federal government over the decisions rederal government over the decisions and affairs of private organizations, such as churches and synagogues, farms, businesses, and State and local governments. In the process, it would place at risk such cherished values as religious liberty.

The bill presented to me would di-

minish substantially the freedom and independence of religious institutions in our society. The bill would seriously impinge upon religious liberty because of its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one activity; its unprecedented coverage of entire religious elementary and secentire religious elementary and sec-ondary school systems when only a single school in such a system receives Pederal aid; and its failure to protect, under Title IX of the Education Amendments of 1972, the religious freedom of private schools that are closely identified with the religious tenets of, but not controlled by, a religious organization.

gious organization.
Businesses participating in Federal programs, such as job training programs, would be subject to comprehensive Federal regulation. While some proponents of S, 557 have claimed that it would not apply to farmers who receive Federal crop subsidies or food suppliers who accept food stamps, the ambiguity in the statute and its legislative history indicates that these exemultions should be made that these exemptions should be made explicit.

A significant portion of the private sector—entitles principally engaged in the business of providing education,

health care, housing, social services, parks and recreation-would for the first time be covered nationwide in all of their activities, including those wholly unrelated activities of their subsidiaries or other divisions, even if subsidiaries or divisions, etc. in those subsidiaries or divisions receive no Federal aid. Again, there was no demonstrated need for such sweeping

Further, this bill would be beyond pre-Grove City law and expand the scope of coverage of State and local government agencies. Under S. any agency of such a government that receives or distributes such assistance would be subject in all of its oper ations to a wide-ranging regime

ations to a wide-ranging regime of Federal regulation, contrary to the sound principles of federalism.

The cost and burdens of compliance with S. 557 would be substantial. The bill would bring to those it covers—which is most of America—an intru-Federal regulatory revime random on-site compliance checks by Federal officials; and increased expo-sure to lawsuits, which are costly to defend even when you win.

Morcover, such legislation would likely have the unintended conse-quences of harming many of the same people it is supposed to protect. For example, persons with disabilities seeking to enhance their job skills are disabilities seeking to ennance their joo skills are not helped if businesses withdraw from Federal job-training programs because of their unwillingness to accept vastly expanded bureaucratic intrusions under S. 557. Business groups have indicated many of their nombar manded just that members may do just that.

The Civil Rights Protection Act that.

The Civil Rights Protection Act that I am proposing today addresses the many shortcomings of S. 557. The Civil Rights Protection Act would protect civil rights and at the same time the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion

The Civil Rights Protection Act contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly monitored under the civil rights statutes it amends. The bill would:

Protect religious liberty by limiting coverage to that part of a church or synagogue which participates in a Federal program; by protecting under Title IX, the religious tenets of private institutions closely identified with religious organizations on the same basis as institutions directly controlled by religious organizations; and by providing that when a religious secondary or elementary school receives Federal assistance, only that school, and not the entire religious school system, becomes subject to the Federal regulation.

Ensure that the reach of Federal regulation into private businesses extends only to the facility that participates in Federally funded programs, unless the business, as a whole, receives Federal aid, in which case it is covered in its entirety. The bill also states explicit-ly that farmers will not become subject to Federal regulation by virture of their acceptance of Fed eral price support payments, and that grocers and supermarkets will not become subject to such regulations by virtue of accepting food stamps from customers.

Preserve the independence of State and local government from Federal control by limiting Federal regulation to the part of a State or local entity that receives or distributes Federal assistance.

utes reacral assistance.
In all other respects, my proposal is identical to S. 557, including the provisions to ensure that this iegislation does not impair protection for the lives of unborn children.

I urge that upon reconsidering S. 557

in light of my objections, you reject the bill and enact promptly in its place the Civil Rights Protection Act of

RONALD REAGAN. THE WHITE HOUSE, March 16, 1988.

□ 1615

The SPEAKER. The objections of the President will be spread at large upon the Journal.

The question is, Will the House reconsideration, pass the Senate bill, the objections of the President to the contrary notwithstanding?

The gentleman from California IMr.

HAWKINS. Mr. Speaker, I wish to allocate, for debate only, 15 minutes to the minority of the Committee on Education and Labor to be controlled by the gentleman from Vermont (Mr. Jerrorusl; 15 minutes to the minority of the Committee on the Judiciary to of the Committee on the Judiciary to be controlled by the gentleman from Wisconsin [Mr. Sensenbrenner]: 15 minutes to the gentleman from California [Mr. Edwards] of the Committee on the Judiciary; and I reserve the aining 15 minutes.

I further suggest, Mr. Speaker, that the Members mentioned alternate and each be recognized in turn, so that we would not use up exclusively each of the 15 minutes until the end. To com-mence the debate, I yield 2 minutes to the gentlewoman from Ohlo [Ms.

Ms. OAKAR, Mr. Speaker, 4 years ago a Supreme Court decision significantly narrowed the scope of four civil rights statutes, and under the so-called Grove City ruling the basic civil rights of women, minorities, the elder-ly and the disabled, have been threatened, denied, and ignored with no re-

Mr. Speaker, I am frankly amazed at the holy war that has been going on by the moral majority. Is it not inter-

esting that every religious Christian group that I know of, with the exception of the moral majority, supports the bill. We have the American Jewish Congress, the U.S. Catholic Conference of Bishops, the American Baptist Churches, the United Methodist Church, the Episcopal Church, the Evangelical Lutheran Church, the Presbyterian Church U.S.A., the National Association of Independent Colleges and Universities, which contains small religious colleges, and the list goes on and on.

There has been a sea of misinformation, Mr. Speaker, about this bill. To me, it is unbelievable that this could take place by a so-called Christian ortake piace by a so-catted Christian or-ganization, but so be it. We will not set back the clock. We were not afraid of civil rights in 1964, when Congress passed the Civil Rights Act and barred discrimination based on race, color, or national origin. We were not afraid of civil rights in 1972 when Congress passed the education amendments and prohibited sex discrimination in educational programs or activities receiving Pederal funds. We were not afraid of civil rights in 1973 and 1975 when Congress passed the Rehabilitation Act and the Age Discrimination Act to discrimination against forbid

handicapped and the elderly. Mr. Speaker, I urge my colleagues to support the Civil Rights Restoration Act and override the President's veto.

Mr. SENSENBRENNER, Mr. Speak-

er, I yield I minute to the gentleman from Pennsylvania [Mr. Genas]. (Mr. GEKAS asked and was given permission to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, I intend to vote to sustain the President's veto.
Mr. Speaker, from an intended course to try to correct Grove this body is headed toward Grave City The unforescen grave consequences of this piece of legislation no one can predict, and that is the main reason that we ought to have a second look at that we ought to have a second look at this legislation. No. 1, what conse-quences does that have, intended or unintended, for the mom and pop grory store that deals in food stamps? What consequence does this ball hold for a religious institution whe, se tenets govern their educational program to a that this bill might c hange for ever? What intended conse unences are there in the realm of housing and other corporate ventures and business 1 business ventures and farm institutions around the country?

This is a program, if adopted in this piece of legislation, that will have so many—I repeat—unforeseen conse-quences that our generations yet to come will suffer the consequences of a system that will be so federally intruded that it would be indescribable.

Mr. EDWARDS of California, Mr.

Speaker, I yield myself 3 minutes.

Mr. Speaker, there are many millions of Americans out there who ask you to vote "aye," to override the

sadly mistaken veto of President leagan. He has made a terrible mistake and I

can only suggest that he received some very bad advice.

S. 557 is a good bill, a decent bill, a much needed bill.

The Supreme Court's unfortunate decision in 1984, allows organizations and people to accept taxpayers' money and to use that money to discriminate against minorities, women and girls, the handicapped and the aged.

The record made before the 93th, 99th, and 100th Congresses clearly demonstrates that discrimination in federally funded institutions is occurring at an accelerated pace. Since 1984, the Department of Education has closed or suspended 674 complaints.

The Grove City decision is affecting The Grove City decision is africting court decisions as well. In October 1987 the Eleventh Circuit Court of Appeals dismissed the Federal Government's complaint against Alabama's higher education system because the Government had failed to establish which programs and activities in the system received Federal funds.

Heaven knows how many thousands of complaints have not even been filed because the world is out that the right to be free from race, sex, handicap, and age discrimination in federally funded programs is no longer enforce-

able under these four laws.

Mr. Speaker, we are facing an epidemic of discrimination and the veto must be overridden.

The people who have phoned our offices asking us to sustain the veto have been cruelly frightened and shock-ingly misinformed. The moral majori-ty is responsible for this smear campaign and they have not done their homework.

Mr. Speaker, except for the Dan forth abortion amendment, which I find most repugnant, the bill is a simple restoration of the law as it was before February 1984. None of the fears and hysteria whipped up in support of this veto has any foundation

My colleagues, listen to scholarship Any colleagues, listen to scholarship and reason and not to the unfounded hysteria of the past week. Listen to the U.S. Catholic Conference of Bishops, the major Protestant churches and Jewish leaders; they all support the Civil Rights Restoration Act.

the Civil Rights Restoration Act.
Vote "yes" to override. Vote yes for a decent, fair and equitable law.
Mr. HAWKINS. Mr. Speaker. I yield 3 minutes to the gentleman from Massachusetts [Mr. Frankl.
Mr. FRANK. Mr. Speaker. I hope the House is about to put into law a very basic principle, that people who young right take Foderal (unds have an voluntarily take Federal funds have an obligation to treat everybody else fairly, on their merits, and without regard to any particular prejudice.

regard to any particular projudice.
There are two issues in particular 1 want to address. There has been some question about the position of the home builders indicative of the impact of this on the home building industry.

One "Dear Colleague" letter listed the home builders in opposition. As a result of some conversations we have had, the home builders have sent a letter which I have sent to other people making it clear that tirey are now in favor of the bill. They had some questions. They have now been apparent.

Mr. SENSENBRENNER, Mr. Speak-

er, will the gentleman yield?
Mr. FRANK. I will yield briefly to
the gentleman frem Wisconsin.
Mr. SENSEMBRENNER, Mr. Speak-

r. I think the gentleman--Mr. FRANK. Mr. Speaker, I said I

would yield briefly.

Mr. SENSENBRENNER, I think the genticman with this organization is snowing that the membership is on one side and the executives are on the other side.

Mr. Speaker, I would like to ask

unanimous consent to incorporate into bership

Mr. FRANK, Mr. Speaker, I take back my time.

The SPEAKER. The gentleman from Massachusetts declines to yield

from faissacturers declines to the further.

Mr. FRANK, Mr. Speaker, I do not yield further. The gentleman put out a "Dear Colleague" letter listing this organization in opposition. We have from the president of the organization. a letter saying they are in favor of it. They had some questions and they They had some questions and they have been answered.

Does that mean that every member in favor of it? No, but the organization's official position is in favor of it.
Mr. SENSENBRENNER. Mr. Speak-

er, will the gentleman yield again?
Mr. FRANK. Mr. Speaker, the gentleman has plenty of time on his own.
The time is very limited here and the
gentleman controls the time period.
The point is that the Home Builders

having raised those questions have been satisfied. They have written a letter and have urged us to tell people to support the bill.

The other issue that I was somewhat

surprised to hear had to do with AIDS. I heard Jerry Falwell talking about how this bill would force people to hire those with AIDS and there was

a lot of discussion about AIDS.

Then we got the President's substitute bill today, and lo and behold, in the President's substitute bill there was the identical language dealing with infectious diseases that we have in our bill.

Now, I look forward to reading the paper tomorrow to hear Jerry Falwell denouncing Ronald Reagan. That will

be a very interesting contest.

But the Members ought to be very clear that the bill that Ronald Reagan has sent to us with regard to infec-tious diseases is word for word the bill that is before us, and it is word for word what was in the Senate bill; so those who have been hearing from the Moral Majority's objections about how this bill deals with infectious diseases,

suggest these members give them the White House answer. I think the answer ought to be, "Let Jerry Faiwell and the President debate this, and you can take on the winner. There is no need to debate it simultaneously, because the objections they have to our bill, they must also have to the Presi

dent's oill.

Now, I do not know how Ronald Reagan is going to explain this to Jerry Faiwell, and I would like to be there when he does, but I probably will not be invited.

The relevant point is this, All or bill says with regard to infectious co-eases that if you are through and health problem a direct threat of other people, you can be fired or be put in another place where you will not be a threat. We say that. The Senate says that. President Reacan says that. So all this discussion about being forced to hire people with AIDS, it may be a problem, but if it is, it is a problem with a bill that the President of the United States sent to us. Some people do not like that, but they will have to take that up with the President. I do not speak for him.

Mr. JEFFORDS. Mr. Speaker, I yield myself 3 minutes.
(Mr. JEFFORDS asked and was given permission to revise and extend his remarks.)

Mr. JEFFORDS. Mr. Speaker, it is Mr. JEFFORDS. Mr. Speaker, it is unfortunate, I believe, that we find ourselves here today. I wish that the President had not vetoed this bill. I believe it is incredibly important that we move forward and that we end the discrimination that has resulted because of the Grove City case.

For three consecutive Congresses now we have struggled to secure legislation overturning the 1984 Supreme Court's Grove City decision, and to make institutionwide the scope of coverage under four civil rights laws that

erage under four civil rights laws that ban discrimination in programs or ac-

oan distribution federal money.

Before Grove City narrowed the reach of those civil rights protections, the courts generally had viewed coverage as institutionwide—which is clearly what Congress had in mind when the laws were written to begin with. Moreover, officials at the agencies with enforcement responsibilities testified that they had applied the laws in-stitutionwide. So all we are really trying to do here is to return to an in-terpretation of the laws that existed

This vote today is the long-awaited culmination of what we began back in the 98th Congress, in 1984, when the House passed a civil rights restoration bill. Unfortunately, that bill eventually was tabled in the final days of the Senate's session. But in the very next Congress, we again took up the issue, congress, we again took up the issur, and attempted to answer concerns that had been raised during Senate consideration the year before. We developed a bipartisan bill, which I introduced at the Education and Labor Committee markup in 1985. This time, however, the House never considered the bill, largely because it had become tangled in the highly emotional issue of abortion.

Today, we have before us a bill that essentially is identical to that bipartisan proposal I offered 3 years ago. And the heart of the bill remains

And the heart of the bill remains the same—to restore the simple concept in law that the public's memorataxpayers' money—should not and o'll not be used to support discriminations practices.

The Federal Government this money to a lot of people and organizations. When it hands out its checks, the Government has the right to attach conditions to the use of its money, of our money. One of the conditions we have attached is that the cannot discriminate if you take problemoney. You cannot discriminate against women, against the handicapped or against the handicapped or against the elderly. If someone wants to avoid being covered by the civil rights law, if they want to discriminate, then they have a clear choice. They do not have to take the public money, but as long as they do, they are bound by the civil rights laws of this Nation that protect against discrimination.

against discrimination.
One of the major issues during the debate on this bill over the course of time that I have been involved since 1984 was abortion. Both bills are the same on abortion. They are abortionneutral.

Another important issue is the religious tenets exemption for church-related colleges and universities subject to title IX. I won't deny that there may not be some problems with the religious tenets issue. With the Senate amendment, however, we have taken care of the title IX abortion regulations, which was the major area of concern for religiously affiliated colleges and universities. Moreover, our past experience with this bill indicates that the current religious tenets language just hasn't been a big problem. In fact, no college has ever been turned down. It's important to note that many religious organizations support this bill. And the National Association of Independent Colleges and Universities—which has been the main advocate of an expanded religious tenets amendment—urged the President not to veto this bill.

Another area that we have heard many complaints and phone calls about has to do with what happens if somebody comes in with AIDS. The bills are both identical on that question.

There have been a great deal of outrageous hypotheticals floating around concerning what this bill would and would not require. We've all gotten the calls, I'm sure, from callers claiming this bill would require you to hire drug-addicted, alcoholic transvestites with AIDS—that the bill is really a gay rights bill, not a civil rights bill. Those kind of claims are absolutely ridiculous. "Sex discrimination" in this bill, for the purposes of title IX. refers to gender, not sexual orientation. Neither this bill nor the four statutes it amends even mention the terms "homosexual" or "sexual orientation." And no Federal statute prohibits discrimination on the basis of homosexuality. If such a prohibition existed, there would be no need for the gay rights bills that have been introduced over the past several years.

The kind of ridiculous claims such as these that have been made about this Civil Rights Restoration bill are basically scare tactics—the kind of factics we should pay no heed to. Those who have been alarmed by them, however, and who may be leaning toward sustaining the veto so that the President's alternative can be considered should take note; the President's bill does not address any of these allegations at all. If they truly represented real problems, I cannot believe that the President would have ignored them in his own Itth-hour proposal, or that the Senate would have ignored them to his own the sould have ignored them to day.

them today.

The reason why neither the President nor the Senate addressed these allegations is because that's all they are—allegations. They are not real problems.

So what are the differences between S. 557 and the President's alternative? What are the basic differences? The only difference in reality when you get down to it so en of religious tenents. I would admit I wish there were some different wording there and I fought for amendments on that in the past; but if you look at the practice, there is no problem. Everyone who asked for and who should logically have been given one, has been granted an exemption. That is why the Catholic Conference supports this bill. That is why we do not have a problem here.

do not have a problem here.
Second, the only area, where we really have a difference in these bills is the scope of coverage.

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How much of the local government, how much of the State governments are put under the law? The President's alternative narrows the coverage.

Which are covered? Those agencies that receive the money, are they covered? Are they forced not to discriminate? Yes.

Then what is the difference in private enterprise? The only difference and distinction outside of the corporate field is with respect to grocery stores. Our bill says that they are not relieved from discrimination against the handicapped, and if there is a problem with architectural barriers, as long as they do something reasonable, that is all right. That is all that has to be done. The administration only exempts grocery stores. Otherwise the pharmacles and private sector is covered.

They narrow the scope with respect to corporate bodies.

We would cover all, at least those receiving Federal funds.

Mr. Speaker, the differences are tery slim. There is no reason not to override.

The only real problem we are dealing with today is the problem of fiscimination. Until 4 years ago, before Grove City intervened, our laws on street that taxpayers money could perbe used to support discriminatory practices. By overriding the very today, by overturning Grove City we will restore that basic probation against discrimination in law.

Mr. EDWARDS of California, Mr. Speaker, I yield such time as he consume to the gentleman from Oregon [Mr. AuCoin].

(Mr. AuCOIN asked and was given permission to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, I strongly urge this body to vote to override this mistaken veto.

Mr. Speaker, I rise today in strong support of the Civil Rights Restoration Act. It is a wtat piece of legislation that I have backed for 4 years. It was passed by the House and Senate by overwholming bipartisan majorities. It has the support of some of the President's strongest alikes in Congress. High ranking officials from the Nixon, Ford, Johnson, and Carter administrations support the bull. Nearly every religious denomination, countless civil rights groups, and civic organizations support this bill.

With all this bipartisan support, why did the President voto last Thursday? Good question. There isn't a good answer. His veto is the first voto of a civil rights bill in 120 years. I can only conclude that despite what he says, the President is not really concerned about stopping fedorally sponsored discrimination.

In the years since the Supreme Court's Grove City decision, I've watched its destructive impact with great sorrow. What took us so long to build—equal opportunity for all citizens and an end to Government condened discrimination—was mangled by the Grove City wrecking ball. Now, instead of signing a 4-year long bipartisan effort to undo the damage, the President has chosen to swing the demolition ball one more time into the wrockage of Grove City.

It is distressing to see the President full so completely under the spell of the John Falwells, whose public distortions of this bill are travesty. In a last-ditch attempt to decal restoration of civil nghts, Falwell's organization has full cut a disinformation campaign unmatched by any other in recent memory.

Falwell has written a memo to pastors all

Falwell has written a memo to pastors all across America saying that "churches and religious leaders could be forced to the a practicing, active, homosexual drug addict with AIDS to be a teacher or youth pastor," if this full becomes law.

This is unadulterated balderdash.

All this bill does is restore four major civil rights laws, some of which have been on the books for over 20 years. These laws were passed to make sure the Government stayed out of the business of racism. They were passed to give all citizens—women, immonities, the elderly, the disabled—an equal opportunity in all endeavors backed by the Federal Gov-

ernment. With the Grove City decision, Con gress had to act to restore the original intent of these laws. That is what exactly, precisely, specifically what Congress has done. No More, no loce

istated before, during House consideration of S. 557, that I am distressed by the Danforth Language which was lockuded in this act. Desprie my serious opposition to this provision, I remain strongly committed to passage of this wind and

And I'm confident that the American people, and the Congress, will not be deterred by the vocal distortions of a scared and intolerant minority. A minority which prefers to fan the flames of religious intolorance and bigotry of religious intolerance and bigotry than to promote the basic human democratic principles this country was found

But I am greatly troubled by the number of phone calls I received last week urging me to support the President's veto of this bill. Many support the President's vero or una on, of my constituents called me with their concems that this bilt was "anti-family," church," and dangerous.

Most of them were responding to inaccurate Most of them were responding to maccurate inflammation information given to them by the Moral Majority or by a television evangelist. They were honestly and senously concerned. But they have been misted. They have been told outright lies. Some of them have taken the time to study this bill and sincerely oppose it. I regret that I find myself in disagreement with them. But others have merely responded to Jemy Falwell's false atam. And to these people who have called me I want to say that people who have cared me i want to say that I can't believe they really want me to cast a vote in favor of using Federal dollars to promote racism and discrimination against women and the disabled. I can believe that Jerry Falwoll has managed to convince good people of something that is hombly untrue.

If this bill did any of the outrageous things its detractors say it does, how could it possibly have such broad bipartisan support? could the leaders of the House and Senate Domocrat and Republican-back the How could nearly every religious entity in the

country support it?

How could the National Parent Teacher sociation, the League of Women Voters, AFL-CiO, NAACP, the Evangolical Lutheran Church of Amenca, the Presbyterian Church, the Epis-copal Church, the United Methodist Church, Common Cause, Paralyzed Veterans of Ame a, the American Bar Association. People for

ra, the American Bar Association, People for American Way, the National Urban-tue, the National Association of Independ-culleges and Universities, the American Jewish Congress, the United States Catholic Conference, the American Civil Liberties Union, American Baptist Churches, the Chil-dren's Defense Fund, the National Easter Seal Society—and the list goes on and on— how cruld these fine preparatives received. how could these fine organizations represent-ing millions and millions of Americans from all walks of life support a bill that would force es to hire drug addicts?

How? I'll tell you how. Because Jerry Fal-well's claims are without foundation. They are not true. They are designed to enrage and fund-raise—not to assure an informed chizen-

The Moral Majority can call ensuring that tax dollars are not used to discriminate, the greatest threat to religious freedom and traditional moral values ever passed," if it wants to, I don't, I call it democracy.

My colleagues, I urge you to vote to overte the President's veto of this act.
Mr. EDWARDS of California, Mr.

Speaker, I yield 7 minutes to the gentleman from North Carolina [Mr. HEFNER!

(Mr. HEFNER asked and was given permission to revise and extend his re-

Mr. HEFNER. Mr. Speaker, proach this legislation a little bit dif-ferent from other Members. I have been a Baptist for some 42 years and for some 15 years I traveled these United States as a gospel singer in a gospel quartet. I guess I have been in more different churches, in more de-nominations than probably any Member that has ever sat in this House of Representatives, or most Members.

Mr. Speaker, it disturbs me, the in-formation that has been going out to friends of mine that I have known for 25 years. I have been in their churches. I have been in their homes, I have eaten meals in their homes, broke bread with them, because people have called me and said, "Congressman, I cannot believe that you would vote for legislation that would mandate that our religious leaders would hire a prac-ticing homosexual drug addict with AIDS to be a young pastor.

It is my belief that I have never

some of my friends have called me and said, "Congressman, I don't believe that you would vote for legislation that if a Social Security recipient got his Social Security check and went to his church and made a contribution to that church where he had belonged for all these years, that that church comes under the long arm of the Federal Government. I do not believe I have done that

I believe there has been so much misinformation about this bill that it misinormation about this out that it saddens me that good people that work hard 5 days a week, go to their churches, and have been told that if they receive a disability check, a Social Security check, a veterans payment, or if they are on food stamps and they go to a little country grocery store and they take these food stamps that in this country store they would have to hire whoever came in to be an employee at that country store

I do not believe that I have voted for

that kind of legislation.

I do not believe the opponents of this believe all these things that have been told that have been told to these people in my district and in disin Oregon, in California, and Alabama.

Mr. Speaker, no Job is worth it to me. Mr. Speaker, I have served in this body it will soon be for 14 years.

As I have said, I have traveled these United States singing gospel music for many, many years. I have suffered one heart attack. I will be 58 years old on the 11th of April. No job is important enough to me, no job is important to me to lie to the American people, and

no bit of legislation is important enough for the American people or against the American people to put out falsehood under the name of religion to the American people.

I find it reprehensible not to those thousands of people that have made the phone calls, but reprehensible to the people that have instigated this

misinformation

I have got friends that I have known for 30 years and have gone to church with them, gone to conventions with them, done favors for them, helped them get Social Security checks to which they were entitled, helped them get veterans benefits, helped them with all sorts of problems that one could have and these same people say to me, "Congressman, I don't believe that you could vote to put us under the long arm of the Federal Govern-ment and cause us all these problems."

I do not believe that I have done that. I would not do that. But if it means that I lose my position in the U.S. House of Representatives, and that I have to cave in to false information and base my vote on what people believe to be true but which I know be not true, I say to my colleagues this Job is not worth that to me.

Mr. Speaker, there are other things that I can do. I do not believe that the American people knowing the truth would expect any of us here to cave in and give up our convictions for what we know to be right. I would not knowingly force any individual in my district or anybody else's district to do something that was against their reli-

gious convictions, and neither this legislation.

Mr. Speaker, there may come a time when somebody would wind up with a practicing homosexual drug addict with AIDS in their employ, that might be a member of a church, but 't will not be because of this legislation that we are voting on here today. I would just like to urge all the Members to look very closely based on what our convictions are. But I think it is reprehensible for people to put out so much misinformation to good, well inten-tioned people that have put their trust in what these people are saying to them

I do not blame the thousands of people that have called, because they are frightened. It is enough to frighten a pastor when he gets a letter that says that this is a gay rights will that was slipped in on us during the Presidential primaries. It is enough to frighten anybody. I do not be the them for not listening to as when we say this does not do that, e-perally when people go on television and go into tirades that if they are a mem and pop operator of a green store and if they take food stamps, that they are going to have to hire a nomo-sexual or a transvestite, or will have to hire a practicing homosexual drug addict with AIDS to be a verth pastor. How ridiculous.

No job is important enough to me for me to compromise my principles in what I believe and I have read the bill over and over and over and I would urge the Members to vote to override this veto.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker. I yield 2 minutes to the gentleman from California (Mr. DANNEMEYER).

(Mr. DANNEMEYER asked and was given permission to revise and extend his remarks.)

Mr. DANNEMEYER, I say to m colleague from North Carolina [Mr. Herner] that I only hope that along with having read this bill that he will have read the Arline decision because combining the Arline decision of the U.S. Supreme Court of last year with this bill one gets the precise results that the gentleman says are not a part of this legislation.

Let us make no mistake about it. This bill is going to result in the claim being made that a church in America must hire a professing homosexual who has the virus for AIDS because the claim will be made under the Arline decision that such a person fits within the definition of a handicapped person as Congress developed that term in 1973, and the tragedy of the passage of this legislation through the House at this time is that we are not taking the opportunity of debating the issue, and offering of amendments to make sure that does not happen.

I say to my colleagues, I went to the Committee on Rules and I asked for an amendment to be made in order so that we could debate on the floor of the House that the adoption of this legislation and the Arline decision would not result in the definition of a handicapped person, including some one with a communicable disease.

In 1978 Congress by specific act said that we did not intend to include within that definition a person such as a drug addict or alcoholic. I submit it was never the intention of Congress to include within that definition somebody with a communicable disease and communicable disease includes many, for example in my State of California there are 58 on the list. If one has one of those communicable diseases under the Arline decision that person has a leg up on the system because they can come into court and say that they come within the protections of the handicapped act.

That is a part of this whole issue. It was never the intention of Congress to do that, but under the rules fashioned by our Democrat leadership we had 4 hours to debate this when it came up on the floor of the House. That is totally inadequate. The American people deserve a clear understanding of what this is. We need a specific amendment to say that we do not intend to have the definition of a handicapped person be a person with a communicable dis-

JEFFORDS. Mr. Speaker, I ield 3 minutes to the gentleman from New York [Mr. Fish].

(Mr. FISH asked and was given p

mission to revise and extend his re-

Mr. FISH. Mr. Speaker. I thank the gentleman from Vermont IMr. Jer-ronss for yielding me this time.

Mr. Speaker, on numerous occasions over the last several years lopsided votes have called for overturning the case of Grove City versus Bell, the latest of course being today's vote in the Senate of 73 to 24 to override the

President's veto.

I would like to read a letter that is I would like to read a letter that is addressed to the gentleman from Ver-mont [Mr. Jerronso] from Terrel H. Bell, who was part of the proceedings that brought us to this matter in the Grove City case

The letter says:

MARCH 21, 1988. Hon. James Jeffords.

Hon. JAMES JEFFORDS.

HOUSE Office Building. Washington. DC.
DEAR REPRESENTATIVE JEFFORDS: I am writing to urge you and your colleagues to vote to override the President's veto of the Civil Rights Restoration Act, which previously passed the House and Senate by strong bipartisan margins. The legislation necessarily restores coverage of civil rights laws to their original intent and purpose.

When I was Secretary of Education, we

ly restores coverage of civil rights laws to their original intent and purpose.

When I was Secretary of Education, we read the law broadly to assure caual educational opportunity. While I had not considered direct aid to a student under the Pell Grant program to be aid to an institution, we had for years considered an institution, or school district obligated to comply with ail the civil rights statutes if It received any rederal assistance. We believed that if you take federal funds you must comply.

With the exception of a few small private institutions, there was broad acceptance and support of the civil rights laws to protect minorities, women, and the handicapped from discrimination. At the time I could see no reason to come forth with a new interpretation of these laws. It would cause strife and bitterness among those currently enjoying the protection of the civil rights laws.

It was clear to me then, as it is now, that the Department of Justice is determined to weaken civil rights enforcement in the nation's colleges and schools. Their position

the Department of Justice is determined to weaken civil rights enforcement in the nation's colleges and schools. Their position was, in my view, harmful to American education and potentially damaging to the rights of minorities who fought against discrimination.

rimination.

It was a great disappointment to me when the Supreme Court handed down the decision in Grove City College v. Bell, affirming the Justice Department's position.

The Civil Rights Restoration Act is as much a Republican bill as a Democratic bill. As you know, thirteen high ranking government officials from the Johnson, Nixon, Ford, and Carler administrations have all testified in support of the legislation to overturn the Grove City decision.

I am grateful for your leadership in this effort and I hope the Congress will, at long last, tealfirm its commitment to civil rights.

last, reaffirm its commitment to civil rights by overriding the President's veto.

Sincerely yours,

TERREL H. BELL Mr. HAWKINS, Mr. Speaker, I yield 3 minutes to the gentleman from Illi-[Mr. Durbin].

(Mr. DURBIN asked and was given permission to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, let me first salute my colleague the gentle-man from North Carolina IMr. HEFNERI. I have received literally hundreds of phone calls in my office on this issue and I am sure that he has received many more. It took a great deal of courage for him to make the

statement that he made earlier.

Mr. Speaker, this issue had been Mr. Speaker, this issue had oeen crafted by opponents so that it is a magnet for the phobias of the rightwing in America. They have resorted to scare tactics in an effort to convince Congress to sustain the President's veto. Otherwise good. God-fearing people have been swept into a campaign to believe that this bill will somehow expand the rights of homosexuals, alcoholics, drug addicts, and persons with contagious diseases when in fact the record is clear that this bill Congress to sustain the President's in fact the record is clear that this bill not expand any substantive rights in those areas.

The basic question which we face today in the House of Representatives is whether we are willing to sacrifice basic American protections against dis-crimination to allay the unfounded fears of both President Reagan and the moral majority.

This bill is sensible and reasonable and in the mainstream of American political thought. It says that as religious belief should not fall victim to our efforts to reverse Grove City, nei-ther should it be a shield for bigotry in the name of God.

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It is impossible for us to craft legislation which looks into the motives of a church or an individual practicing its religious beliefs. But we have crafted in this legislation a procedure and lan-guage which guarantees that religions will have an opportunity to make a good faith proof that they are in fact acting consistently with their religious beliefe

I think that is not only harmonious with the American system, but it is a good thing for this country to move forward and out of the shadow of the Grove City decision. It is sad that religious leaders on the right would label had to still a stall a label and the same that the same that

so hard to strike the very body of which protects their congregate from religious discrimination, for wi nout the protection of law, religious belief is a slender reed. In fact, there are those who would say it is a reed which can be destroyed or uprooted by shifts in the winds of public opinion.

shifts in the winds of public opinion. If my colleagues will look to the congregations and religions which have endorsed our legislation today they would find a litany of those faiths which believe that there can be diversity in America and that this legisla. which believe that there can be diversity in America and that this legislation poses no threat to those who practice religion. The groups include the U.S. Catholic Conference of Bishops, the American Jewish Congress, the American Baptist Churches, the Evangelical Lutheran Church of America, the Presbyterian Church of the U.S.A., the United Methodist Church, and the Episcopal Church.

Mr. Speaker, the choice before us is clear, and I would hope all of my colleagues would join me in overriding the veto of the President.

Mr. EDWARDS of California. Mr. Speaker, I yield I minute to the gentleman from New York IMr. Schumerl.

(Mr. SCHUMER asked and was given permission to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, every time this body considers civil rights legislation, and I know this only from history because unfortunately we have not considered too much in the last 7 years since I have been here, the same thing happens. A parade of horribles is trotted out: What if, the opponents say, what if this, what if that, what if the other.

Let me say to my colleagues who are wondering about these parades of horribles, these scare tacties that have emanated from all sorts of places, let us look at the real issue. We have tried long and hard in this country to eliminate discrimination. It is a difficult fight. It is a real fight. It is not a hypothetical thing out there. People face it every different in the second of the second

Mr. Speaker, are we going to let bugaboos and hobgoblins scare us into making the progress that we know we must make in this country in order to fulfill our ideals under the Constitution? I say to my colleagues, this vote determines which side they are on.

Mr. SENSENBRENNER. Mr. Speaker. I yield such time as he may consume to the gentleman from Alabama IMr. CALLAHAN).

(Mr. CALLAHAN asked and was given permission to revise and extend his remarks)

Mr. CALLAHAN, Mr. Speaker, since we have only 15 minutes in which to debate this very important measure, I will rise in support of the President's bill.

Mr. Speaker, I rise in support of efforts to sustain the President's voto of S. 557, the Civil Rights Restoration Act, which is also known as the Grove City bill.

Because there are too many unanswored; questions as to the effects of this legislation of created, 1 opposed its peasage when it was before the full Houser of Representatives. Disagreement over what the bill will and will not do does not seem to me, or to my constituents, to be the makings of good logislation.

On face value, it would seem that a so-called Civil Rights Restoration Act should

On face value, it would seem that a socalled Civil Rights Restoration Act should have the unanimous support of the Congressand the people. As we are all well aware, this is not the case. However, a reality of this legislation is that the jurisdiction of several Federal statutes could be vastly expanded to State and local governments, churches and synagogues, religious school systems, businesses, and other elements of the private sector.

Unfortunately, too many questions as to the feffect of this legislation remain unanswered. Questions of which institutions will be mandated to comply and what exactly will be required.

are important questions that tug at the very essense of this proposal. Perhaps if hearings had been held in the House of Representatives during the current session of Congress, some of the important and troubling ambiguities could have been resolved.

I do not believe it is responsible policymaking to rush through legislation without adequate hearings and limited public knowledge.
Therefore, I believe we should sustain the President's veto of this questionable bill. We should examine it more closely, along with the Prosident's alternative bill, the Civil Rights Protection Act of 1988. Let's work to ensure that our Federal civil rights fews are adhered to in a manner that protects the rights of all Americans against discrimination while, at the same time, the tendency of the Federal Government to have overreaching powers is curtailed.

Mr. SENSENBRENNER. Mr. Speaker. I yield 1 minute to the gentleman from Georgia [Mr. Swindall].

Mr. SWINDALL. Mr. Speaker, those who argue in favor of this bill argue that it involves the issue of discrimination. In fact it does not. If it did, we would not be here debating today.

In fact, it involves exactly the same issue from which the bill derives its name: The Grove City issue. If my colleagues read the case, which is instructive, it says: "The undisputed fact is that Grove City does not discriminate and so far as the record in this case shows—never has discriminated against anyone on account of sex, race, or national origin. This case has nothing whatever to do with discrimination past or present."

What then does it have to do with? The case goes on to state exactly what it does have to do with. "Petitioner Grove City College is a private, coeducational, liberal arts college that has sought to preserve its institutional autonomy by consistently refusing State and Federal financial assistance. Grove City's desire to avoid Federal oversight has led to decline to participate, not only in direct institutional aid programs, but also in Federal student assistance programs. **

This case, this bill, is not about dis-

This case, this bill, is not about discrimination. It is about the rights of millions of Americans in churches and synagogues to be free from Federal intrusion.

the full House of Representatives. Dis-* Mr. SENSENBRENNER. Mr. Speakment over what the bill will and will not! er. I yield such time as he may cones not seem to me, or to my constitutions sume to the gentleman from Kentucky o be the makings of good logislation. (Mr. Bunntwel).

(Mr. BUNNING asked and was given permission to revise and extend his remarks.)

Mr BUNNING Mr Speaker, I rise in occosition to this bill and in support of the Presi-

I am for civil rights, I have no problem with the goals of this bill—to restore the pre-Grove City application of civil rights laws.

Powever, this bill is surrounded with so much ambiguity, so much controversy, and so much confusion that I cannot support it in its present form. And I believe the Prosident has done the right thing in fixing his veto firmly on it.

We have a lot of private schools in the State of Kentucky and they are concerned about this kegislation. They are concerned that they are going to be dragged under the full heavy not of Federal intervention, interference, and regulation.

Proponents of the bill say, "Don't worry, this bill won't hurt you. It is simply restoring the pre-Grove City status quo."

Oute a few religious organizations in my State are worried about this bill. They are concerned that if one of their programs or operations takes in a single Federal dollar that they loo will fall under the sweeping regulation and peperwork puzzle of the Federal Govern-

Proponents of this bill say, "Don't worry, this bill won't hurt you."

Small business in my district is concerned about this bill and concerned that if they take one food stamp or Federal contract that they will be deluged with red tape and lawsuits.

Proponents of the bill say, "Don't worry, this bill won't hurt you."

There are good many farmers in my district who are concerned about this bit. They are concerned that if they take a dollar in price supports or crop subsides that they will be drawn under the broad network of compliance reviews, accessability requirements and other nightmares of Fodoral regulation.

The proponents of the bill say "Don't worry,

this bill won't hurt you."

I don't know about the rest of you, but in my district when the Federal Government says, "Don't worry, wa'll take care of you." That's when the people start sweating.

That's when the people start sweating.

Wouldn't it be a little easier and a little saler, if we just stop where we are and take this bill back to the drawing board and clarily it?

The proponents of the bill says they simply want to restore things to the way they were before Grove Cry, Few, if any of us, opcoso that goal. But so many people are concerned that this bill goes beyond that goal; so many people and organizations are concerned that this bill is a tremendous expansion of Federal intrusion into their lives and businesses, and churches and schools.

So many people share these concerns, that "don't worry" is not enough even if it is repeated 1,000 times.

We should sustain this veto, send the bill back to the drawing board and come back to the floor with a clean bill that clarifies what it does and does not do. This bill has become controversal because it is surrounded with so much ambiguity and so many contradections if we clear that ambiguity and confusion away, this bill will sail through with the blessing of virtually every American.

But passing this bill over the President's velo—in the face of the very real concerns of the thousands of people who are calling our offices every day—is not the way to further civil rights in this country.

curge my colleagues to join me in suncerting the President's veto of this bill. The centre who have legitimate concerns with this bill have some notificious.

have some nonts, too.
Mr. SENSENBRENNER. Mr. Somaker, I yield 4 minutes to the gentleman from Michigan (Mr. HENRY.)
Mr. HENRY. Mr. Speaker, I rise in

Mr. HENRY. Mr. Speaker, I rise in opposition to the bill and in support of the veto. I will try to speak very rationally and deliberately to the reli-gious tenets issue alone, not to the issue as to how far ultimate beneficiary ought to be extended or even to how far the question of ultimate bene-

how far the question of ultimate bene-ficiary in the Grove City fix is ex-tended, but simply to the problem of the religious tenet language.

The issue for me, at any rate, Mr. Speaker, is not the issue of discrimina-tion on race or handleap or sex or age, all of which obviously I am opposed to, and my record in any number of other and my record in any number of other issues clearly indicates that, but the issue of the bill, because of the way in which it is crafted, threatens the religious liberties and independence of religious representations. gious liberties and independence or re-ligious organizations not only in the religious educational sphere but po-tentially because of the expansions in the bill, in the social services sector as

If we look at the current religious exemption language, we note that statutorily, and if you read carefully the President's language, educational the President's language, educational institutions, for example, which are controlled by a religious body, are given legislative protection for when their religious commitments run into or clash with some of the goals of the other civil service civil rights issues. Rightly or wrongly, from our point of view, we have honored the freedom of religion.

The problem arises that due to the the proofem arises that due to the expansion encountered in this act and because of the changing way in which religious organizations are organized, organizations that are equally, if not more, religious in many instances than these disease we may be a controlled by description. those directly controlled by denominations are not guaranteed the same pro-tections under the law as those which directly denominationally trolled. con-

The test has thus become the form of religious governance as a criterion of exemption rather than the religious character of the institution per se and the religious legitimacy of its claim for exemption under the act.

Because of this fact, Mr. Speaker, in 1986 we deliberately broadened the religious tenets exemption under

Higher Education Reauthorization Act. This is not new language.

When this bill was last before the House Education and Labor Committee, the committee voted 18 to 11 to tee, the committee voted 18 to 11 to broaden the religious tenets exemption to address this problem. The problem arose for many of us, Mr. Speaker, because the rule under which the bill was brought to the House un-fortunately refused to allow us to address this issue without also entan-gling it in other attempts to narrow the scope and range of the Grove City restoration, and that is the problem.

The religious community, I should point out, is not opposed to religious tenets language. It is true the major religious and ecumenical organizations opposed any amendment which would derail or entangle the passage of the Civil Rights Restoration Act. However. none are opposed to independent and

exclusive consideration of the religious

tenet language.
The Catholic Conference, the American Jewish Conference, the National Council of Churches, as well as your fundamentalist and evangelical groups fundamentalist and evaluerical groups run from acceptance to active support for this language. Unfortunately, Mr. Speaker, we were not allowed to present the issue in such a way as to assure the protection of nondenominationally controlled organizations, be they educational or social service, and that is the concern for many of us.

that is the concern for many of us.

The SPEAKER pro tempore (Mr. PANETTA). The Chair will announce that the gentleman from Vermont IMr. Jerforns! has 6 minutes remaining, the gentleman from Wisconsin [Mr. Sensenbrenner] has 10 minutes Wisconsin termaining, the gentleman from Cali-fornia (Mr. Hawkins) has 7 minutes remaining, and the gentleman from California (Mr. Edwards) has 7 min-

utes remaining.
Mr. HAWKINS. Mr. Speaker, I yield

Mr. HAWKINS. Mr. Speaker, I yield 1 minute to the gentleman from Alabama IMr. HARRIS.

Mr. HARRIS. Mr. Speaker, I would like to engage a member of the committee in a colloquy concerning a certain question that I have, and the question is: Does tax exempt status constitute "Federal financial assistionie" or any other "benefit" so as to bring a recipient institution under the bring a recipient institution under the coverage of this act? For example, would a private religious school with tax exempt status be covered by this

Mr. FRANK, Mr. Speaker, will the

Mr. Frank. Mr. Speaker, win the gentleman yield?
Mr. HARRIS. I yield to the gentleman from Massachusetts.
Mr. Frank. Mr. Speaker, the answer is "No." Tax exemption in and of itself will not trigger that, and as the continuous would note under our the gentleman would note, under our first amendment, we have restrictions on helping directly religious organiza-

If a simple tax exemption were considered a form of Federal financial as-sistance. Madeline Mary O'Hara would have been in and out of court all the time. A simple tax exemption does not time. A simple tax exemption does not trigger any obligation under this act whatsoever. So a school which gets no Federal financial assistance in any way and simply has a tax exemption is not covered at all.

Mr. HARRIS. I thank the gentleman

for his response.
Mr. SENSENBRENNER. Mr. Speaker. I yield 2 minutes to the gentleman from Iowa (Mr. TAUKE). (Mr. TAUKE asked and was given

permission to revise and extend his re-

marks.)
Mr. TAUKE. Mr. Speaker, today each of us faces a difficult choice:

vote for a bill because it Should we vote for a bill because it has an attractive title and worthy goals? Or should we support the President's veto of that bill because it is ambiguous; its scope is ill-defined; and it may therefore vastly and unnecessarily expand Government powers.

This choice is not one of whether we are for civil rights or against civil rights—almost every Member of this body is committed to the rights set out in the four statutes amended by this bill. The question is much more complex and the issues more intricate.

While I embrace the goals of the Civil Rights Restoration Act, I cannot Civil Rights Restoration Act. 1 cannot overlook the troublesome questions raised by the statutory language contained in this measure. We can do a better job of legislating. The definition we tried to give the bill through committee reports and floor debate tion we tried to give the out through committee reports and floor debate should be part of the statutory lan-guage of this bill—we should not leave the job half finished.

The uncertainty about the impact of this legislation on churches, small businesses, and farmers should be eliminated before the measure is enacted into law.

First, the treatment of churches in this legislation should be revised. There is general agreement that entire churches, synagogues, and other religious institutions will be covered by the civil rights laws if this bill is enthe civil rights laws it this only is en-acted. This is true, even if only a single program operated by the church receives Federal funds. For in-stance, if a church operates a homeless shelter which receives Federal assistance, not only will the shelter operations be subject to the civil rights laws and regulations, but every aspect of the church will have to comply with these regulations. There is also some uncertainty on the extent of coverage uncertainty on the extent of coverage of a diocese if an individual parish participates in a Federal program. We have assurances that only the parish will be covered, but the statutory landage the statutory landage the statutory landage. guage itself is unclear

Thus, this is potentially a great pansion of Government into the free exercise of religion. Congress has traexercise of religion. Congress has tra-ditionally been reluctant to entangle the Government with religion, but this bill compromises this longstanding principle, because the issue has not been fully explored by this body. An effort was made to partly address this problem as it relates to title IX. A clarification of the religious tenet ex-emption to reflect the current environ-

emption to reflect the current environ-ment would at a minimum ensure that institutions closely identified with religious institutions would not be forced to comply with a regulation which was in direct conflict with their religious principles. But proponents of this bill did not support this amendment, charing indicating their desire to place Government civil rights laws above religious freedom in this country.

Second, the impact on small businesses causes concern. Corporation-wide coverage is triggered by this bill. nesses causes This is an expansion of the scope of the civil rights laws beyond their pre-Grove City status. Moreover, this con-erage brings with it several burdens, which will be particularly troublesome for small businesses. These include in-creased Federal paperwork; compliance with Federal regulations; expoto Federal bureaucratic on-site compliance reviews; and adherence to accessibility requirements under section 504.

Third and finally, the impact of the bill on farmers is uncertain. While as surances have been made that this bill will not trigger coverage of farmers, the language itself & vague enough to generate doubts, and conflicting interpretations of the statutory language have been advanced. These conflicting readings of the bill should be put to rest by clear statutory language before the bill is enacted.

Before extensively expanding the authority and reach of Government, we, acting on behalf of the people. should clarify precisely the limits of that new Government power. We have assurances from the proponents of the bill that many of these problems are not real, but it would be more meaningful if those assurances were in the statutory language contained in the

That is why I am voting to sustain the President's veto-to give this Congress an opportunity to do a better job, And I sincerely hope that, if the veto is sustained, the proponents of this legislation will continue to work for a civil rights bill that can be supported by this body and by the Presi-

Mr. JEFFORDS, Mr. Speaker, I yield 1 minute to the gentleman from

Michigan [Mr. Schuerra].

(Mr. SCHUETTE asked and was given permisson to revise and extend his remarks.)

Mr. SCHUETTE. Mr. Speaker, I rise in support of the Civil Rights Restora-

This legislation demands and deserves a reasoned, measured, and thoughtful deliberation in Congress and across the United States.

Civil rights legislation must not be reduced to a discussion or deliberation based on inaccuracies and misunderstandings.

Therefore, we should assess this legislation and discuss what it does and what it does not do with respect to basic fundamental rights and free-

doms for all American What does the Civil Rights Restora-

tion Act do? First, it prohibits discrimination on the basis of age, prohibits discrimina-tion against the elderly.

Second, this legislation bars discrimi-

nation against the disabled, the handicapped.

Third, this measure forbids genderhased discrimination in the work force.

Fourth, this legislation just says no to discrimination against black Americans, just says no to discrimination based on race, color, creed, or national origin.

Also, let me emphasize an important aspect of this bill: The inclusion of the Danforth amendment, a provision which makes this act abortion neutral.

Now, let us examine what the Civil Rights Restoration Act does not do.

First. this legislation does not require, force, mandate, or dictate the hiring practices of employers.

Second. this measure is not a gay rights bill. This legislation is not directed toward sexual preference. Additionally, the Humphrey-Ha amendment provides that anyone Humphrey-Harkin a contagious disease or an infectious disease is not covered by this act. Why? Well, because of potential public health risks involved and the potential danger to others.

Third, this legislation does not cover or include farmers receiving government payments or food stamp recipi-ents or Social Security beneficiaries. Why? Well, because section 7 of the Civil Rights Restoration Act excludes ultimate beneficiaries from coverage

Fourth, certain exemptions are in-cluded in this legislation to ease economic burdens on small businesses throughout America

Fifth, the legislation does not intrude upon religious freedoms, which are the very foundation of this land. Religious freedom, religious independence, a hallmark of the United States—which reflect our basic values and character as a people—are protected by this legislation.

conclusion, we, as a people, must in conclusion, we, as a people, must be for equal opportunity and freedom in America. We, as a people, must be for equal protection under the laws in America. We, as a people, must be for equal treatment in America.

With this civil rights bill we are saying

In America, we will no gender based discrimination. we will not permit

In America, we will forbid discrimi-nation based on your age, forbid discrimination because you may senior citizen.

In America, we will prohibit discrimination on the basis of a handicap or

disability.

And, in America, we will not tolerate discrimination on the basis of your creed, race, national origin or the color of your skin

1700

Mr. EDWARDS of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].
(Mr. HOYER asked and was given

permission to revise and extend his remarks.)

Mr. HOYER, I thank the gentleman for yielding.

Mr. Speaker, I rise as an original co-sponsor of this legislation to urge my colleagues to vote to pass this bill, not-withstanding the action of the President of the United States.

The debate we have heard today is the debate, as previous speakers have indicated, that has occurred on this

floor before.

There is always a time to insure the

extension of civil rights tomorrow.

The previous speaker, I think, was absolutely correct, and I will not

repeat his judgments because I agree with them, as to what this bill does and does not do. But I want to say to all my colleagues, all 434 of you, like the rollcalls of 1964 or 1965 or on other times when this House was called to express its opinion on guarantecing the rights that our Constitution so eloquently stated were the people's of the Untied States, this vote will be looked at in years to come.

I urge all of my colleagues to re-member that this is an historical vote for the rights of all Americans

Mr. Speaker, on March 2, 1988, the House overwhelmingly passed S. 557, the Civil Rights Restoration Act of 1987. Following the example of the Senate, the House demon-strated the commitment of the 100th Congress to ensuring full civil rights for all Ameri-

I am proud to have been an onomal coof the House version, H.R. 1214, also designed to overturn the narrow and restrictive application of some of the Nation's most important civil rights laws. In 1984, the Supreme court in Grave City College versus Bell reversed the existing interpretation—an inter-pretation that had evolved over 20 years of struggle for civil rights for all Americans-that Federal anti-discrimination laws applied to an entire institution if any program within that in-stitution received Federal assistance.

The Congress, in originally enacting these civil rights measures, intended a broad interpretation, prohibiting discrimination on the basis of race, sex, religion, age, or handicap, in any organization that received Federal aid. With the Supreme Court's Grove City decision. only the particular program or activity that reand Federal aid had to comply with these

Our Nation has made tremendous strides toward eliminating discrimination. Unfortunate our work is far from finished. The House of Representatives, composed of the elected spokesmen and spokeswomen of the Ameri-can people, has an opportunity to show unvocally and clearly that we will not tolereaui ate discrimination.

It is unfortunate that we must take this action. A New York Times editional stated yesterday, "Ronald Reagan appears determined tensey, Froisian Hasgar appears of the go down in history as a President who sought actively to sot back the cause of crul rights." The President's veto of the fundamental bill is an embarrassment.

Today, a vote to override the President's veto of S. 557 is a signal that we support the idea of equal protection under the law for every American. Let us remember the words of the Reverend Martin Luther King, ar, who on August 28, 1963, speaking before the Lin-coln Memorial, said, "[e]ven though we must face the difficulties of today and tomorrow. I still have a dream. It is a dream deeply rooted in the American dream that one day this Nation will rise up and live out the true

major was need—we hold these truths to be soft-ovident, that all mon are created equal."

Mr. JEFFORDS. Mr. Speaker. I yield 1 minute to the gentlewoman from Rhode Island (Miss SCHNEIDER).

(Miss SCHNEIDER asked and was

given permission to revise and extend her remarks.)

Miss SCHNEIDER. I thank the gentleman for yielding. Mr. Speaker, I rise in strong support

of overriding the veto.

Let me share with my colleagues that the comments that have already been made in the previous last two speakers I will not bother to reiterate. but I would like to share with my colleagues a letter that was written by Secretary Bell urging us and our colleagues to vote to override the President's veto of the Civil Rights Resto-

To quote from the letter he says:

When I was Secretary of Education, we When I was Secretary of Education, we read the law broadly to assure equal educational opportunity. While I had not considered direct aid to a student under the Pell Grant Program to be aid to an institution, we had for years considered an institution or school district obligated to comply with all the civil rights statutes. It was clear to me then as it is now that the Department of Justice is determined to weaken Civil Rights enforcement in the nation's colleges and

Let me add that our only route of opportunity is to provide equal access to educational opportunities not only to educational opportunities not only for all women but for all minorities, the handicapped and regardless of age. Mr. JEFFORDS. Mr. Speaker, I yield such time as he may consume to

the gentleman from DeLayl. Texas (Mr.

(Mr. DeLAY asked and was given permission to revise and extend his re-

Mr. DELAY. Mr. Speaker, I rise today in strong opposition to S. 557, the Civil Rights Restoration Act. The title of this bill is extremely misleading-instead of restoring civil rights, it actually trespasses on the civil rights of countless schools, churches, farms, businesses, and others. By incorporating broad and vague language, this bill subjects nearly every facet of American life to needless and detrimental Federal intrusion

The list of those who will be adversely affected is vast; just to name a few, our churches, corner grocery stores, religious institutions, farmers, possibly even Girl Scouts and Boy Scouts will be subjected to unwar-ranted Federal paperwork.

The need for this sweeping intrusion has not been documented. Businesses, individuals, and religious entities will be-for the first time-subject in their entirety to extensive Federal regulation for no proven, documented reason

And what about one of our founding principles, the principle of federalism-this legislation, S. 557, clearly violates the separation of Federal, State, and local jurisdictions by vastly expanding the scope of State and local coverage.

In conclusion, I strongly urge my colleagues to sustain President Reagan's veto and reject S. 557. It is in the best interest of the United States to protect the civil rights of the many, not promote the liberal agenda of a few special interest groups. I enclose two relevant and worthy articles that I invite my colleagues to read:

STATEMENT BY REV. CLEVELAND SPARROW. PRESS CONFERENCE AT THE NATIONAL PRESS CLUB, WASHINGTON, DC, PEBRUARY 22, 1988

I am Rev. Cleveland Sparrow, the President of the National Black Coalition for Traditional Values.

My organization publicly declares war on the so-called Civil Rights Restoration Act. We also believe these actions are a direct as-sault on black traditional values for church sault on older traditional values for couren and family. The legislation is a racist at-tempt by special interest groups to further erode and infringe upon the gains and ac-complishments won by the civil rights move-

ment.

It was not so long ago that the racist Jim
Crow laws determined where black people
could eat, whom they could marry and
whether they could exercise their rights as

whether they could exercise their rights as citizens to vote.

It took many people of strong convictions to repeal those laws and to begin the work of fulfilling the American dream for black Americans.

The freedom writers of the 1960s t buses so that no person would be told to sit in the back of one. Seemingly, black Ameri-ca's struggle for civil rights is a victim of its own successes. More and more groups want to get on our civil rights bus and carpetbag upon the work of our movement. The drive to make civil rights mean every-

The drive to make civil rights mean every-thing except rights for black people has reached its peak in the 9th U.S. Circuit Court of Appeals where a three judge panel on that court equated the homosexual rights movement with the black struggle.

The day that decision was announced, I began hearing from black people all over America. Their verdict was unanimous. They were disgusted and revolted that federal Judges consider homosexuals just like black reset.

eral Judges consider homosexuals just like black people.

We all agree that this decision endangers the entire basis of our civil rights law and our nation's moral health as well.

We feel that homosexual perversion is a matter of choice and therefore should not be subject to the same constitutional protection as racial minorities.

That decision fled with the management of the same constitution as racial minorities.

That decision tied with the passage of the I hat decision tied with the passage of the so-called Civil Rights Restoration Act will destroy the meaning of civil rights that my black brothers and sisters went to jail for

land some even died for.

Affirmative action requires that some iolisk be given preference over others. What happens when a white male claims to be a homosexual after he is passed over for a black candidate?

black candidate?

The civil rights struggle was a moral struggle which remedied a moral wrong. No civil rights measure is worthy of the name if it forces good people to accept what they believe to be immoral behavior by others.

The Civil Rights Restoration Act is nothing of the kind. It is simply a racit attempt by militant radicals to don black face so they can accept the restreet here.

by militant radicals to don black face so they can exploit the gains that my people fought and died for.

Resting on the President's desk is legislation manuating the most sweeping expan-tion of lederal power in the Reagan era. It is a measure of the loss of faith in President

is a measure of the loss of faith in president.

Reagan's revolution that half the GOP is
begging him to sign.

I implore you to sign this bill," Sen.

Rudy Boschwitz, R.Minn., has written the
President.

President.

Under the Civil Rights Restoration Act, as this monster has been christened to fright-en timid Republicans, #1 in federal aid, di-rectly or indirectly, to any institution bring the entire institution under federal control. Virtually everyone, from the Girl Scouts to

the community college would henceforth be fair game

fair game.

If, for example, one welfare recipient in Paducah, Ky., used her food stamps once, at a suburban Safeway, Washington would have the same authority to mandate racial quotas at that Safeway as it now has at General Motors. If a tiny Christian college in Scuth Carolina finds transfer for being Scuth. in South Carolina fired a teacher for being drunk, setting a bad example for students, that teacher would have the right to sue for discrimination.

that teacher would have the right to sue for discrimination.

The underlying premise of this bill is that America is a bigoted sexist society whose institutions need monitoring by big Government to prevent their mistreatment of women, blacks, gays, Indians, handicapped, elderly, disabled, etc. Without constant supervision, we apparently are incapable of behaving as good men and women.

The bill is truly a Trojan Horse through which the social agenda rejected in 1980 and 1984 is to be smuggled into the books and imposed upon the nation. If the President's veto is overridden, feminists, gay rights activists and the Black Caucus will have suecessfully reversed the election returns. America's institutions will be hit with a hurricane of lawsuita, and the number of bureaucrats making inspections of our private schools, foundations, firms and factorics would take a quantum leap.

Over two decades, Americans have seen the once-hallowed term "civil rights" persented. Historic laws constell to end dis-

Over two decades, Americans have seen the once-hallowed term "civil rights" perverted. Historic laws, enacted to end discrimination, have been twisted by activist judges to require quotas. Laws to protect the handicapped have been twisted to require employers to indulge the most outrageous behavior.

Alillions of Americans still regard drunkenness, drug abuse and homosexuality as immoral conduct, manifestations of grave character flaws. Yet, courts are ruling that people have no control over their proclivities, that to deny alcoholics, addiets and gays jobe and housing is irrational discrimination.

This bill represents a wholesale reversal of what Reagan came to Washington to accomplish, i.e., to roll back government and re-

plish. i.e., to roll back government and re-store power to the people.
Once again, Congress is transferring vast power to our unelected rulers in the federal bureaucracy. Once again, Congress is writ-ing a law with such verve, disputed terms as "handicapped," "diseased" and "cavil ing a law with such verve, disputed terms as "handicapped," "diseased" and "civil rights," leaving it to the courts to determine what those terms mean. Is it a handicap to be a transvestile, is it a functional disorder; or is it simply a chosen lifestyle? We will not know the answer until some federal judge has told us, and tells us how henceforth we

nust behave.

Historically, the Republican Party has seen its role as sheltering the free society from the dictation of that ancient anatasonist of human freedom, government controlled by ideologues anxious to re shape society to conform to their image of the world.

Yet, half the Republican Party voted for Yet, hall the Republican Farty voice for this bill, and party leaders are imploring the President to sign. Why? Because nothing so terrifies a moderate Republican as the charge he is insufficiently progressive on

charge he is insufficiently progressive on civil rights.

A veto would have a "dangerous doan side," Frank Fahrenkopf, party charman, warns the President our critics will churge us with being "not interested in equal op-

ell. Frank, if the GOP lacks the courage and capacity to sustain the President, and defend itself in public against the noisemak-ers and special interests clamoring tor this bill that tramples under Republican principle, explain to us why the party is even worrying about this November.

Mr. JEFFORDS. Mr. Speaker, I yield 1 minute to the gentlewoman from Maine (Mr. Smown.)

(Ms. SNOWE seked and was given permission to revise and extend her remarks)

Mrs. SNOWE. Mr. Speaker, I rise in support of the motion to override the Presidential veto of S. 557.

Regretfully, the President has sent this legislation back to Congress with the message that the Civil Restoration Act broadens the coverage of the Federal discrimination laws as it relates to private enterprise. That simply is not

The Civil Rights Restoration Act does not change who is covered by the discrimination laws, not does it change what kind of discrimination is prohibited. In fact, the legislation actually narrows the scope of the laws prior to 1984, in the instance of private organizations not engaged in public services.
Coverage of this type of business will coverage of this type of pushings will only relate to the program that re-ceives Federal funds, unlike the cor-poratewide coverage assumed before

I also must say that I am appalled at the misinformation being circulated by the Moral Majority and other groups. For example, there have been outrageous statements made about contagious disease.

In fact, this provision, which has een law since 1973, prohibits discrimination in instances of contagious disease, unless the disease poses a direct threat to the health and safety of others. I want to point out to my col-leagues that the President has included this exact language in his proposal.

Today we have the opportunity to restore the full force of our discrimination laws. Without this legislation, many women, minorities, elderly, and handicapped are denied access to em-ployment and education opportunities. The fact is, any institution which denies such access should in turn be denied Federal assistance.

Therefore, this legislation must be passed, ensuring that tax dollars do not in any way support discriminatory actions

I urge you to vote to override the

Mr. SENSENBRENNER, Mr. Speaker, I yield such time as he may consume to the gentleman form New York [Mr. WORTLEY].

(Mr. WORTLEY] asked and was given permission to revise and extend

his remarks.)

Mr. WORTLEY, Mr. Speaker, I rise in opposition to the bill.

Mr. Speaker, on March 2, I voted in favor of S. 557, the Civil Rights Restoration Act, because I have a deep commitment to civil rights in our country, I was-and remain-in lavor of overturning the Grove City decision and the continued execution of our four civil rights statutes.

However, since that March 2 vote, I have additional time to further review the

significance and ramifications of the proviions of this legislation, in consideration of what I have learned from Justice Department officials, the President's staunch rejection, most importantly—measuring the wishes of church leaders, school officials, small business owners, and farmers in my district, I will vote in favor of the President's alternative and to sustain his veto of S. 557. I sincerely believe that S. 557 would not just overturn the Grove City decision, but that it would expand on existing statutes to appoint of excessive, costly, and liberty-threatening Government involvement in our daily lives.

I repeat my support for the President's afternative to this Federal intrusion act, because it would work to uphold civil rights in our country while keeping bureaucrats out of the lives of farmers, small businessmen, and religious

I am particularly interested in just how indi-vidual rights will be affected if this supposed restoration legislation is voted into law. I sincerely believe that the citizens of our Nation will be better protected from Government in-trusion by the President's alternative, while at the same time not jeopantizing the civil rights of women, the aged, minorities, and the disabled.

To call this legislation a simple res of previous civil rights laws is just short of in-sulting. In reality, this bill is a significant or-pansion. I am afraid that we are now using the good intentions of congressional Members to give the Federal Government the green light in intrusive regulation and oversight of church es, schools, small businesses, farms, and other organizations. Restoration in this case

simply shorthand for expansion.

Mr. Speaker, the Civil Rights Restoration Act would propel the Federal Government into situations where it should not be. For example, ple, those groups in the United States with unique religious lineages would be subject to discrimination clauses that conflict with deeply held benefits. As far as I know, the freedom of refigion is still a right protected by the U.S. Constitution. Why, then, should schools which are distinctly associated with religious tenets are distinctly associated will religious ieness be subject to triggation because they refuse to take action contrary to those tenants? They could then be forced to hird someone who is not inclined to support the very tenes that the school is based upon. You see, this is just a support the constraints should not. one area where the Governments should not

This is why I support the President's alternative to the religious tenet question. The ident's proposal bolsters our constitutional rights in the area of religious freedom. This is another example of why the President's alternative is indeed superior.

Let's look at just one area that would be covered by expanded discrimination clauses under this legislation: grocery stores. Were grocery stores covered prior to the Grove City decision? No. The Justice Department info me that grocery stores and supermarkets that participated in the food-stamp program were not simply by virtue of their participation in that program subject to the four civil rights laws. Will they be covered under S. 557? The answer seems to be yes. I, along with many o my colleagues, would appreciate it if the sponsors of this legislation would stop misteading the public by saying it is merely a restoration when it is actually a power grab for the Federat Government

Speaking from personal experience, father owned a corner pharmacy in Tully, NY, a typical mom-and-pop operation. I ask myself how he would have reacted to the possibility of being accused of discrimination simply because he could not afford to install ramps, lower shelves, and adjust counters. It would surely be excessive to force a small-business owner to renovate his entire store just to curtail the chance of discrimination lawsuit. But this is exactly what this is lation seems to require. Ultimately, and ironically, the reaction of small mom-and-pop stores will be to withdraw from participation in Federal food-stamp and Medicaid programs because of the costs, administrative burdens, and legal liabilities that participation would impose. And who would be the ultimate losers in this type of situation? It will be those who rely on mom-and-pop stores for their foodstamp and Medicaid purchases. This certainly isn't my idea of civil rights.

Mr. Speaker, let us also look at the effect this would have on our already overburdened judicial system. This bill would not merely encourage, but would exacerbate excessive litigation. As we all know, the business commugaton. As we all know, the business commu-nity almosty faces an emplosive growth in its-gation. S. 557 would undoubtedly create muti-tudes of new plainstifs to add to our current is-ability creiss. Litigation shopping would be a vory real possibility. In short, the legal profes-sion would have a hoyday while our judicial system would be even further overwholmed with ferenity. th branche

Mr. Speaker, I implore my colleagues to contemplate the adverse effects this legislation—as currently drafted—would have on our logal system, our business community, our farmors, our schools, our churches, and our individual daily lives. I am hopeful that we indeed have the foresight to support the President's alternative and to sustain the Presi-

Mr. HAWKINS. Mr. Speakor, I yield 2 minules to the gentleman from Kansas [Mr. SLAT-TERV!

Mr. SLATTERY. I thank the gentleman for yielding time to me.

Mr. Speaker, proponents and opponents of this bill share the belief that religious liberty is the cornerstone of our democracy, and that separation of church and state is the foundation of

The Civil Rights Restoration Act in way compromises our shared beliefs.

This bill does not require the hiring of homosexuals. Nowhere does it address the issue of sexual preference.

It does not require an employer ire or retain an alcoholic, a d hire or retain an alcoholic, a drug addict, or someone with AIDS if that person poses a threat to the health or safety of others, or cannot perform their dol

It does not infringe upon the rights of farmers, or recipients of Social Security benefits, food stamps, or Medicald Theorems.

aid. These groups are clearly exempt.

This bill does honor our shared commitment to the separation of church and state by exempting religious controlled institutions from the civil rights laws if those laws conflict with the tenets of that religion,

Mr. Speaker. Mr. Speaker, in 1964 President Reagan called the Civil Rights Act bad legislation; in 1967 President Reagan opposed the Fair Housing Act.

Regrettably, he was wrong in 1964, he was wrong in 1967, and he was wrong in vetoing the Civil Rights Restoration Act. This bill strengthens our civil rights while protecting our religious liberties.

I urge my colleagues to vote to over-ride the President's veto.

Mr. HAWKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Pa-

(Mr. PANETTA asked and was given permission to revise and extend his re-

Mr. PANETTA, Mr. Speaker, I rise in support of the override.

Mr. Speaker, I rise today to voice my sup-port for the Civil Rights Restoration Act and to urge my colleagues to vote to override the President's veto. As you know, this legislation was introduced in response to the Supreme Court's 1984 decision in the case of Grove City College versus Bell. In that decision the Court reversed a long standing position of the law as it relates to discrimination.

In this Nation, there is no right unless there is a remedy. Civil rights have been established by laws enacted by the Congress and signed by the President over the last three decades. Title IV relates to discrimination in education. title XI prohibits discrimination on the b. sex, section 504 of the Rehabilitation Act relates to discrimination of the handicapped and the Age Discrimination Act prohibits discrimination based on age. These laws make clear that discrimination is not only wrong, but that the Federal Government will not subsidize dis-crimination through Federal funds.

For over 20 years, agencies enforced these laws through the ability to terminate Federal aid to institutions when deliberate discrimination is proven. This is based on the legally supported premise that any institution that acsupported premise that any institution mat accepts or tolerates discrimination in any of its programs should be subject to the loss of all Federal funds. This Court, however, has severely limited that enforcement power with the Grove City decision. The Court ruled that an institution can essentially discriminate in one activity and still not be subject to loss of funds rest of the institution. For example, a school could discriminate against blacks in sports and still retain its Federal research funds. By allowing the school to continue to receive large amounts of Federal funds, the Government would in offect be subsidizing discrimination in direct contravention of the civil rights laws.

The purpose of this bill is to correct that situation and restore the law to its previous method of enforcement. The Senate approved the bill 75 to 14. The House followed with a vote of 315 to 98. The final bill was a careful compromise to ensure that the bill did no more and no less than restore the law as it stood prior to the Supreme Court decision The groups endorsing its passage include: U.S. Catholic Conference of Bishops; American Jewish Committee; National Council of can Jewish Church of the Brathren; American Jewish Congress; Presbyterian Church USA; American Baptist Churches; Church Women United; Evangelical Lutheran Church of Amer-

ca; Network-National Catholic Justice Lobby: Union of American Hebrew Congregations; United Methodist Church; Episcopal Church; and Anti-Defamation League of B'nai B'nth.

Unfortunately, a large lobbying effort of phone calls and letters is being waged in support of the President's veto on the Civil Rights Restoration Act. The concerns and arguments presented by these opponents of the civil hts legislation are frankly totally unfounded. I think it is important that we examine these

guments before casting our votes today. First, one of the underlying concerns raised by opponents is the fear of i ent intervention in religious and educational activities. As you know, many churches have already voiced their support for this legislation because they understand that the bill does maintain current protections enjoyed by religious groups. Specifically, title IX presently ex-empts "an educational institution which is controlled by a religious organization if the ap lication of this subsection would not be consistent with the refigious tenets of such orga-nization." Passage of the logislation will not expand this coverage. It will merely make clear the congressional intent of the original

Second and more specifically, concern has been raised about the hiring of horios At no time have the fix or any of the other statutes affected by this legislation been interpreted by the courts as providing civil rights protection on the basis of sexual preference. As S. 557/H.R. 1214 Is a restorative measure. no expansion of coverage will occur.

A rolated concern is the protection of inte-viduals with contagious dispases, including AIDS: Clearly, this is a question that will continue to be a source of great controversy in our country, However, passage of the Civil Rights Restoration Act will not expand the protection of individuals with contagious protection or instruction and instruction of the cases beyond the scope of existing law. Section 504 of the Rehabilitation Act of 1973 provides that, "" an employer is free to refuse to hire or fire any employee who poses a direct threat to the health or safety of others or who cannot perform the essential functions of the job is no reasoitable accommodation can remove the threat to the safety of oth or enable the person to perform the essential functions of the job." These decisions must be made on a case-by-case basis. The same provision applies to educational institutions.

Section 504 also addresses the question of protection for alcoholics and drug addicts. The courts have consistently interpreted section 504 to enable employers to refuse to hire or fire alcoholics and drug addicts if they cannot perform the essential functions of the job. Again, the Civil Rights Restoration Act will not expand the scope of coverage for alcoholics, drug addicts or individuals with contagious diseases protected under section 504 of the Rehabilitation Act.

Passage of this legislation today will ensure that those institutions found to discriminate on the casis or race, color, national origin, sex, andicap, or age do not receive Federal financ at assistance. As former head of the Office of Civil Rights at the Department of Health, Education and Welfare, I have firsthand knowledge of the leverage the Federal Government can bring to bear against discrimin tion by using the tool of funding termination. Strong and effective civil rights enforcement is essential if our shared commitment to equal rights and equal opportunity for all our citizens

is to have any meaning.

My main concern is that the original intent of the law be restored and in the process that full civil rights enforcement become possible. We cannot allow institutions which Federal funding to use the Grove City decision as a means to discriminate. Our country is built on the premise that all individuals are created equal. By allowing the 1984 Supreme Court decision to stand we are condoning discrimination at a national level. This is totally inconsistent with the efforts our country has made to ensure that civil rights are enjoyed by all. We have just finished celebrating Black History Month and the Bicentennial of our Constitution. This is the ideal time to pass the Civil Rights Restoration as a signal to all Americans that the Federal Government will not permit discrimination on the basis of race. sex, age, or handicao

cannot ignore the responsibility that we have to insure all the people of the United States have equal access to an education, health care, social services, and employmen and are not denied these things because of their sex, age, race, or handicap, it is impera-tive that we restore the power of funding termination to the Federal funding agencies to insure that civil rights laws are enforced t urge my colleagues to vote to overnde the President's veto on the Civil Rights Restoration Act today. With its enactment, those responsible for enforcing the Nation's civil rights ws will once again have the full force of the law behind them

Mr. HAWKINS, Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr.

(Mr. VENTO asked and was given ermission to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I rise in

favor of the veto override.

Mr. Speaker, as a sponsor of the House's Civil Rights Restoration Act, H.R. 1214, I was pleased to vote for passage of S. 557 on March 2 and am pleased to vote to override the Presidential voto today. The House of Representatives seized the opportunity the start, acting in the 99th Congress, re-sponding to the temble gap in Federal conrights enforcement that has plaqued our Nation since the 1984 Supreme Court decision in Grove City College against Bell. But the then-G.O.P. Senate failed to act. An overwhelming vote today, which will reverse this court decision, is necessary to restore the national policy of preventing Federal hunding of discrimination experienced by minorities. abled persons, women, and older Americans within institutions which receive Federal funds

In the past, Congress has made commitments to such fundamental civil rights by enacting laws prohibiting discrimination on the basis of race, sex, age or handicap President Reagan and Vice President Busin are wrong to turn away and shun 40 years of natcommitment and progress in civil rights. This administration in turning the clock back on antidiscrimination efforts and policy with this it timed veto. Congress must act to save civil nghts by overriding this veto and reathrning yet again, our never-ending commitment to form a more perfect union.

Despite the misinformation campaign waged against this legislation, the United States is back on the road to effective and meaningful implementation of our Federal antidiscrimina-tion policies. The bill we have passed here loday, does not redefine what constitutes Federal funding, nor does it redefine the recipi-ents of such funds. The Civil Rights Restoraents of such runos. The crivil ringing the steep testion of sex discrimination based on gender to that of sexual preference. It does not require church-es or other places of potential employment to es or other places or potential employment to hire substance abusers or an individual with AIDS who may pose a threat to the satery of others or who may not otherwise be qualified for the job. I regire that those who disagree with civil rights progress have sought to use such questionable tacked (feet to such such meetingship tacked (feet to such such such meetingship tacked (feet to such suc such questionable tactics of fear to sustain this veto. This legislation, importantly, does continue to provide that institutions "controlled by a religious organization" are exempt these laws if compliance would conflict with the tenets of their religion.

Mr. Speaker, our current civil nghts laws since 1984 have been more bark than bite. Today, we will restore meaningful enforcement of the good intentions of our civil rights laws. Congress can once again make good on our Nation's commitment to enforce antidiscrimination laws on an institutionwide basis rather than the narrow, almost meaningless, program-only interpretation prescribed by the Grove City decision. The House of Representative's override of this Reagan veto of the Civil Rights Restoration Act should restore our legislative objectives and stop the mockery and hollow promises that the court's interpretation has made of the basic laws and values of our great Nation. President Reagan and Vice President Bush are wrong. The party of Abraham Lincoln is not well served by such venial criticism and the comfort provided to those who make crul rights the adversary of religious freedom. Let us act today to dash such political ghosts and protect both these important freedoms that our Nation cherishes.

Mr. HAWKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HAYES). (Mr. HAYES of Illinois asked and

was given permission to revise and extend his remarks.)

Mr. HAYES of Illinois. Mr. Speaker. rise in support of the override of the President's veto.

Mr. Speaker, I rise to add my support to overnde President Reagan's veto of the Civil Rights Restoration Act.

rights Restoration Act. S. 557 passed the House by a vote of 315 to 98 on March 2, 1988. The other body adopted the legislation on January 28, 1988, 75 to 14 Today the other body voted to overnide President Reagan's veto 73 to 24. We must act now to override his veto.

On March 16, President Reagan vetoed "-s

bill, claiming the legislation would "vastiy ar 1 unjustifiably expand the power of the Federal Government over the affairs of private organi zations such as churches and synagoques farms, businesses, State, and local gaven ments.

The Civil Rights Restoration Act would averturn the 1984 Supreme Court decision that dramatically reduced the scope of the four Federal antidiscrimination laws and held that the protections of these laws only affects the specific "program or activity" that receives Federal funding. The bill simply restates Congress' original intent and realfirms that led ally assisted organizations must prohibit discrimination against women, minorities, the derly, and disabled individuals throughout the institution. The Federal Government should not subsidize discrimination.

There is widespread misunderstanding about precisely what this legislation would accomplish. The Civil Rights Restoration Act, apies only to institutions that have received Federal funding.
The administration has offered a counter

proposal similar to alternatives already over helmingly rejected by both the House and The administration proposal Senate. exempt federally assisted educational institutions that are "closely-identified with religious organizations and would restrict application of the antidiscrimination laws to the program the antidiscrimination taws to the program or activity receiving Federal assistance for churches and synagogues. In addition, this counterproposal would limit the coverage of the antidiscrimination laws for corporations,

businesses, and local governments.
The Civil Rights Restoration Act respects the "wall of separation" between government and religion. The act does not change the religrous exemption now in effect in title IX of the Education Amendments and title VII of the 1964 Civil Rights Act, it is important to recognize that federally funded institutions controlled by a religious organization are not required to comply with the regulations if the application of these statutes would not be consistent with the organization's religious

In effect, the Civil Rights Restoration Act will restore antidiscrimination laws to their pre-Grove City status. The act makes clear that any institution which has applied for and receves Federal funding, if found to discrimi-nate in violation of title IX of the 1972 Educa-Amendments, section 504 of the 1973 Rehabilitation Act—which protects the rights of the disabled—the 1964 Civil Rights Act, or the 1975 Age Discrimination Act—leses all funding that supports the discriminatory proams. This act upholds the basic freedoms aranteed to all people by the Constitution. orams

The 11th hour attack by Rev Jerry Falwell of the Moral Majority is replete with misinformation. One of the statements is

cour churches and religious leaders could be forced to hire a practicing active homo-seconal drug addict with AIDS to be preach-er or youth pastor

Nothing in these bills nor any of the other statutes have ever been interpreted by the courts to provide protections on the basis of sexual preference, and so on, Reverend Fal-As you may know, I am strongly opposed to

summation on the basis of race, color, na nal origin, age, sex, or physical disability. I an original cosponsor of the Civil Rig " stration Act in the House, H.R. 1214 1 was considered on the floor of the . . . I will rute to overrule President Rea-> 4-10 and urge that my colleagues also . In to become desirate

Mr. LEVINE of California, Mr. Speaker, I rise strong support of the Civil Rights Restoration Act. I am proud to have been an original cosponsor of this and to have been closely involved in this bill since its inception. I urge colleagues to join me in voting to overturn the M's velo.

We are here to restlim the civil rights of millions of Americans. The importance of this legislation in guaranteeing the civil rights cannot be over estimated. The Civil Rights Restoration Act ensures that tax revenues generated from the entire population will not be used to benefit some and to discriminate against other members of our society.

A number of claims have been made about what this legislation is or does. This bill restores the original intent of Congress in the coverage of the four key laws which protect the rights of minority groups, ethnic groups, women, the elderly, and disabled. This legislation does not broaden these original four laws in any way. Additionally, this legislation does not place unfair burdens on religious groups. Religious groups may apply to be exempted from coverage, and in the history of these laws, no application has been refused.

What this bill will do is ensure the principle of "simple justice" John Kennedy advocated—that Federal tax dollars are not used by institutions which discriminate.

We are here today reaffirming some of the most important civil rights legislation passed in the last quarter contury. I am proud to be part of this historical vote today, and I urge my coleagues to override this veto

The SPEAKER. The Chair will state that the gentleman from Vermont [Mr. JEFFORDS] has 3 minutes remaining; the gentleman from Wisconsin (Mr. Sensenbremmer) has 8 minutes remaining: SENDREPRENT HAS 6 INHIBITES FERNAMENT, the gentleman from California (Mr. HAWKINS) has 4 minutes remaining; and the gentleman from California (Mr. Edwards) has 6 minutes remain.

ing. Mr. SENSENBRENNER. Mr. Speaker. I yield such time as she may consume to the gentlewoman from Nevada [Mrs. Vucanovich].
(Mrs. Vucanovich] asked and was

given permission to revise and extend her remarks.)
Mrs. VUCANOVICH. I thank the

Mr. Speaker, I rise in opposition to verriding the President's veto.

Mr. Speaker, like many of my colleagues, both my district and Washington offices have received hundreds of calls to sustain the President's veto of the Grove City bill My offices have talled at least 666 calls. I widcome the opportunity to do my part to ensure that civil rights are not threatened under the ... of restoration by voting to sustain the Press dent's veto

Unquestionably, we all abhor acts that ascriminate against another individual for ma-sons of race, sex, color, religion, mational origin, ago, or handicap, however, it between that this bill, H.R. 1214, would extend its en-forcement authority far beyond the proper scope of the Federal Government. It passed, the language of the bill makes it cinar that Government would have the authority to supervise, intervene into and regulate virtually every entity in this country.

I support the President's veto of Grove City because it trespasses upon the civil rights of our churches, schools, farma, and businesses, and restricts much of the good many of the institutions are able to do in helping our Government attend to those in need. The President's veto signals his concern over the restrous and economic implications of this bill, limagine the ironies involved hore: A church which accepts federally subsidized cheese for its soup kitchen is susceptible to a Federal investigation. Not only is this an intrusion, but it also wastes time that could be better spent feeding people. The grocer who accepts food stamps for those customers who need them would also be susceptible to a Federal investigation.

Civil rights and the freedom to exercise them represent the great freedom that identifies and motivates our country. My vote to sustain the President's veto is cast in the spirit of this freedom.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from Wisconsin is recognized for 8 minutes

Mr. SENSENBRENNER. Mr. Speaker, the question before the House is whether to pass a well-drafted civil rights bill offered by the President or one that is not well-drafted. If you support a better drafted civil rights bill, sustain the veto and support the effort to make the President's bill law.

The President's bill is better drafted because it better effectuates the intent of the proponents while avoiding unintended consequences. For example, the proponents state that their purpose is simply "restoration"—that is, to restore the scope of four major civil rights laws as they existed before the infamous Grove City decision by the Supreme Court. However, the bill calls for corporationwide coverage of five areas of business while the rest of the private sector gets single plant or entity coverage. This disparate coverage of the private coverage is new. This was not the law prior to Grove City. Two weeks ago on the House floor, I asked my good friend and a man I deeply respect, the gentleman from Callfornia [Mr. Edwards] a proponent of this bill, whether the bill's private sector coverage was pre-Grove City law, I asked him three times and

he never answered my question.

In addition, the President's alternative better effectuates the intent of the proponents because it codities many of the colloquys. The two centlemen from California (Messrs. Hawkins and Edwards) have both said that the bill is not meant to cover farmers, grocers, and those parts of churches that are not extended Federal assistance. The President's bill merely states these exemptions as opposed to leaving those questions to the courts. Neither Mr. Hawkins nor Mr. Edwards have explained why it is so disagreeable to put those exemptions in the language of the bill.

I know some Members have been offended by statements made by the Moral Majority. I hope these Members are equally offended by unfortunate comments made by Ralph Neas, executive director of the Leadership Conference on Civil Rights. Ralph Neas in this morning's New York Times says without any explanation that the President's bill would subsidize discrimination. That statement is inaccurate and unfair.

The President's bill represents a

The President's bill represents a moderate, compromise proposal. It is very different from the administration proposal, H.R. 1881. The President's bill is the same as S. 557 except it includes a religious tenets amendment, and codifies exemptions mentioned in colloquys. It is similar to the Sensenbrenner substitute. When I offered by substitute on the floor, I challenged the proponents to cite any form of discrimination that would be sanctioned by inclusion of a religious tenets and corporate coverage amendment. To this moment, I have not heard a response.

The religious tenets exemption addresses the same issue in the Jeffords amendment that was passed in the House Education and Labor Committee in 1985. Was the gentleman from Vermont IMr. Jerronds a racist or sexist for offering that amendment to a bill he cosponsored? Of course not. The religious tenets amendment uses virtually verbatim the same language that the 99th Congress approved nearly unanimously in the Higher Education Act of 1986. Was the 99th Congress racist or sexist? Of course not.

The corporate coverage amendment while not using the same language addresses the same issue of an amendment offered by the gentleman from New York (Mr. Pish! in the Judiciary Committee in 1985. Would anybody in their right mind suggest that Mr. Fish, the lead sponsor of the Grove City bill, would undereut it with this amendment? Would anyone dare suggest that the distinguished and highly respected vice chairman of the Judiciary was not acting responsibly in offering this amendment?

fering this amendment?

My friends, I ask you, can a civil rights bill that is the same as S. 557 except that it includes two amendments that address the same issues offered by two cosponsors of the bill as well as codifying exemptions intended by the drafters be seriously called anticivil rights? What discrimination is being sussidized? I challenge the proposed of the line of the proposed of th

The proponents' actions speak louder than words. In this Congress,

they railroaded this bill without hearings, markups, or committee reports. The bill was passed under a closed restrictive rule that did not allow any freestanding amendments to be voted on. The opposition only got 7½ out of the 60 minutes of general debate on the bill. There were so many questions about the bill, numerous colloquys were made on the floor in an attempt to clarify the intent of the bill. There were so many of them some could not be done during the general debate time and so were done during the rules debate. Moreover, this bill was held up for 3 years by the proponents over the issue of abortion neutral amendment would kill the bill. Subsequent events should show what kind of credibility some proponents have on assessing amendments. The proponents talk about the questions in this bill.

There is nothing shameful about subjecting civil rights legislation to a little bit of the legislative process. It's time to change the terms of debate on civil rights in America. It is not Martin Luther King versus Bull Connor anymore. It is not homosexuals versus racists. It is destructive to insist on passing vague civil rights bill which will be misconstrued by courts. We can do better than this. Let's be constructive. I want to work with the gentlemen from California (Messrs. Hawkins and Edwanns) to pass a good civil rights bill. Let's change the terms so we can have reasoned debate. Sustain the veto and support the President's civil rights bill.

O 1715

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. FIELDS).

(Mr. FIELDS asked and was given

(Mr. FIELDS asked and was given permission to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, I from the strong support of the President's with and against more Federal regulation as it relates to our churches, our universities, and the lives of our people. Mr. Sensenberenner, Mr. Speaker

Mr. SENSENBRENNER, Mr. Spraker, I yield such time as he may consume to our distinguished Republicate leader, the gentleman from Hances (Mr. Micheel).

(Mr. MICHEL asked and was accompermission to revise and extend has remarks.)

Mr. MICHEL, Mr. Speaker, today I am introducing President Reagail solvel rights bill, as outlined in this message to the Senate on March 16.

I believe his bill advances the protection of divilinghts and does so in a way consist of not only with previous divilinghts laws but with the processes of effective and other y government and the procedures of the House

Let me say a few words prehimmary, in order to put in perspective the current detains over what has been called the Grove City Childham Restoration Act, which passed the

House and Senate and has been returned unsigned by the President, and to place before our colleagues my own views-record-on civil rights legislation. -and my own

In voting to sustain the President's veto, I do so commoned that my vote is consistent with a pro-civil-rights-soting record going all the way back to the historic legislation of 1964

voted for passage of the Civil Rights Act of 1964, a bill to enforce the right to vote and to prevent discrimination in access to public accommodations and other areas. This was unquestionably one of the most important pieces of civil rights legislation ever passed in the limited Series. the United States

1965 I voted for the Voting Rights Act. an equally important bill guaranteeing the unen-cumbered right to vote for all Americans.

In 1967 I voted for passage of the

Open Housing Act providing additional protection against interference with persons exercising their civil rights, and then voted to accept the Senate amendments to the bill.

In the same year I voted for the Aged Discrimination Act of 1967 to prohibit employers, employment agen-cies and labor organizations from discriminating against workers or potential workers between age 40 and 65 be-

rail workers between age to and of be-cause of their age.

I voted for the Vocational Rehabili-tation Act of 1973 which included section 504 protecting the rights of the

handicapped.

In 1981, I voted for the voting rights extension to extend key enforcement provisions of the 1965 act.

And in 1984 I voted for H.R. 5490, to clarify that prior civil rights legislation covers an entire institution if any program receives Federal assistance. In short, I voted for the 1984 version of the Grove City civil rights legislation

believe the voting record I have achieved on civil rights speaks for itself. I supported the landmark legislation, the very foundation of all subsequent civil rights legislation back in the 1960's. These are among the votes in my 32 years of congressional service of which I am most proud. I was there for civil rights in the be-

ginning, voting for the laws that would help transform this Nation. I was there for civil rights, voting for other important civil rights legislation, in the years afterward.

I stress this record not only because

of my pride in helping to pass such laws, but because I believe that record is at the heart of my views of the importance of civil rights to all Ameri-

With all of this as background, let me now address the reasons I am introducing the President's Civil Rights

Protection Act of 1988.

I agree that the Supreme Court's interpretation of the scope of Federal civil rights laws in the 1984 Grove City case was too narrow. That is why I support restoration of Federal civil rights laws to original congressional intent, and sponsored legislation to this effect back in 1984.

The 1984 Greve City bill came after we had gone through the proce and procedures, the hearings and the testimony, absolutely necessary for the formation and passage of legislation, of any kind.

But, as I said during the debate on the rule of the Civil Rights Restora-tion Act of 1988, those same proce-dures and processes were simply ig-nored in bringing a Senate-passed bill to the floor. We in the House simply took the Senate bill and were given 2 hours to debate it.

Four years is too long a time to let pass without debating, once again, the long-range implications of what we are doing, particularly in civil rights legislation The additional thought and study that has been injected into the process since 1984 was ignored.

Issues this important, and the people benefiting from this type of legislation, deserve serious consideration by the Congress. But S. 557 got

ation by the Congress. But S. 557 got no hearings, only one hour of debate and no legislative history. There is no way for Members of Congress or the American people to know what S. 557 does. Obviously there are a lot of interpretations and there are a lot of interpretations and opinions. Because the bill is so poorly drafted, we won't know the real impact of this bill until Federal courts decide what it means. This will lead to the courts, in effect, legislating a state of affairs that always leads to trouble.

Leave any ambiguities to the courts e are told. But that approach is

abandoning our duties.
Because of unclear language, S. 557 may require any farmer who accepts Federal funds, via any Federal loan guarantee or any other Federal program, to comply with all Federal age. sex, race, and handicap discrimination laws. We simply don't know what will happen.

The same thing would apply to small grocery stores or supermarkets which accept food stamps, companies which accept job training funds, businesses which construct or operate subsidized housing or religious schools which in any way receive Federal funds.

If these entities decide to reject any

association with Federal funds rather than be subject to a heavy-handed Federal bureaucracy, the real losers would be the very people this bill purports to help. Minorities might not be able to use food stamps in stores of their choice or receive job training as-sistance from reputable companies, or find decent housing.

I feel we have a duty to clarify ex-

actly who is covered, and under what circumstances. That is why I have in-troduced the President's alternative proposal which better provides such clarification.

The motivations of those who support S. 557 are noble. But even the highest of motivation cannot make up

for a lack of legislative clarity.

That is why I am glad to be able to offer a positive, forward-looking piece of legislation that meets all the essential requirements of a civil rights bill and offers us the chance to do this thing in the spirit and within the same processes as the historic civil rights legislation of the past.

I can do no better than to quote the President as to why his bill is the more acceptable of the alternatives offered to us:

He said: "Our will advances the pro-

He said: "Our ann advances the pro-tection of civil rights. It would: "Prohibit discrimination against women, minorities, persons with dis-abilities, and the effectly across the board in public school districts, public systems of higher education, systems of vocational education, and private educational institutions which receive any Federal aid.

xtend the application of the civil rights statutes to entire businesses which receive Federal aid as a whole and to the entire plant or facility re-ceiving Federal aid in every other in-

stance

"Prohibit discrimination in all of the federally funded programs of depart-ments and agencies of State and local governments

believe the President's bill does what must be done, but does so in a way that solves more problems than it creates.

I am proud to be able to introduce legislation which is in the spirit of those great, historic civil rights bills I have voted on throughout the years.
Mr. SENSENBRENNER, Mr. Speak-

er, I yield such time as he may sume to the gentleman from Ohio [Mr. McEwen].

(Mr. McEwen].

permission to revise and extend his re-

Mr. McEWEN. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of the President's

Mr. Speakor, since the House vote 2 weeks ago on the Civil Rights Restoration Act, our offices in Washington and Chio have been flooded with calls.

Our constituents are concerned that the bill passed by the House does more than simply restore individual rights threatened by the Sueme Court's Grove City decision in

Citizens have expressed their loars that this new legislation will impact on our churches, schools with a religious athliation, farmers, and small business owners to name but

Mr. Sonaker, last week I asked the Justice Department to respond to some of these con-cerns and today I would like to share these

I received a letter Monday from Mr. Mark R. Disler, Deputy Assistant Attorney General at the U.S. Department of Justice's Civil Rights

Pursuant to your request, I am enclosing some information that expresses our concerns about 8. 557, the Civil Rights Restoration Act of 1987. In our view, the bill is far more than a simple restoration of the scope

more than a simple restoration of the scope of the statutes it amends.

Specifically, I am enclosing for your review a list of just some of the flaws in S. 557, together with more detailed explanations of some of those concerns.

Included with the letter from the Justice Department was a 2-page listing of "flaws" in the legislation we passed 2 weeks ago. Some of these are alarming. Let me share them with

The Civil Rights Rectention Act represe The Givil Rights Rectemation Act represents a vast expansion of Federal Disper over State and local governments and the private sector, including churches and synapogues, farmers, businesses, voluntary associations, and pervate and religious schools. The expansion goes well beyond the scope of power exercised by the Federal Government before Grove City. Without being exhaustive, some examples are:

An entire church or synapopue will be civiliance.

An entire church or synagogue will be con-ered under at least three of these statutes if operates one federally assisted program of activity

any school in a religious school system will be covered in its entirety if one school within the school system receives even \$11.01 Federal financial as stance.

Grocery stores and supermarkets participat-ing in the Food Stamp Program will be subject to coverage solely by virtue of their participa-

too in that program.

Farmers receiving crop subsidies, price supports, or similar Federal support will be subject to coverage.

Every division, plant, facility, store and subsidiary of a corporation or other private organization principally engaged in the business of providing education, health care, housing, social sondoes, or parks or necreation will be covered in their entirely whenever one portion of one division, plant, facility, store, or subsidiary, recoives any Federal aid.

Thus, if one program at one nursing home or hospital in a chain receives Federal aid, not only is the ontire nursing home or hospital. Every division, plant, facility, store and sub-

only is the entire nursing home or hospital covered, but all other nursing homes or hospitals in the chain are, automatically covered in their entirety even if they don't receive Feder

al aid.

Further, if the tenant of one unit in one apartment building owned by an ontity principally engaged in providing housing receives Federal housing aid, not only is the entire apartment building covered, but all other apartment buildings, all other housing operations, all other nohousing businesses of the owner are covered even though they receive out offect or even indirect Federal aid.

The entire plant or separate facility of all

no direct or even indirect Fodoral aid.

The entire plant or separate facility of all other corporations and private organizations not principally engaged in one of the five specified activities would be covered if one portion of, or one program at, the plant or facility receives any Federal, elid. This Includes all other plants or facilities in the same locality as the facility which receives Federal aid for one of its programs. one of its programs

A private, national social service organization will be covered in its entirety, together with all of its local chapters, councils, or lodges, if one local chapter, council or lodge ives any Federal financial assistance.

A State, county, or local government depart-ment or agency will be covered in its entirety, whenever one of its programs receives Feder al aid. Thus, if a State health clinic is built with Federal funds in San Diego, CA, not only is the clinic covered, but all activities of the State's health department in all parts of the State are also covered.

All of the commercial, non-educational ac-tivities or a school, college, or university, in-

cluding rental of commercial office space and housing to those other than students or faculty, as well as investm nt and endowment policies, will be covered if the institution receives even \$1 of Federal education assistance.

A vague, catch-all provision creates additional coverage.

tonal coverage.

As a consequence, more sectors of American society will be burdened with:
Increased Federal paperwork requirements;
The need to consult with cartain advocacy groups, and to maintain a receird of such consultations for a period of years;

Random on-site compliance reviews by Federal agencies even in the absence of an egation of discrimination

regation of discriminations;
Thousands of words of Federal regulations;
Costly section 504 accessibility regulations cossy section over accessionity regulations that can require structural and equipment that can require structuring, modifications, job restructuring, modifications of work schedules, and provision of auxiliary

The need to adhere to an equality-of-result rather than equality-of-opportunity standards that can lead to quotas, proportionality and other Federal intrusions;

The need to attempt to accomodate contagious persons—employees, students, mem-bers, participants, customers—including those WITH AIDS:

The requirement of providing auxiliary aids for hearing-impaired and vision-impaired persons if necessary for them to participate in the programs or activities of the covered entity.

The requirement of adopting "Grievance procedures that incorporate appropriate due process standards;

There will be increased exposure to costly private lawsuits that will inevitably most expansive interpretation of the already overbroad language of the bill;

And, of course, there will be increased exposure to the judgments of Federal courts."

But what does all this mean to the average

But what toos an uns mean to une average farmer or grocery store owner or university president or rabbi, priest, ministor?

Well, grocery stores, for example, will be covered under this bill for the first time—despile the fact that in most instances their only contact with Federal assistance is the accept ance of food stamps-and even thought not one work of testimony in 4 years of debate on Grove City has suggested that there is any

problem with grocory stores.
In fact, the National Grocers Association just one of many national organizations opposed to this burdensome bill—and I will get to some of the others in just a maute—the National 'Grocers' Association testified on posed to this burdensome bill-March 27, 1985, before a joint committee hearing in the House that their members'

profit margin is about 1 penny on the dollar.
It's not difficult to understand what will happen to that profit margin should grocers be subject to the Federal paperwork, reporting requirements, inspections, auxiliary aids, and the rest called for in this bill. Should a grocer be subject to a lawsuit because of this legisla--that slim margin of profit would go right down the drain.

And the grocers are not alone.

resterday, during its annual Washington celling, the National Association of Home annual Washington Builders, joined the growing outcry against the Civil Rights Restoration Act.

The NAHB resolution reads as follows:

Whereas the National Association of Home Builders will continue to support and

work for responsible civil rights and fair housing legislation; and Whereas, the House and Senate have re-cently passed legislation which is intended to expand civil rights coverage under the expand civil rights coverage under the case; and

case; and
Whereas, the scope of legislation is very
broad and ambiguous and the Congress has
invited the courts to decode the exact scope
sna case-by-case basis; and
Whereas, there was no opportunity to
amend, the legislation and more clearly
define the scope and intent of the legislation; and

tion; and
Whereas, the debate ever the bill in the
House of Representatives left unanswered
the degree to which existing buildings will
be retirofithed if invived with FIA leans,
VA leafus, or other fetherally guaranteed
to saw to invividing everyonethers or partnercathya that are used to purchase or buildsingle or multifemily housing and
Whereas, this legislation tould result in
substantial exposus and from disruption
by requiring existing buildings to be retrofitted for handlexpoped accessibility; and
Whereas, the Privident has announced his
intent to weth this legislation; Now, therefore be it.
Resolved, That the Matthed

fore be it.

Resolved. That the National Association of Home Builders work is sustaining the velo. of the legislation and work with the President, and the Congross to devise and implement responsible instalation that admesses the special pages of the handicapped that is not ambiguous nor has the unintended consequences of the current tegislation.

The Home Builders joined the National As-The Home supports joined the reasonal Association of Realtors which had previously expressed its reservations to this bill, I will not read their letter to the Judiciary Committee, but I would like to insert it at this point for RECORD:

NATIONAL ASSOCIATION OF

The second second

Wathingion, DC, Formary 24, 1988.

Hon, James Sensenberners.

Committee on the Judiciars, Subcommittee on Civil and Constitutional Rights.

House of Representatives.

Day Conferensions: Subscherens: We stone with the substance of the Ciril Rights Restoration Act of 1987 which will soon be before the Misstance of the Ciril Rights Restoration Act of 1987 which will soon be before the House of Representatives.

We oppose those provisions that would apply Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination and the Age Discrimination Act and the Age Discrimination and the Age Discrimination Act of 1973 and the Age Discrimination Act on the Age Discrimination Act and the Age Discrimination Act on the Age Discrimination Act of 1973 as the Age Discrimination Act of 1973 as the Age Discrimination Act of 1973 as the Rehabilitation Act or the Age Discrimination Act were originally adopted.

We also believe that the definition of a "handicapped individual" contained in Section 504 of the Rehabilitation Act of 1973 as totally unworkable in the housing industry and the Age Discrimination Act were originally adopted.

tion 304 of the Renabilitation Act of 1973 is totally unworkable in the housing industry A "handicapped individual" under Section

504 means any person who has a physical or mental impairment which substantially limits one or more of such person's major mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment. This definition apparently includes persons with contagious diseases, mental illness, or an acdidation to alcohol or drugs. Owners and managers of private residential property are not emisped to provide the special services persons with such conditions undoubtedly require. Nor are owners and managers capable of making the medical or psychiatric judgments that are necessary to determine whether such persons may pose a threat to the health and safety of existing occupants of a dwelling. In our view, the protection against housing discrimination that should properly be afforded to handicapped persons should be limited to persons with obvious forms of physical handicap such as blindness, deafness, or an inability to walk or live without assistance. We appreciate the opportunity to present our concerns relevant to the Civil Rights Restoration Act of 1987.

Sincerely.

WILLIAM D. NORTH, Executive Vice President.

Proponents of this legislation, including our good friends at the Washington Post, insist that the bill exempts farmers.

Unfortunately, they've yet to convince the American Farm Bureau Federation of that. Today the Farm Bureau sent a letter urging Members of Congress to sustain the Pres dent's veto because no agricultural exemption

exists in the bill in its present form.

Last March, Mr. C.W. Fields, assistant director of the American Farm Bureau Federation's National Affairs Division, testified before the Senate Labor Committee to voice objections

I will insert his entire testimony at this point, but I just wanted to highlight a few of his comments.

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION TO THE SENATE LABOR COMMITTEE REGARDING S. 557—CIVIL RIGHTS RESTORATION ACT OF 1987

(By C.H. Fields)

(By C.H. Fields)

The American Farm Bureau Federation is the nation's largest farm organization with a current voluntary membership in excess of 3.5 million member families who have paid annual dues to nearly 2.800 county Farm Bureaus in 49 states and Puerto Rico. Last January, the voting delegates of the member State Farm Bureaus reaffirmed a policy opposed to any legislation that would expand the scope of the existing civil rights statutes to cover those who have not been previously subject to them. The nations' family farms are already struggling for their continued existence as economic entities, and are overburdened with a myriad of federal regulations affecting employment ties, and are overburdened with a myriad of federal regulations affecting employment on farms and many other phases of their operations. They should not be threatened with coverage by additional statutory and regulatory requirements in the area of discrimination and civil rights, particularly when such coverage was never intended by the original sponsors of the original statutes and when there is no need for such coverage.

No group of people in this country has a stronger belief in the fundamental principles of freedom, liberty and justice embodied in our nation's basic charter than this nations' farmers and ranchers. We have long believed that unnecessary and unvarranted expansion of the power and responsibility of the federal government constitutes a serious threat to the fundamental principles upon which this nation was founded and prospered among the nations of the

are mindful of the fact that som 750,000 farmers and ranchers are employers.

Any statute or regulation affecting employment practices could have an impact on ag ricultural employers with regard to sex, age or handicap requirements. Several thousand farmers throughout the country operate roadside markets and other direct markets to consumers. The Department of Agricultural parts of the consumers of the department of Agricultural parts of the department o ture administers a number of programs in-volving federal payments or other assistance to farmers and ranchers. The broad and sometimes vague language in this bill raises serious questions as to what impact anti-dis serious questions as to what impact anti-dis-crimination regulations would have on such benefits as loan guarantees, commodity loans, deficiency payments, disaster pay-ments, price supports, conservation cust-sharing, etc.

sharing, etc.

Supporters of the bill state that Section 7 provides a "rule of construction" which, in effect, exempts farmers as ultimate beneficiaries of federal aid.

We find that statement unpersuasive be-

There is no indication in the bill as to

1. There is no indication in the bill as to which persons or entities are defined as ultimate beneficiaries and under which aid programs. We are not sure it includes businesses, such as farms and ranches.

2. Farms appear to be clearly covered by subparagraph (3) of each operative section because farms are business entities or private organizations, or both under this bill.

3. Even if Section 7 is constructed to exclude coverage of farmers as ultimate beneficiaries before enactment of S. 557, any farm-aid programs adopted after enactment of S. 557 would not be excluded from coverage.

It might also be erroneously argued that Section 4(c) exempts farmers from coverage under the Act. We point out, however, that this language applies only to discrimination against handicapped persons under Section 504 and does not reduce compliance burdens under Title VI or age discrimination. Even under Section 504, only some farmers will benefit from this exemption. USDA Section 504 regulations define "small providers" as entitles "with fewer than 15 employees." Somewhere between 50,000 and 100,000 farms employ more than 14 persons. Further, even the "small providers" are exempted only from the most onerous of Section 50 section 50 feet only from the most onerous of Section 50 section 50 feet only from the most onerous of Section 50 section 50 section 50 feet only from the most onerous of Section 50 section 50 section 50 feet only from the most onerous of Section 50 ther, even the "small providers are exempted only from the most onerous of Section 504 regulatory burdens, such as making structural alterations to existing facilities—and only "if alternative means... are available of the section of the section

The small operations would still be subfeet to many onerous requirements, includ-ing paperwork requirements, requirements to consult with disabled groups and make a record of such consultations; extensive em-ployment regulations; and a requirement to take appropriate steps" to guarantee that communications with hearing and vision-im-paired applicants, employees, and customers can be understood.

To the extent that S. 557 extends the basic principle that the term "program or activity" means all of the operations of the culture corporation, partnership, private orcanization, or sole proprietorship, farms may acil fall within the scope of that definition in several ways. For example, a subsidy to one commodity on a farm would subject the entire entity to regulation. A farm of continuous fields could be deemed a "geographically separate facility," and thus covered in its entirety. Additionally, farming could be construed as providing a "social service" to consumers.

Farm Bureau is not opposed to a bill that simply provides coverage under the Civil To the extent that S. 557 extends the

provides coverage under the Civil

Rights statutes the same as it was before the Grove City College decision; but our analysis of this bill leads us to the conclusion that it seeks to go much further than that. We believe it would result in a broad expansion of coverage under the Civil Rights statutes, including farmers who were

Rights statutes, including farmers who were never concred before.

For that reason we are opposed to S. 557 as introduced, We favor, instead, a bill such as the one introduced by Senators Dole and Hatch in the last Congress and which we understood will be introduced in both Houses of this Congress. We hope this Committee will give careful consideration to the concerns we have expressed.

concerns we have expressed.

We appreciate the opportunity to present

First, Mr. Fields says, "supporters of the bill state that section 7 provides a rule of con-struction" which, in effect, exempts farmers as

ultimate beneficianes of Federal aid.

We find that statement to be unpersuasive

First them is no indication in the hill as to thich persons or entities are defined as uttimate beneficiaries and under which aid programs. We are not sure it includes businesses, such as farms and ranches

Second, farms appear to be clearly convered by subparagraph (3) of each operative section because farms are business entities or private organizations, or both under this bill

Third even if section 7 is constructed to exclude coverage of farmors as ultimate beneficiaries before enactment of S. 557, any farmaid programs adopted after enactment would

not be excluded from coverage.

Mr. Fields makes a powerful argument on behalf of the more than 3.5 million member families who have voluntarily joined the Farm Bureau. So while the Washington Post and certain Members of the House and the other body may maintain farmer exemptioners remain opposed to the bill and are unsure its consequences.

Of course, the home builders, realtors, gro-cers and Farm Bureau are not alone. They are

ined by: The National Black Coalition for Traditional

The National Family Institute

The National Association of Manufacturers The American Pharmaceutical Association The U.S. Chamber of Commerce

The Committee to Protect the Family

Concerned Women of America

Intercessors for America. The Catholic Center.

The Ad Hoc Committee of Life

The American Association of Christian

The American Conservative Union

Citizens for Educational Freedom Coalitions for America

The Family Research Council

Focus on the Family

The National Committee of Carrie

Association of Christian Schools internations

The Christian Action Council

Moral Majority Inc.

The Catholic League for Religious and Conlants.

At this point, I would like to insert some of their comments as well:

NATIONAL PANILY INSTITUTE

NATIONAL FAMILY INSTITUTE,
February 29, 1988.
DEAR CONCRESSMAN/WOMAN: In years to come black Americans will know in no uncertain terms that the civil rights gains of the 80's were usurped by the so-called Civil Rights Restoration Act of 1988. By then it will be too late. It is not too late now to stop this travesty from occurring.
Today National Pamily Institute announced its opposition to the Civil Rights Restoration Act in its current form. The opposition is based on the following points:

1. The bill is, in part, an attempt to merge legitimate civil rights with illegitimate civil rights with illegitimate civil rights by radical white feminists and homosexuals donning blackface.

2. The bill is currently written to give favor and status to persons who have not been recognized as deserving the status of "milnority" under current federal anti-discrimination laws. The Affairs of the company of the same crimination laws.

minority" under current federal anti-dis-crimination laws. The effect of this will be a weakening of the current law's ability to protect legitimate minorities (race, gender,

protect legitimate minorities (race, genuer, national origin, creed, etc.).

3. The bill represents a step backwards for legitimate minorities because the reach of federal regulations under this proposal will impose such burdens that private efforts toward self-held will either operate in non-compliance with the Act or shut down. They will shut down; thereby eliminating a source will shut down; thereby eliminating a source will shut down: the Act or shut down. They will shut down: thereby eliminating a source of training, self-worth, and vital assistance to the very people who should benefit from

the Act.

National Family Institute encourages

Congress not to let the take-over of the civil
rights movement extend into the law. The
legal status of minority people has come too
far and at too great a price to suffer defeat

it this man. in this way.

NATIONAL ASSOCIATION OF Manufacturers, February 29, 1988.

February 29, 1988, lion. P. James Sersenbermer, Jr., House of Representatives, Washington, DC. Dear Mr., Sersenbrenner: The National Association of Manufacturers wishes to ex-

Association of Manufacturers wishes to express its support for the two amendments to S. 557, the Civil Rights Restoration Act, which you are planning to offer during the March 2 debate on the House floor. While we cannot support S. 557 as it was voted out of the Senate, your efforts to improve this measure with the "religious tenet exceptions" and "corporate coverage" amendments move S. 557 in a more positive direction. The NAM supports a legislative reversal of the Grove City decision, but strongly opposes any attempts to expand the scope of federal statutory coverage of all businesses.

These amendments to limit the application of "Grove City" are well-considered and will hopefully gain the support of your col-

tion of "Grove City" are well-considered and will hopefully gain the support of your col-leagues in the House of Representatives.

JERRY J. JASINOWSKI.

AMERICAN PHARMACKUTICAL ASSOCIATION Washington, DC, July 16, 1987.

Hon. STROM THURMOND,

U.S. Senate.

Washington DC.

DEAR SENATOR THURMOND: I am writing to express the American Pharmaceutical Asso-ciation's (APhA) concern that S. 557, the Civil Rights Restoration Act, may require Civil Rights Restoration Act, may require many small businesses, including pharma-cies, to comply with burdensome paperwork. APhA is the national professional society of pharmacists representing the third largest health profession comprised of over 150,000 pnarmacy practitioners, pharmaceutical sci-entists and pharmacy students.

Many of the pharmacies APhA represents Many of the pharmacies APhA represents operate small businesses. There are approximaterly 50,000 pharmacies in the United States reasonably accessible to virtually every citzen. These pharmacies actively compete for patients by providing a variety of price and service options. As a result of this intense competition, pharmacies today average less than a 3.5 percent net profit before taxes. Thus, pharmacies are partients. this intense competition, pharmacies today average less than a 3.5 percent net profit before taxes. Thus, pharmacists are particularly vulnerable to the additional costs, in iarly vulnerable to the additional costs, in terms of both money and time, associated with compliance with burdensome (ederal laws and regulations. In 1985 the Associa-tion's House of Delegates adopted policy on the "Reduction of Federal Laws and Regu-lation (Paperwork Burden)". This policy

APhA supports the reduction and simpli-

states:

"APIA supports the reduction and simplification of laws, regulations and record-keeping requirements which affect pharmacy practice and are not beneficial in protecting the public welfare."

Consistent with this policy, we express concern whenever it appears that new federal laws or regulations may place an unreasonable burden on pharmacy practice. While we are not taking a position on the merits of S. 557, we are concerned that it may create onerous regulatory and paperwork burdens on many community pharmacies throughout the country. Moreover, by federally mandating how certain concerns must be addressed, the Congress may frustrate other more innovative ways of addressing these same concerns. For example, many pharmacies will deliver medications to those patients who for various reasons cannot visit the pharmacy to obtain their medications. medications

Thus, we urge you to consider carefully the paperwork burden that may be created S. 537 is enacted.

Thank you for considering our views.

Sincerely.

JOHN P. SCHLEGEL

PRESS CONFERENCE AT THE NATIONAL PRESS CLUB, WASHINGTON, DC
Lam Rev. Cleveland Sparrow, the President of the National Black Conlinion Tov Traditional Values.

My organization publicly declares war on the so-called Club Rights, Restaration Act, We also believe these actions are a direct assault on black traditional values for church and family. The legislation is a racist attempt by special interest groups to further crode and infringe upon, the gains and accomplishments, won by the civil rights movement.

was not so long ago that the racist Jim Crow laws determined where black people could eat, whom they could marry and whether they could exercise their right as citizens to vote.

It took many people of strong convictions to repeal those laws and to begin the work of fulfilling the American dream for black Americans.

The freedom writers of the 1980s boarded buses so that no person would be told to sit in the back of one. Seemingly, black America's struggle for civil rights is a victim of its own successes. More and more groups want to ket on our civil rights bus and carpetbag into the work of our movement.

The drive to make civil rights mean everything except rights for black people has reached its peak in the 9th U.S. Circuit Court of Appeals where a three judge panel on that court equated the homosexual rights movement with the black struggle.

The day that decision was announced, I The freedom writers of the 1960s boarded

The day that decision was announced, I heran hearing from black people all over America. Their verdict was unanimous. They were disgusted and revolted that fed-

eral judges consider homosexuals just like

We all agree that this decision endangers
the entire basis of our civil rights law and our nation's moral health as well.

We feel that homosexual perversion is a matter of choice and therefore should not be subject to the same constitutional protection as racial minorities

That decision titled with the passage of the so-called Civil Rights Restoration Act will destroy the meaning of civil rights that my black brothers and sisters went to jail for

and some even died for and sisters went to jail for and some even died for requires that some folks be given preference over others. What happens when a white male claims to be a homosexual after he is passed over for a black candidate?

the civil rights struggle was a moral struggle which remedied a moral arong. No eivil rights measure is worthy of the name if

eivi infilis measure is worthy of the name if it forces good people to accept what they believe to be immoral behavior by others. The Civil Rights Restoration Act is noth-ing of the kind. It is simply a racist attempt by militant radicals to don black face so they can exploit the gains that my people fought and died for.

Thank you.

U.S. CHAMBER OF COMMERCE

U.S. CHAMSER OF COMMERCE.

Washington, D.G. February 26, 1988.

Hon. CLAUDE PETFER.

Chairman, Committee on Rules. House of Representatives, Washington, D.C.

DEAR M.R. CHAIRMAN: The U.S. Chamber of Commerce, on behalf of its more than 180,000 business members, respectfully urges you to support an open rule on the Senate-passed S. 557, the Civil Rights Restoration Act. The Chamber understands that S. 557 is scheduled to be considered by the Committee on Rules on March 1.

S. 557 is a highly controversial bill, which would go far beyond reversing the 1984 Supreme Court decision in Grove Cuty Cultive, Rell. The most appropriate legislature response to the Grove City decision remains unclear. In the 98th Congress, the House Committee on the Judicary and Committee. Committee on the Judgary and Congradue on Education and Labor both had clos-votes, on legif has some instances, passed, amendments dealing with appropriate coverage, religious Lenets, Cangressional coverage, and "abortion-mental January" among others.

Accordingly the Chamber essuments a full-

among others.
Accordingly, the Chamber supports a full and fall debate on 8, 553 and urger you to adopt an open rule in the interest of procedural-and substantive failures.

Sincerely, . ACREST D. BOURLAND.

THE CATHOLIC LEAGUE FOR

DENY CONGRESSIANT I im General Counsel of the Catholic League for Reliations and Givil Rights. The Catholic League is a lay organization with a strong concern for both religious freedom and the right to life. Soon the House of Representatives will be orting on important registation moditing the construction to be given civil rights laws in federally aided institutions. While the Catholic League is directly concerned with civil rights, our emphasis is often on the preservation of rights of religious freedom and the right to life, which are sometimes overlooked by other civil rights interests. The Grove City bill has implications in both these areas. these areas

As you know, the Senate has passed the Danforth Amendment which will ensure

that the Grove City bill is not utilized to re-quire federally-funded institutions to aid abortion. We are confident that House members will join their Senate counterparts in making certain that civil rights legisla-tion is not used as prefext for mandating aid to abortion.

in making certain that civil rights legislation is not used as a prefact for mandating aid to abortion.

Our major currend encern is with a matter that evidently was overlooked by the Senate: religious freedom. The Benate voted to reject a 'religious lenct' exception to the law. This amendment would have allowed for the accommodation of important religious concerns of religiously-oriented institutions without measurably harming the advancement of other civil rights interests. As I understand, the laws affected by the Grove City bill currently contain very narrow religious exemptions. In the important area of higher education, these provisions can be construed in a manner that would provide little protection for the vast majority of religiously-oriented colleges not directly owned and controlled by a church, in order that these important institutions preserve the religious heritage that makes them unique, they must be allowed to adhere to their religious teritage that makes them unique, they must be allowed to adhere to their religious teritage that makes schools will lose the freedom to pursue their religious mission. This loss will affect not only the involved institution, but also our society, which values the religious diversity these centers of higher learning provide.

The spirit of religious accommodation provided by the religious tente exception is in keeping with our Constitution's guarantees of the free exercise of religion. Legislative recognition of these interests through a religious tent exception will clearly inform both the executive and judicial branches, which will construe the enacted legislation as demonstrating the concern of Congress for guaranteeing this constitutional freedom.

While the religious freedom concern for concern

dom.

While the religious tenet exception is the most tangible religious freedom concern raised by this legislation, other religious freedom questions exist. Specifically, the fact that the legislation equates students' use of federal student financial aid with federal funding of institutions raises questions concerning possible future judicial attempts to label use of such financial aid as government sponsorship of religion under the Establishment Clause. Such a construction could affect current student financial aid programs and might come to be used to challenge Pell grants to needy students in church-related colleges. It would be my hope that Congress specifically indicate that it does not intend to equate student and with funding, for constitutional purposes. In short, the Grove City bill has certain serious implications for our right to religious freedom, which Americans have long cherished. Please consider this important civil right as you pass upon this serious legislation.

Sincerely. While the religious tenet exception is the

on. Sincerely,

STEVEN P. McDowell

A RESOLUTION

A RESOLUTION

Expressing the consensus that religious freedom be recognized nationally, as well as internationally, and that the Congress of the United States should do the utmost within its power to allow people to exercise their religious freedom within their churches, synagogues, schools and organizations.

Concerned women for America, in convert with the Ad Hoc Committee in Defense of Life, American Association of Christian Schools, The American Conservative Union, Association of Christian Schools International, Christian Action Council, Citizens

for Educational Freedom, Citizens for Reagan, Coalitions for America, College Republicans, Eagle Forum, Family Research Council, Focus on the Pamily, Moral Majority, National Association of ProAmerica, National Black Coalition for Traditional Values, The National Committee of Catholic Layman, and Pro-Pamily Coalition submits for consideration of Congress the following resolution. lowing resolution.

Whereas, Congressman Chris Smith (R NJ), who has taken the active lead on behalf of religious freedom for people in the Soviet Union, introduced H. Con. Res. 223, on December 8, 1987, which to date has 153

on December 8, 1987, which to date has 153 cosponsors; Congressman John Porter (R. IL). co-chairman of the Congressional Human Rights Caucus and a member of the Helsinki Commission, is an original cosponsor of H. Con. Res. 223 and has expressed

sor of H. Con. Res. 223 and has expressed concern over state control of religious expression and practice:

Whereas. Congressman Steny Hoyer (D MD), chairman of the Commission on Security and Cooperation in Europe stated. "It is important for each of us, as General Secretary Gorbachev visits the United States, to impress upon him that religious freedom and the right to practice one's belief in God is a fundamental and inalienable right arising from one's humanity, and not use of the

is a fundamental and inalienable right arising from one's humanity, and not out of the
good will of the state";
Whereas, Congressman Paul Henry (R
MI), for himself and 258 members of the
House of Representatives, introduced into
the Congressional Record a letter to General Secretary Gorbacher outlining categories
of religious oppression and repression in the
U.S.R.R.: USSR

U.S.S.R.;

Whereas, this letter stated that violations brought to the attention of Congress by citizens living in the U.S.S.R. included "interference in the religious governance of religious organizations and institutions" and "restrictions on institutions for theological education of Orthodox Roman Catholic, Protestant, Jewish, and other religious bodies":

bodies; Whereas, if further stated, "... Our tradition recognizes human rights as divinely endowed, and thus transcending the powers of the state. Thus, we regard the question of honoring religious rights of citizens as the heart of the human rights question. Your tradition recognizes human rights as "granted by the government," and thus not having autonomy from the government which grants them";

Whereas, we believe that the "Civil Rights Restoration Act of 1987" impinges upon religious freedom in forcing religious institutions to relinquish their autonomy in order to adhere to governmental requirements;
Whereas, it is true that no schools have been denied religious exemptions by the De-

Whereas, it is true that no schools have been denied religious exemptions by the Department of Education, it is also true that no schools were granted exemptions by the Department for over six years between the dates of October 15, 1976, and May 18, 1983, 4896. Concressional Record, January 28, 1986, pages \$232-234); Whereas, in 1980 a Federal District judge determined that employees of independent relixious schools controlled by lay boards rather than a church were not exempt from

rather than a church were not exempt from Federal unemployment taxes. William Bell, a constitutional attorney, found that "to deny the exclusion for religious institutions then the exclusion for religious institutions which were every bit as religious as institutions operated by churches, would be violative of the Free Exercise and Establishment Clause of the First Amendment to the U.S. Constitution, as well as the Equal Protections Clauses of the Fourteenth Amendment. The exclusion would favor those religious institutions which are operated by churches and would give rise to excessive entanglements between government and religion

Whereas, in the Civil Rights Restoration Act, indirect as well as direct federal financial assistance would cause an entire institution to come under the regulatory jurisdiction.

tion to come under the regulatory jurisdiction of the Federal government;
Whereas, a U.S. Commission on Civil
Rights stated. "Since tax exemptions are
probably Pederal financial assistance, it is
likely that private schools already are under
the jurisdiction of Title IX of the educational amendments, which require non-discrimination in all education programs and activities precising federal financial assistance. les receiving federal financial assistance report by the Federal Civil Rights Enforcement Effort—1974, Vol. 3, to ensure the educational opportunity, a report of the U.S. Commission on Civil Rights, January 1975, page 154):

Whereas, Pell grants, student loans, and G.I. Bill benefits have been declared as "federal assistance" (Grove City College v. Bell, 1984);

Bell, 1984);
Whereas, in Repair v. Taxalion with Representation, 1983, the Supreme Court found that "Both tax-scemptions and tax deductivility are a form of subsidy that is administered through the tax system";
Whereas, if follows that religious institutions, organizations, and corporations who are classified as 501(e/3) would be considered the recipients of federal financial assistances.

sistance:
Whereas, President Reagan declared December 10, 1987, Human Rights Day and pledged to support fundamental freedoms, human rights and self determination. On March 2, 1988, he stated in a letter to Congress that "Civil Rights Restocation Act of 1987" as passed by Congress". .. diminishes the freedom of the private citizen." ... dramatically expands the scope of federal Jurisdication" over state and local governments, and "poses a particular threat to religious liberty";
Whereas, religious institutions should have the right to hire and terminate according to the state of the s

Whereas, religious institutions should have the right to hire and terminate according to their religious doctrines as a demonstration of "the right to... inanifest his religion or belief in teaching, practice, worship and observance" (see letter to General Secretary Gorbachev): Whereas, a religious tenes amendment was offered by Senator Hatch (R. UT) during debate on 8, 557 and received 39 supporting votes:

porting votes:

Congressman Sensenbrenner

Whereas, Congressinan Sensenbreiher (R WI) offered an amendment including religious tenets to S. 557 in the House debate which received 146 votes of support:

Be it resolved, by concerned citizens for religious freedom internationally as well as in these United States that Congress should quickly pass H. Con. Res. 223, on behalf of political prisoners in the Soviet Union:

Be it further resolved, that Congress should recognize the grave concerns in this nation for the protection of libertures threatened in enosive yet virtually importentible

ened in erosive yet virtually imperceptible

ened in erosive yet virtually imperceptible ways; and Now be it therefore resolved; that Congress should uphold the Presidential veto of the "Civil Rights Restoration Act of 19a7" because it lacks a religious tenets amendment to protect these religious institutions and expands coverage of churches, synagogues, and religious schools systems.

Mr. Speaker, I'm certain you noticed the prevalence of religious institutions and alliliated groups in this listing. There is good reason for that and I would like to conclude my remarks this evening with a discussion of religious institutions and the affect of the Civil Rights Restoration Act upon them

The Justice Department provided answers to some of the questions raised about this important issue by constituents. Let me share some of those today.

First Question: Are entire churches, synegogues, and other religious institutions covgogues, and other resignous insertutions covered by S. 557, if just one program at such an entity receives Federal suff!

Answer: Yes. Subparagraph (3/B) of the operative sections of the bill covers "all of the

operations of every "private organization" which is a "geographically separate facility any part of which is extended Federal 4-nancial assistance * * * "

Obviously, a church or synagogue fits easily within that definition. The bill's sponsors acknowledged at a committee markup in the other body that such coverage of entire Churches a nd synagogues will exist.

Therefore, if a church or a synagogue oper-Therefore, if a church or a synagogue operates any tederally aided program, such as "hot meals" for the elderty, a surplus food distribution program for the needy, a shelter for the homeless, or assistance to help logalize immigrants, not only will those assisted pro-grams be covered, but, for the first time, all grams be covered, but, for the first time, as other activities of the church or synagoguo, including prayer rooms and other purely religious components, educational classes, church or synagogue schools—even though conducted in separate facilities—or a summer camp for youngsters, will be covered as well

if the church or synagogue con-Further. outlet a school which receives any Federal and, even in a separate building, the entire church or synagogue, as well as the entire school, with be covered.

Second, Question: How broad is the cover-and of a "receive being".

age of a "geographically separate facility?"

Answer: The Senate committee report at

page 18 says that coverage "in the bill refers to facilities located in different localities or regions. Two facilities that are part of a complex or that are proximate to each other in the ima city would not be considered geographically separate."

For example, if a Baptist church in Birmin ham, AL, operates an apartment building for the elderly located three blocks from the church, and the apartment building, or just one tenant in the building receives any Fed all housing assistance, not only will the apart-ment building be covered, but all of the activ-ties of the church itself will be covered as well. Similarly, in this example, if the church receives Federal aid for a surplus food program for the needy operated from the church building, the apartment building for the elderly will be covered even if it received no direct or indirect Federal aid.

Third. Question: Have sponsors of the bill provided evidence that such broad coverage existed prior to the Grove City decision?

r. No. The fact is that the scope of these civil rights laws, as originally enacted, did not cover entire churches, synagogues, or other religious entities, when just one of their programs received Federal Financial assistance. No one in Congress as that time sug-gested otherwise. That is not surprising due to the long-standing reluctance on the part of Congress and Federal agencies to entangle the Government with religion, potentially running afoul of the first amendment

Moreover, case law concerning private sector coverage under the civil rights statutes prior to the Grove City decision held these statutes to be "program specific."

Fourth. Question: What are the conseuences of such coverage?
Answer: Expanded Federal

under these four statutes brings with ic Increased Federal paperwork

Exposure to Federal bureaucratic comoliance reviews and onsite reviews even in the ce of an allegation of discrimination;

Thousands of words of Federal regulations; The need to adhere to accessibility ments under section 504, which for a church or synagogue could mean requirements to in aisles and space between pews, addimodifications to prayer rooms and other parts of the church or synagogue, equipment pairs or the crurch of synagogue, equipment modifictions, job restructuring, modifications of work schedules, provision of auditary aids in-cluding readers and sign language interpret-ers, and other extensive requirements: requirements;

The requirement to attempt to accomodate persons, including employees, with infectious diseases such as tuberculosis and AIDS:

Increased exposure to private lawsuits. Such coverage represents a fundamental mistrust or religious institutions and expresses a desire to extend Federal control over all of the operations of every aspect of the private that touches Federal dollars. When a particular program at a church or synagogue receives Federal aid, that program itself should be covered, but the rest of the church or synshould not be covered by all of the

ederal regulations.

Many churches or synagogues heretofore willing to take Federal social wolfare aid may stop providing these important social services or may reduce their efforts by the amount of Foderal aid, rather than subject themselves to coverage of their entire institutions. In light of value of pluralism and diversity in our society, the value of independent religious institu-tions, and in view of the complete absence of any case for the expansion of coverage over religious institutions, S. 557 is senously

*Finally: Mr. Speaker, presently 151 colleges, unversities, sommaries, theological-schools and the like have religious exemptions under jude IX of the Education Amendments of 1972. These include such prestigious institutions as Bingham. Young University, Catholic University, perding University, Seton Hall University. and Baylor University. I would like to insert the complete flat of exempted institutions, and a fact sheet on religious tenants controversy at point in the RECORD.

RELIGIOUS EXEMPTIONS: TYPE IX OF THE EDUCATION AMERICANTS OF 1972

("Five institutions were not included in the count of 216 case files officially pending as of February 19, 1985)

EXEMPTIONS GRANTED

- 1. Brigham Young University (UT),*
 August 12, 1976.
 2. St. Charles Borromeo Seminary (PA).
- ogust 12, 1976, 2. St. Charles Borromeo Seminary (PA), Diember 14, 1976, J. Harding College (AR), Harding Univer-v (AR) (additional exemption granted 9-
- 21 85; October 14, 1976.
 4 Covenant Theological Seminary (MO).*
 M1: 19, 1983.
- Saint John's University (MN), March 9, 1944
- Christian Heritage College (CA), Octoer 19, 1984.
 7. Atlantic Christian College (NC),* Janu-
- Ary 9, 1985.
- 8. Lees Junior College (KY), May 17, 1985. 9. Asbury College (KY), May 17, 1985.

Asbury Theological Seminary (KY),
 May 17, 1985,
 Central Wesleyan College (SC),
 May 17, 1985.

12. Preed-Hardeman College (TN), May 17, 1985.

13. Cumberland College (KY), May 17.

14. Chowan College (NC), May 17, 1985. 15. Columbia Union College (MD), June

16. United Wesleyan College (PA), June 18, 1985

18, 1965, 17. Appalachian Bible College (WV), June 18, 1965, 18. Ohio Valley College (WV), June 18,

1985, 19. Immaculata College (PA), June 18,

1985.
20. Baptist Bible College and School of Theology (PA), June 18, 1985.
21. Catholic University of America (DC) (additional exemption granted 8-8-85), June

8, 1985. 22. Ricks College (ID), June 24, 1985. 23. LDS Business College (UT), July 22, 1985

24. Presentation College (SD), July 22,

25. Southeastern Bible College (AL), July, 24, 1985 26. David Lipscomb College (TN), July 24,

28. David Especimo College (TN), July 24, 1985.
27. Johnson Bible College (TN), July 24, 1985

28. Brescia College (KY), July 24, 1985.
29. Kenrick Seminary (MO), August 1.

985. 30. York College (NE), August 1, 1985. 31. George Fox College (OR), August 5.

32. Mt. Angel Seminary (OR), August 5, 1985. 33. Walla Walla College (WA), August 5,

34. Western Baptist College (OR), August

5, 1985.
35. West Coast Christian College (CA).

38. Roberts Wesleyan College (NY), August 16, 1985, 39. Antillian College (PR), August 16,

40. De Sales School of Technology (K'). August 26, 1985

41. St. John's Seminary (CA), Addust 27. 1985. Pepperdine University (CA), A .. est

27. 1985. 43. Dominican School of Philosophy and

43. Dominican School of Philosophy and Theology (CA), August 27, 1985. 44. Denver Conservative Baptist School by (CO), August 27, 1985. 45. Northwest Baptist Seminary (VA). September 3, 1985. 46. St. Patrick's Seminary (CA). September 3, 1985.

47. Campbell University (NC), September

3, 1985. 48. Betnune-Cookman College -F: tember 3, 1985. 49. Tennessee Temple College -FN

tember 3, 1985. 50. Campbellsville College (KY) Service

er 3, 1985, 51. Oakwood College (AL), September 1

52. Union University (TN), September 1

53. Berez College (EY), September 1985.

54. Biola University (CA), September 1

55. Pacific Union College (CA), September

56. Circleville Bible College (OH), September 13, 1985

57. Bethel College (IN), September 13, 1985. Trinity Evangelical Divinity School

58. Trinity Evangelical Divinity School (IL), September 13, 1985, 59. Wheaton College (IL), September 13, 1985,

60. Dr. Martin Luther College (MN), September 13, 1985.

61. Grace College and Grace Theological Seminary (IN), September 13, 1985. 62. Bethany Lutheran College (MN), Sep-tember 13, 1985.

63. Marion College (IN), September 13, 1985.

Andrews University (MI), September

64. Andrews University (MI), September 13, 1985.
65. Kettering College of Medical Arts (OH), September 13, 1985.
66. The Cincinnati Bible Seminary (OH), September 12, 1985.
67. The Athenaeum of Ohio (OH), September 13, 1985.

68. College of Saint Benedict (MN), September 13, 1985.

69. Saint Mary of the Lake Seminary (IL), September 13, 1985. 70. Grand Rapids Baptist College (MI), September 13, 1985.

71. Cedarville College (OH), September 13,

72. St. Louis-Chaminade Education Center

(HA), September 18, 1985, 73. Westminster Theological Seminary (PA), September 18, 1985, 74. Seton Hall University (NJ), September

75. Wadhams Hall Seminary-College (NY),

September 20, 1985

76. Christ the King Seminary (NY), September 20, 1985.
77. Mid-America Bible College (OK), Sep-

77. Mil-Guille College (OK), 78. Oklahoma Christian College (OK), September 20, 1985, University (OK), Septem-

eptember 20, 1965, 79. Oral Roberts University (OK), September 20, 1985. 80. Louisiana College (LA), September 20.

1985

1985.
81. Concordia Seminary (MO), September 20, 1985.
82. Mesivta Yeshiva Rabbi Chaim Berlin (NY), September 23, 1985.
83. Mitrer Yeshiva Central Institute (NY), September 24, 1985.
84. Rabbinical College of Long Island (NY), September 23, 1985.
85. Rabbinical Seminary of America (NY), September 23, 1985.

85. Rabbindari Seminary of America (NY), September 23, 1985. 86. Sh'or Yoshuv Rabbinical College (NY), September 23, 1985, 87. Yershiva Gedolah-Zichron Moshe

September 23, 1985.
87. Yershiva Gedolah-Zichron Moshe
(NY), September 23, 1985.
88. Yeshivath Kehilath Yakov (NY), September 23, 1985.
89. Yeshiva and Mesivta Ohr Yisroel
(NY). September 23, 1985.
90. Yeshiva of Nitra Rabbinical College
(NY). September 21, 1985.
91. Talmudical Academy (NJ), September
(NY). September 23, 1985.
92. Ohr Hameir Theological Seminary
(NY). September 23, 1985.
93. Yeshiva Torah Vodaath and Mesivta
(NY). September 23, 1985.
94. Mesivita Tifereth Jerusalem of Amer-

94. Mesivtha Tifereth Jerusalem of America (NY), September 23, 1985.
95. Derech Ayson Rabbinical Seminary/
Yeshiva of Far Rockaway (NY), September

23, 1985 96. Central Yeshiva Beth Joseph Rabbini-cal Seminary (NY), September 23, 1985. 97. Grace Bible College (MI), September

23. 1985.

98, Saint Mary's College (MN), September

23, 1985.
99. Saint Mary's College (IN). September 23 1985

100. The Saint Paul Seminary (MN), Sepember 23, 1985.

101. Concordia Theological Seminary (IN).

tember 23, 1985

September 23, 1985.

102. Calvin College and Seminary (MI).
September 23, 1985.

103. Harding Academy (TN), September

23 1985 (N

104. Rabbinical Semular, 1Y), September 24, 1985. 105. Beth Hamedrash Shaarei Yosher 105. Beth Hamedrash Shaarei Yosher 105. Beth Hamedrash Shaarei Yosher (NY), September 24, 1985. 108, Rabbinical Seminary of Belz (NY),

108, Rabbinical Seminary of Belz (NY), September 24, 1985, 107. Rabbinical College of Adas Ycreim (NY), September 24, 1985, 107. Rabbinical College Ch'san Sofer of New York (NY), September 24, 1985, 108. Rabbinical Seminary of Munkacs (NY), September 24, 1985, 119. Ner Israel Rabbinical College (MD), September 24, 1985, 111. Reformed Presbyterian Theological Seminary (PA), September 24, 1985, 112. St. Louis Rabbinical College (MO), September 24, 1985, 112. St. Louis Rabbinical College (MO), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 113. Faith Baptist Bible College (IA), September 24, 1985, 114.

113. Faith Baptist Bible College (IA), Sep-ember 24, 1985. 114. Grace College of the Bible (NE), September 24, 1985.

115. Beth Hatalmud Institute for Advanced Talmudic Studies (NY), September

24, 1985.

116. Beth Medrash Emek Halacha (NY),
September 24, 1985.

117. The Jewish Theological Seminary of
America (NY), September 24, 1985.

118. Rabbinical College Beth Shraga
(NY), September 24, 1985.

119. Rabbinical College Kamenitz Yeshivah of America (NY, September 28, 1985,

120. Talmudical Yeshiva of Philadelphia
(PA), September 26, 1985,

121. Baylor University (TX), September
26, 1985.

122. Southern Baptist College (AR), September 26, 1985

23. Notre Dame Seminary (LA), Septem-26, 1985.

ber 26, 1985.
124. Bartlesville Wesleyan College (OK),
September 26, 1985.
125. Southwestern Adventist College
(TX), September 26, 1985.
126. Crowley's Ridge Academy (AR), September 26, 1985.

127. Crowley's Ridge College (AR), Sep-tember 26, 1985. 128. Rabbinical College of the Bobover Yeshiva Bnel Zion Inc. (NY), September 27,

1985. 129. Mesivta of Eastern Parkway Rabbini-

cal Seminary (NY), September 30, 1985.
130. Brisk Rabbinical College (IL), September 30, 1985.

131. Telshe Yeshiva (OH), September 30,

132. The Hebrew Theological College (IL),

September 30, 1985.

133. Michigan Christian College (MI),
September 30, 1985. 134. William Tyndale College (MI). Sep-

mber 30, 1985. 135, Union College (NE), October 25, 1985. 136, Ohr Somayach (NY), October 25.

1985.

137. Central Yeshiva Tomchel Tmimim Lubavitz (NY), October 25, 1985, 138, Mesivta Sanz of Hudson County (NJ), October 25, 1985.

139. Ayelet Hashachar (NY), October 25, 1985

140. Yeshiva Kesser Torah (NY), October 25, 1985.

141. Yeshiva Toras Chaim Talmudical Seminary/Denver (CO), October 25, 1985. 142. Colorado Christian College (CO), October 25. 1985.

RELIGIOUS EXEMPTION UPDATE, MARCH 10. 1987

I*UWC submitted one of the 216 requests project, and requested additional exemption project, and requested additional exemp-tion after completion of the project)

Since the completion of the religious ex emption project on October 30, 1985 (final report Issued November 22, 1985), the following institutions have been granted religious exemptions.

1. Loma Linda University, CA, November

19, 1985

United Wesleyan College, PA. November 21, 1985.

3. Telshe Yeshiva—Chicago, IL, February

24, 1986.

7. Southern College of Seventh-day Adventists, TN, February 28, 1986.
5. Belmont College, TN, February 28, 1986.

986. Loyola University, L.A. May 7, 1986. 7. Stonehill College, M.A. May 15, 1988. 8. Elms College, M.A. October 1, 1988. Oca. Elmi College, MA, October 1, 1988, October 24, 1986.
9. Columbia Bible College and Columbia Graduate School of Bible and Missions, SC, November 14, 1986.

RELIGIOUS TENETS AND GROVE CITY LECIBLATION

1. Q: Why is religious tenets language needed in Title IX?

needed in Title IX?

A: Such language in Title IX is a necessary part of Grove City legislation in order to protect an institution's policy which is based upon tenets of a religious organization where the institution is controlled by, or closely identifies with the tenets of, the religious organizations.

In 1972, when Congress enacted Title IX. Congress included several exceptions to its coverage, including: This section shall not apply to an educational institution which is controlled by a religious organization.

apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization..., "20 U.S.C. § 1881(1893). At that time, many educational institutions were controlled outright by religious entities. Some of these institutions today, while retaining their identification with religious teness are controlled by lay bearts

gious tenets, are controlled by lay boards and receive less financial support from reli-

and receive less financial support from religious organizations. Thus, many institutions which may have previously qualified are now outside the scope of the religious tenets exception of current law.

Thus, language must be included in any Grove City bill to protect a policy of an educational institution based on religious tenets when the institution is not controlled by a religious organization but closely identifies with the tente of such an organization. This with the tenets of such an organization. This with the tenets of such an organization. This same protection should also be afforded to other institutions, such as hospitals, covered under Title 1X by Grove City legislation when they have such a close dentification with the tenets of a religious creamization.

2. Q: Can an institution claim protection under this language for racial, handren, or age discrimination?

A: No. the exception exists only under

A: No. the exception exists only under Title IX, which addresses gender discrimina-Title IX, which addresses gener discrimina-tion. The exception recognizes that the tenets of some religious organizations differ-entiate in some ways between the sexes. In the spirit of diversity and pluralism in edu-cation and other parts of the private sector covered by Title IX under Grove Cttle legis-lation, the exception respects the independence of an institution's conduct in carefully delineated circumstances when the institution is controlled by, or is closely identified with the religious tenets of, a religious organization.

 Q: Is a covered institution exempt in its entirety from Title IX if just one of its policies is based on religious tenets and conflicts with Title IX?

A: No. The exception applies only to the specific policy or policies, based on religious tenets of those institutions able to avail themselves of the exception, when Title IX would conflict with study believe restriction.

would conflict with stuch policy or policies.

4. Q: Will this exception have any application in public schools or other public institutions?

tutions?

A: No. The First Amendment, as applied to states and localities, effectively prohibits public schools or other public institutions from basing any policies or conduct squarely on the religious tenets of a religious organization.

This exception applies only to private institutions—for example, to schools where students are in attendance because they have freely chosen to attend the institution, 5, Q; What is the origin of this language?

5. Q: What is the origin of this language? A: In May, 1985, in response to concerns described in the answer to question one, the House Education and Labor Committee first strengthened the current relignous trents exception when considering Grore City legsistation.

The particular language described in this document is virtually identical to language in the Higher Education Amendments of 1986, adopted by Congress and signed into law in October, 1986. There a prohibition against religious discrimination in the construction loan program was enacted with an exception using virtually the same language recommended for Title IX. This provision, is short, is modeled on language used by the 99th Congress.

These exemptions are threatened by a lack of religious tenets language in the Civil Rights Restoration Act.

In conclusion, Mr. Speaker, I want to express my strong opposition to the Grove City bill in its present form. We should vote to sustain the President's veto.

We do have options.

If we sustain the President's veto, we will have the opportunity to support an alternative measure which addresses the concerns of farmers, and home builders, and grocers, and small business owners, and militions of other Americans who feel threatened by this legislation.

Let's not act in haste, Mr. Speaker, Let's vote to sustain the President's veto and pass a better bill as quickly as possible. Mr. SENSENBRENNER, Mr. Speak-

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. EMERSON).

(Mr. EMERSON asked and was given permission to revise and extend his remarks.)

IMr. EMERSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. Mrume].

(Mr. MFUME asked and was given

(Mr. MFUME asked and was given permission to revise and extend his remarks.)

Mr. MPUME. Mr. Speaker, I rise in strong support of the legislation and in strong support of the override.

Mr. EDWARDS of California. Mr. Speaker. I yield I minute to the gentleman from Michigan [Mr. Convers] a member of the committee and of the subcommittee.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, once again President Reagan and Vice President Bush have shown that they are not friends of civil rights, and how far from the mainstream they have taken their administration and party. The party of Lincoln fought for the advancement of civil rights in this country. The party of Reagan has undercut every attempt to foster equality and fairness in America.

In 1865, with one stroke of the pen, In 1865, with one stroke of the pen, in 1963. John Kennedy banned housing discrimination, With one stroke of the pen. Lyndon Johnson enacted the historic Civil Rights Act of 1964. In 1988 President Reagan has chosen to break with this noble tradition, and to use his pen for the ignoble purpose of striking down the most important civil rights legislation to come before the 100th Congress—the Civil Rights Restoration Act of 1988.

Of course this is nothing new. The Reagan administration fought against the extension of the Voting Rights Act. Under the Reagan administration, the Department of Justice has consistently opposed affirmative action and school desegregation consent decrees. The Reagan administration supported tax credits for the segregated Bob Jones University. But I must admit that I was surprised when the President vetoed the bill before us today.

The principle behind the legislation is simple and axiomatic. A democratic government should never support or subsidize discriminatory practices in any way whatsoever. The Internal Revenue Service is an equal opportunity tax collector; you don't get special tax breaks because of your race, religion or gender. So because everyone is required to pay taxes, those tax dollars cannot be used for discrimination. Everyone who dips into the Federal till should be required to abide by the Constitution.

Presidents Kennedy, Johnson, Nixon, Ford, and Carter all believed that. That is why their administrations followed broad based interpretation of the civil rights statutes that we today seek to codify. Both the House and Senate, after 4 years of hearings and debate have voted overwhelmingly in favor of broad coverage.

A recent Supreme Court decision, Grove City versus Bell, interpreted the civil rights laws as they were written to apply only to recipient operations and not the entire institution. This legislation overturns that decision, and the opportunities for discrimination

n and unequal access that the decision d created,

Consider the every day importance of the law:

A black man could be denied hypertension medication in a large clinic receiving Federal funds if those funds were not earmarked for hypertension treatment.

A victim of sexual harassment in a classroom would not be protected if Federal construction funds received by the school were not used to construct the building in which that classroom is located.

A qualified disabled employee could be denied a promotion in a nursing home corporation if the specific department involved received no Federal money though the corporation was a recipient of such funds.

An older couple could be denicd flushots in a privately built city clinic which decides to reserve vaccine for the so-called working-age population, even if the city health department got Federal health funds.

Literally hundreds of discrimination suits before the courts and administrative agencies have been dropped already—even when discrimination was found—due to the Grove City decision. According to the Department of Education's Office of Civil Rights, 834 cases in the administrative enforcement process have been affected between 1984 and 1988. Consider the kinds of cases and instances of discrimination we are debating:

A black high school student ranked flith in her class who sued her school's chapter of the National Honor Society for allegedly denying her admission into the program due to race. The Office of Civil Rights dropped the suit because the alleged discrimination did not occur in a program directly received for Federal assistance.

A first year medical student's charges that she had been severally harassed by a professor who offered her good grades in exchange for exchange for several favors and who threatened to have other professors manipulate ner grades were dismissed because no Federal money was earmarked for first year students or the department in which the professors tambi-

which the professor taught

The Office of Civil Rights also the missed a suit against a community of lege which offered insurance poice is that discriminated on the basis of the and sex, and which did not treat present and sex, and which did not treat present as any other temporary disabilities the same as any other temporary disabilities which generated the profile which generated the built of the dean who wrote the letter to the students to introduce the plan with not part of the program that be recommended in the program that be recommended in the program that be recommended in the program that the recommended in the recommended in the program that the recommended in the recommended in the program that the recommended in the recommended

The effects of discrimination and based, gender based, are clear at 1 are

deniable. Just look at statistics on employment, income, representation in professional communities. This measure stops short of affirmative measure to correct those wrongs, it simply helps prevent the potential for more discrimination, and their lasting effects,

The so-called abortion neutral provision, commonly known as the Danforth amendment, is unusual law, and probably redundant. Current law requires medical recipients of Federal aid to provide all the available medical services for all citizens. And America's courts have said that abortion is a legitimate and legal medical service. Once the courts have decided on issues of law, it is dangerous for Congress to decide what legal medical services are decided what legal medical services are not legal medical services are decided on issues of law, it is dangerous for legal medical services are decided on issues of law, it is dangerous for legal medical services are decided on issues of law, it is dangerous for law of law

The bill is not as expansive as its op-

It does not cover churches, synagogues or religious institutions in their entirety simply because one facility or program receives Federal funds; current exemption rules have worked well for more than two decades so there is no reason to change them now

It does not cover farmers who receive crop-subsides, persons receiving Social Security or Medicaid/Medicare benefits, or individuals receiving food stamps; as shown during the Senate debates, these are nonissues that have already been settled in both House and Senate report language

For those of you who do not want to fight the old battles and reopen the healed wounds from the civil rights movements; for those of you who truly want Dr. King's vision of justice and equality to become a reality in American life, the Civil Rights Restoration Act is an essential piece of legislation. I therefore urge you to vote to override the President's veto.

Mr. SENSENBRENNER. Mr. Speak-

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. Ray].

Mr. RAY. Mr. Speaker, I rise today with some sort of a sense of frustration regarding the motion to override President Reagan's veto of the Civil Rights Restoration Act, and I rise in opposition to the bill.

Mr. Spoaker, I rise today with a sense of frustration regarding the motion to override President Reagan's veto of S. 557, the Civil Rights Restoration Act.

I will vote to sustain the President's veto of this logislation. I do so out of a sense of respect for the hundreds of constituents and friends who have called, written, and tolagraphed their opposition to S. 557 and their support for the President's veto. I voted for S. 557, and I believe it is a good

I voted for S. 557, and I believe it is a good bill. It is my impression that many people misunderstand the intent of this legislation. However, enough questions have been raised to require a serious review of the bill,

It appears that there may be legal ambiguities which open the door to unusual and unintended cases. Taking that into consideration, along with my respect for the clergy, medical groups, legal professionals, and other constituents, I will support the President's valu.

If this veto is sustained, I will support the President's alternative legislation. This alternative addresses many of the problems with 5, 557 including the effects this bill would have on private sector businesses. Rather than restore coverage to its state prior to the Grove City decision, 5, 557 has the potential to expand that coverage. The alternative legislation will clarify or correct the questions that have been raised while at the same time protecting minorities, handicapped, and elderly people from discrimination in institutions which receive Federal funds.

Mr. JEFFORDS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland IMrs. MORELIAI.

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in strong support of the override of the President's

Mr. Speaker, I urge my colleagues to join me in voting to override the President's veto of S. 557, the Civil Rights Restoration Act of 1987. It is vital that we overturn the 1984 Supreme Court decision, Grove City Versus Boil, And restore the coverage of Federal antidiscrimination laws to ensure that institutions receiving Federal aid are not allowed to discriminate in any aspect of their operations.

After 4 years of effort to develop an acceptable compromise, S. 557 may be our only chance to overturn the Grove City case in the near future. The legislation has been endorsed by a coalition of 185 national organizations, including neighous groups such as the U.S. Catholic Conference of Bishops, the American Hebrew Congregations, the National Council of Churches, and the Evangelical Lutheran Church.

Mr. Speaker, it is imperative that we reaffirm our stong support for our civil rights laws and make it clear that institutions which accept Federal funding cannot discriminate on the basis of race, religion, age, gender, or disability. Let us restore the scope of protection against discrimination intended under title IX and all 60 our civil rights laws.

Mr. JEFFORDS. Mr. Speaker. I yield such time as he may consume to the gentleman form Washington [Mr.

tMr. MILLER of Washington asked and was given permission to revise and extend his remarks.) Mr. MILLER of Washington, Mr.

Mr. MILLER of Washington, Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of the motion to override the President's veto of the Civil Rights Restoration Act.

Wr Speaker, a tot of people are alraed of

Mr Speaker, a lot of people are alraid of this bill. They should not be, I have taken a close look at this bill. I have looked closely at what this bill will do, and at what it will not do. This bill will not force catholic hospitals to perform abortions, it will not require Christian or Jewish day care centers to hire homosexuals. It will not cause the extinction of the family farm or business. It will not extend the power of the Federal Government. These are some of the things this bill will not do.

I will vote to override the President's veto

because of what this bill will do.
Enacting the Civil Rights Restoration Act
will help make our existing antidescriminate
laws work. Institutions that discriminate on the
basis of race, creed or gender, cannot
demand Federal taxpayer's dollars. It is really
that simple—this bill is about making the civil

nghts laws work.

Mr. JEFFORDS. Mr. Speaker. I yield such time as he may consume to the gentleman from New York (Mr. BOEMLERT).

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of the motion to override the veto of the President on the Civil Rights Restoration Act.

Mr. Speaker, I rise in strong support of and proudly identify with the affort to override the President's voto of the Civil Rights Restoration Act.

Discrimination, in the context of this legislation, is alien to all that we cherish so dearly as Americans. We have an obligation to do all that we can do to prevent it in any way that we can.

Not only should we not sanction discrimination, we must not subsidize it, either, it is shameful to think in torms of providing Federal funds—the taxpayors' money—in any way, shape, or manner to institutions or organizations that discriminate in the conduct of their

There is another aspect to this issue that should not go overlooked; the fraudulent campaign of misinformation waged by those who would have us go along with the ill-advised with.

We all have been the recipients of a barrage of literature and calls from those who have been led to believe that what we are about is a sinister plot to advance a number of dastardly deeds. I won't dignify all of those wild and obscene claims by repeating them, but I will say to those who are parroting them, knowing better, shame on you.

My pride in being an American increases a thousandlold when I am given the privilege of backing up words. I believe in deeply with deeds in the form of voting for strong civil rights measures that help make a great nation even greater.

Mr. JEFFORDS. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsion [Mr. ROTH].

Mr. ROTH. Mr. Speaker, sustaining President Reagan's veto is one of the most important duties each of us has if we are to preserve the rights we all have under our Constitution.

Discrimination has no part in our democratic society and I support—as we all do—initiatives to that end.

But this present bill would trample on those rights. That's why the President vetoed this bill. It was not done lightly. While individual rights must be protected we have a duty also to insure all freedoms independent churches and schools included.

churches and schools included.

There has been a great amount of confusion revolving around the question of "what does this bill really do?" If we don't know what the legislation will do, how can the American people who will have to live under this law. How are they supposed to know what it means?

The agencies, the courts, the people, all have a right and we have an obliga-tion to pass a clear unambiguous law. This is a monumentat bill. It will have This is a monumental bill. It will have long-lasting effects. It is vital that we make it clear before we pass such, a law exactly what we are voting on before we do so.

Farmers, schools, churches, child care, all Americans will be touched by this law. We have all sworn-all get us—to uphold the Constitution. It's the first thing we did when we become

the first thing we did when we become

The President was and is right. To sustain the President's veto may be the difficult thing to do-but it's also the right thing to do. I hope all stand

behind our President.

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine [Mr. BRENNAN]

(Mr. BRENNAN asked and was given permission to revise and extend his re-

Mr. BRENNAN. Mr. Speaker, I rise in support of the bill and in strong support of overriding the President's

Vecto.

Mr. Speaker, because of the President's action last week, we are again being asked to cast a vote for or against prohibiting our Government from discriminating against our people on the basis of sex, roce, age, and disability. To me the choice is clear. ability. To me, the choice is clear.

This Government is funded by the people of This Government is funded by the people of this country, by the taxes they pay—be they young or old; man or woman; black, white, brown, red, or yellow. The Civil Rights Restoration Act simply provides that this funding not be spant in any tashion which permits or results in discrimination. The vast majority of both the House and Senate have already agreed that this is not too much to ask. This bill is a bioartism oftent the result of

This bill is a bipartisan otfort, the result of This bill is a bipertisan offort, the result of compromise by Representatives of every philosophy. It contains a provision which allows entities controlled by a religious organization to be exempt from this law if it runs contany to their beliefs. It contains a provision which assures that this law will require no entry to perform or pay for an abortion. And it contains four very specific provisions regarding the application of this law to educational institutions, State and local governments private concert. State and local governments, private corpora-tions and other entities that accept Federal funding. It leaves no room for uncertainty.

Let us prove that we are not a nation of hypocrites. If we are to continue holding our country up to our neighbors as offering the

greatest freedom, the most opportunities, and the bightest future of any other country in the the inquires receive to any owner coursely in the world, let us begin by ending this debate and overriding this velo. How trape if we cannot even guarantee that our own Government will not discriminate against us because we differ from another.

But let me mise one more point abor debate. I am deeply offended by the efforts of decate. I am deepny unended by the efforts of the opposition to demagogue this already emotional issue. Many, many distortions and false statements have been spoken in an effort to promote hysteria over this legislation. effort to promote hysteria over this legislation. Administration officials have found the measure as too much government intervention, offering the example that grocery stores would be subject to the law simply because they accept food stamps from a recipient purchasing goods. In fact, food stamp recipients are specifically exempted from this law, and its arm cannot reach beyond them to the establishments they calmurate. ishments they patronize.

Opponents also have claimed that this law will reach from the family farmer to the private stool to every business on Main. Street in al reaches only to enthies that accept acture reamines proy to expense men accept. Federal funding. It does not affect individuals who benefit from Government programs such

who benefit from Government programs such as sorial separity or farm subsidies. It does as sorial separity or farm subsidies, it does apply freich private actionols and churchter who do not accept Foderal financial assistance. The finally, she argument has been espoused that this law requires businesses to here sometime the projected pleases. In fact, this law does not require that an employee the one trong the protocood-scasses. In fact, this law does not require that an employer who anyone, it only requires that employers who receive Federal hunds not discriminate against a class of individuals in their hiring practices. This campaign of misinformation is infortu-nate because the simple truth is that this bill is both hair and masonable the women for its na-

both fair and reasonable. By voting for its passage, we reflect the goodness of the American people, and we ensure that this Govern-ment and no arm of this Government will practice discrimination. It represents a victory for us all

Mr. EDWARDS of California, Mr. Speaker, I yield such time as he may consume to the gentleman from

speaker. I yield such time as he may consume to the gentleman from Kanskis [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker. I rise in support of the override. One cannot have a right without a remedy. This bill provides a remedy for those agriculation of the consumption of the consum urge my colleagues to support the bill and oppose the President.

Mr. Speaker, I also insert into the Recond the following exchange of letters between the distinguished majority leader and majority whip and the

prisident of the National Association of Home Builders.
C. Marks of the United States.
House of Representatives.
Mouse of Representatives.
Me Mushington, DC, March 21, 1982.
Mr Date Stand, Prenderal.
Mushington, DC,
Mybrighton, DC,
This Mg., Student The National Association of Home Builders has raised several concerns regarding the potential impacts of the Chil Ruchis Restoration Act of 1987 on the Chil Ruchis Restoration Act of 1987 on

property owners, tenants and home builders. These concerns relate primarily to the following issues: The impact of the Act upon existing buildings (subsidized and non-subsidized): the impact of the Act upon non-subsidized: the impact of the Act upon non-subsidized. satisfied, the impact of the net upon non-housing activities of a business predomi-nately involved in providing housing; and the definition of the term "federal financial assistance

First let us clearly state, a business involved in providing housing would have to comply with these requirements only after the date it receives federal financial assistance. If federal financial assistance is involved there will be some expense in altering existing structures to make them accessible to handleapped persons. However, it is not intended that every part of every building must be accessible to handleapped persons. Rather, the common areas of buildings should be accessible. There is no intention should be accessible. There is no intention that building owners would have to undertake inordinate expenditures in order to take inordinate expenditures in order to First let us clearly state, a business inthat outsing orners would have to under-take inordinate expenditures in order to comply with handicapped accessibility re-quirements. The cost to make existing build-ings accessible to handicapped persons will be no more than I cent per square foot on the average.

be no more than a tent per square treatment the average.

There was also the question raised regarding the reach of the law to non-housing activities (e.g. commercial and manufacturing activities) and non-subsidized housing activities are con-housings activities are conactivities) and non-subsidized housing activi-ties. If the non-housing activities are con-ducted in a form that is legally and oper-ationally separate and distinct from the housing activities, and if the non-housing activities receive no federal financial assu-ance. Then such con-housing activities receive no federal financial assuactivities receive no federal financial assus-ance, then such non-housing activities are not affected by this law. Additionally, non-subsidized housing is not affected by this law, unless owned by an entity that is not legally and operationally separate and dis-tinct from the entity that owns the subsi-dized housing.

dized housing.

Several concerns have been raised regarding the definition of federal financial assistance. You have raised specific concerns regarding the FHA and VA loan programs, FDIC and FSILC insured loans, as well as OMM and FYMA secondary market activities. Pursuant to the Department of Housing and Urban Development's interim regulations under Section 504 of the Rehabilita. ing and Urban Development's interim regu-lations under Section 504 of the Rehabilisa-tion Act of 1973, the term "federal financial assistance" does not include a procurement contract or payments pursuant thereto or a contract of insurance or guarantee. This, FHA and VA loans would not constitute fed-eral financial sections. Nor would this, FHA and VA loans would not constitute federal financial assistance. Nor would the secondary market activities of government sponsored enterprises (e.g. PMMA or GNMA) or loans insured by FDIC or FSLIC constitute federal financial assistance. We wish to emphasize strongly our commitment to ensuring that the law as interpreted in the future by courts and administrative asserties compiles with the notice.

mitment to ensuring that the law as interpreted in the future by courts and administrative agencies compiles with the understandings set forth in this letter. Should legislation by any entities which contradicts any of these understandings, we will do our heat to enact such legislation. In this context act to enact such legislation, in this context act to enact such legislation, in this context act to enact such legislation. In this context act to enact such legislation, in this context act to enact such legislation. In this context act to enact such legislation, in the context of the Fair Housing Act, on which we expect to continue to work together.

In particular, the Fair Housing bill will deal with the question of retrofit requirements for handicapped accessibility, and we believe the best course of action to meet our mitual concerns will be to ensure that any agreement we reach dealing with retrofit accessibility requirements during the fair costing deliberations be made explicitly applicable to the handicapped retrofit require-

ments triggered by the Civil Rights Restora-Sincerely.

THOMAS S. FOLEY. Majorily Leader.
Tony Contro.
Majority Whip.

NATIONAL ASSOCIATION

NATIONAL ASSOCIATION

OF HOME BUILDERS.

Washington, DC, March 21, 1988.

Hon. Thomas S. Foley.

Majority Leader.

Majority Leader.

Majority Leader.

Dear Majority Leader Foley: On behalf of the National Association of Home Builders. I would like to take this opportunity to thank you for your March 21 letter regarding NAHB's concern with the scope of the Civil Rights Restoration Act of 1987.

As you know, we have never opposed civil rights legislation. Rather, our concern related to the potential impact of S. 557 on retrofitting existing buildings and the scope of the definition of "federal financial assistance".

Having raised these concerns, we are now satisfied that they have been adequately addressed. Your letter, as well as the tegislative history, clearly spells out that there is no intent on the part of Congress for property owners to incur substantial expenditures in order to make existing buildings accessible to the handleapped. Purthermore, we have been assured that FHA and VA loan programs, FDIC and FSLIC insured loans, and GNMA and FNMA secondary market activities do not constitute federal financial assistance. Moreover, it has been clarified that unsubsidized housing would not be covered if legally and operationally not be covered if legally and operationally separate from subsidized housing.
Accordingly, we support the Civil Rights Restoration Act of 1987.

Sincerety.

DALE STUA President

Mr. EDWARDS of California, Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MINETA], who has worked very hard and well on this bill

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, I rise to urge my colleagues to support this important legislation and to override the President's ill-advised veto of this bill.

This is a very straightforward piece of legislation which sets the desirable policy that Federal tax dollars should not be used to discriminate.

Yet I have heard some amazing distortions of what this bill is and what it will do. It saddens me to hear the statements that can be the result only of studied ignorance or outright fabri-cations. One such distorted claim is that this bill will require an employer to hire or retain all alcoholics and

drug addicts.

I know that President Reagan opposes this bill, and is urging my colleagues on the other side of the aisle to sustain his veto.

But I was surprised to read some remarks which he gave just this morning to a group of Republican local officials.

According to the Associated Press, the President called the Civil Rights Restoration Act, and I quote, "A dan-gerous bill."

He also said, and again I quote, "One dollar in Federal aid-direct or indirect—would bring entire organizations under Federal control, from charitable social organizations to churches and synagogues

The President must have vetoed the wrong bill! Because his comments certainly don't apply to the Civil Rights Restoration Act.

My dear colleagues, we bill is not a dangerous bill. we know this

We know that this legislation will not bring churches and synagogues

not bring churches and synagogues under Federal control.

The acceptance of Federal dollars includes the responsibility to uphold this Nation's most basic civil rights.

I enjoy the vibrant exchange of ideas, and the clash of different ideologies. That is at the core of the business of this body. But I am tired of fighting the half-truths and untruths which some opponents of this legisle. which some opponents of this legisla-

which some opponents of this regista-tion are using.

My dear colleagues, we know that this bill will fight discrimination. We know that this bill contains protections of our precious religious freedom and to limit the intrusiveness of the Federal Government. We know that this bill has been long-considered and is well crafted. In short, we know that

is well cratted. In short, we know that this bill deserves our support. I urge you to override the veto. Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New York IM-

York [Mr. Ackerman]. (Mr. ACKERMAN asked and was given permission to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker. rise in strong support of the motion to override.

Mr. Speaker, on March 2, when the House debated passage of S. 557, the Chil Rights Restoration Act, I listened in amazement to a number of my colleagues explain their opposition to the legislation on the basis that the provisions are somehow intrusive. It was even suggested that the bill should be called the Crivil Rights Intrusion Act Industrial Rights Intrusion Act. Indeed, when President Regean vetoed the bill, he called the leg-islation Federal intrusion into the private lives of American citizens.

I am at a loss to understand how the protection of basic human liberties could possibly be intrusive.

It was not intrisive to defend Rosa Park's right to sit in the front of a bus. It was not in-trusive to ensure James Meredith's legal right to attend the University of Mississippi, or Louise Brown's right to attend a public school

But it was very intrusive when my college cassmate Andrew Goodman was viciously murdered, along with his finends James Chaney and Michael Schwerner, for trying to expire black voters in Mississippi. And it reins intrusive for the President to attempt to shalch away the civil rights these and so many other courageous Americans struggled so hard for so long to achieve.

Let's be honest about why we are here once again discussing the Civil Rights Restoration Act, and what impact the measure will actually have. S. 557 was introduced to over-

turn the 1984 Supreme Court decision in Grove City College versus Bell. In that ruling, the Court accepted arguments of the Reagan administration that little IX of the Education Amendments of 1972, which prohibits discrimination in any school program or activity re-ceiving Federal funding, does not refer to the operations of an entire educational institution. The Court ruled that only specific programs receiving direct Federal funding need comply with the sex-discrimination prohibitions under title IX. Only Federal funds received by a particular program in which discrimination is found, not all funds for the institution, would be terminated for violating the civil rights of

This interpretation dramatically narrowed the covorage of that perticular statute, and is a sharp departure from previous enforcement practices by both Republican and Democratic administrations for the last 20 years. Because three other civil-rights statutes (title VI of the Civil Rights Act of 1964, the Age Discomma-tion Act of 1975, and section 504 of the Rehabilitation Act of 1973) have similar enforcement language, the Reagan administration in-dicated that it would enforce all four of these laws consistent with the Court's decision.

Since the Grove City decision, longstanding protections against discrimination have been eroded by the courts and Federal agencies in succeeding judicial and administrative decisions regarding education, employment, trans-portation and health care.

Hundreds of valid discrimination cases—af-fecting the basic rights and human dignity of many thousands of Americans—have been unjustly dismissed or imited. That is why both the House of Representatives and the Senate voted by overwhelming margins to pass S. 557 and restore Congress' intent in passing the civil-rights statutes; to ensure that Federal funds are not used to discommate on the basis of race, color, national origin, gender, handicap, or age. S. 557 requires that agen-cies and institutions which receive Federal funds must have comprehensive nondiscrim-ination policies in all areas of operation.

We are here today, of course, to overnde President Reagan's veto of this important civil rights measure. But why does the President oppose the bill? What homendous consequences does he lear will occur if the legislation becomes law?

Many false assertions and misleading statements are being made against the bill Mary of the arguments being used are the same tactics used 20 years ago against advances in civil rights. The truth is the only thing the bill will do is restore enforcement of the law to its pre-Grove City decision status, ensuring that institutions that choose to accept Federal funds do not discriminate. It does not meaning any constitutional rights; rather, it will uprovid the basic freedoms guaranteed to all seccie by the Constitution.

I urge my colleagues to realism our "intion's historic commitment to civil rights by overriding the Presidential veto and preventing the use of tax dollars to subsidize pscrmina tion.

Mr. Speaker, the alternative to the Civil Rights Restoration Act is clear: the continued taxpayer subsidization of discriminatory. biased and bigoled operations. It is nothing less than shocking that today—34 years after Brown versus Board of Education, 24 years

after the murders of Goodman, Chaney, and arter the murders of Goodman, Unaney, and Schwerner, and the same two dozen years after the passage of the Chill Rights Act—we are still arguing whether the Federal Government should underwike raciem, sexism, and discrimination against the elderly and the dis-

Mr. Speaker, it is time to close this arg ment once and for aft it's time to pass the Civil Rights Restoration Act.

Mr. EDWARDS of California, Mr.

Speaker, I yield I minute to the gen-tleman from Massachusetts [Mr.

Mr. FRANK. Mr. Speaker, the gen-tleman from Wisconsin said we should pass the President's bill. Now I do not think we should, but one thing would happen if we pass the President's bill. We would codify the Arline decision.

You have heard carlier about the Arline decision which uses the two-step process to say, if someone has a step process to say, if someone has a contagious disease, you should not fire that person unless that person is a danger to others, a direct threat and cannot otherwise be reasonably accommodated. That language, which is the only thing that deals with AIDS and other contagious diseases the language. other contagious diseases, the lan-guage that would codify the Arline de-cision, is in President Reagan's bill. So. however we vote today, the question about the Arline and other contagious diseases is not before us unless we plan get the legislation which says a

to get the legislation which says a little, but not a lot.

The fact is that the gentleman from Wisconsin in his substitute, the committee bill, and the President have identical language on the Arline decidentical language on the Arline decident. sion, so the issue about how to codify sion, so the issue about now to county
this two-step process with reasonable
accommodation and direct threat of
people is not an issue because what it
says is this: If someone has an illness
that is a direct threat to others and that is a circu threat to others and cannot otherwise be accommodated, he or she can be fired. All bills say that, the President's included.

Mr. HAWKINS. Mr. Speaker. I yield such time as he may consume to the gentleman from Arkansas [Mr. Antho-

Mr. ANTHONY. Mr. Speaker, I rise in support of the Civil Rights Restora-tion Act of 1987 and the override of the President's veto.

Mr. Speaker, there has been a lot Mr. Speaker, mere nos been a lot or main-formation circulating concerning what this bill will accomplish, and who it will effect. There-lore, let me stato for the record that this bill does not redefine those who are protected under nondiscriminatory policy. The laws which have defined these have been on the books for over 10 years, and public and on-vate entities have been complying by these

statutes for quite some time.

While some groups have been organizing strong opposition against this bill, they repre-sent the vocal few. This bill enjoys the support of a large number of teachers and educators or a sarge multiple or remainers and courses in my district. I believe that we must not be swayed by the misinformed public on this matter, and must unite in expressing a strong sense of Congress that taxpayer's money cannot be used to fund discriminatory policies.

The passage of the Civil Rights Restoration Act of 1987, is crucial to overturn the Su-preme Court's decision in Grove City versus preme court's decision in clove dry versus Bell, which limited coverage of nondiscrimina-tion statutes to the specific program or activity receiving Federal funds. This narrow applica econing reperal runos. This manual expension of these statutes was clearly not the statutes was clearly not the statute Carigas and 3 years of attempting to pass clarifying legislation on this matter, we have finally succeeded. We must not allow these efforts to be for naught. Unless we succeed in overturning the more narrow views adopted by the Supreme Court in Grove City, the Federal Government would be put in the untenable position of providing Federal assist-

ance to discriminating entities.

One of the provisions on which we One or me provisions on which we were able to reach a compromise was that pertaining to religious organization. I believe the specific language will continue to protect the autonomy of religiously controlled groups. Such groups will continue to be eligible for an exemption from requirements where compliance with the Civil Rights Restoration Act would violate their religious tenets. This language will ensure that Federal funds are not used to support discriminatory activities, while limiting Government intrusion on religious institutions.

The other controversial provision on which we were able to reach a compromise was that which pertained to abortion. Language bill specifically states that "nothing in this title trued to require or prohibit any person or public or private entity to provide or pay for any benefit or service, including use of facilities, related to abortion. Nothing in this servicing shall be considered by section shall be construed to permit a penalty to be imposed on any person because such person has received any bonefit or service related to legal abortion." This language has This langu been endorsed by the bishops, the Nabonal Right to Life Committee and the 5,600member American Hospital Association.

Because of the great amount of confusion Because of the great amount of confusion over the implications of this action existing institutions, let me again stress that the Cvil Rights Restoration Act of 1987 merely changes the scope of applicability of the following four statutes: Title IX of the Education Act, the Cvil Rights Act of 1984, the Rehabilitation Act of 1974, and the Age Discrimination; Act of 1975. These statutes state that a recipient throwever defined of Federal assistance ient (however defined) of Federal assistance (however defined) must not discriminate on There is no mention of discrimination on the basis of religious or sexual preferences. Nor does this bill redefine recipient or change the definition of Federal assistance. Therefore, those who have not been covered by any of these statutes in the past, will still remain outthese statutes in the pass, war sometimes our side of its purview. Furthermore, only institu-tions which receive Federal funding are covered under this bill,

Of paracular concern to many is the provision pertaining to employment discrimination st individuals with a contamous disease. highest monitorias with a contagon that individuals have a night to an a contagons disease have a night to an milliordial review of their case, based on sound medical judgment, as to whether they cose a health threat to their coworkers, or er the disease debilitates them in such a Ady that they cannot perform their job. By regunng employers to respond rationally to those handicapped by a contagious disease, the act will help remove an important obstacle to preventing the spread of infectious dis-

eases: the individual's reluctance to report his or her condition

Finally, I wish to conclude by stressing that the overwhelming majority in Congress feel strongly that programs funded by taxes collected from all the people should not be used in seeks which discremente against some.
Thank you for the opportunity to express my strong support for this legislation.

Mr. HAWKINS. Mr. Speaker, I yield

I minute to the gentleman from New Mexico [Mr. RICHARDSON]. (Mr. RICHARDSON asked and was

given permission to revise and extend

Mr. RICHARDSON, Mr. Speaker, I rise in support of the motion to over-ride President Reagan's veto of the Civil Rights Restoration Act. We carlier voted overwhelmingly to pass this legislation with a vote of 315 to 98. We passed it because we saw it to be sin-cere, straightforward means of restorcere, straightforward means of restor-ing original congressional Intent to the Civil Rights Act. The bill simply cor-rects an error in the language of the Civil Rights Act which has allowed the Reagan administration to minimize Pederal enforcement of antidiscrimination laws.

In the 3 weeks since that vote, the 'Religious Right" has launched 2 contemptible campaign of misinformation about the bill which has led many of

our constituents to oppose it.

If I were to base my vote on this issue on the information provided by the Moral Majority, I, too, would probably oppose the bill. They would have us believe that every business, every community group, every church, and every school would come under a vast new array of intrusive Federal laws in-fringing on personal freedoms.

As interpreted by Jerry Falwell, the bill would:

Vastly expand the Government's reach into activities run by churches. businesses and other private groups: Force religious institutions to against the tenets of their faiths.

And force farmers who receive Fig. eral crop subsidies out of business

As the mailing puts it, the legislation would "qualify drug addicts, alcelol-ics, active homosexuals, transvestures among others for Federal protection

among others for reneral protection as handicapped."

Such claims are patantly untrue. I believe it is a deliberate attempt to defeat the bill through the use of defeat the bill through the use of scare tactics. If such claims were true, why do such diverse religious groups as the U.S. Catholic Conference, the American Baptist Churches, the Prosphyterian Church USA, the American Jewish Congress, and the National Conference of Churches support the bill?

Why is the bill supported by so it enwhy is the oil supported by shell diverse organizations as the National Association of Home Builders, the AARP, the Easter Seal Society, the AFL-CIO, and the Children's Defense English

I believe the Moral Majority is deliberately attempting to defeat the full through the use of scare tactics. The same people who now oppose the Civil Rights Restoration Act have historically opposed every one of the civil rights laws which are affected by this bill. And they are using the same scare tactics to defeat this bill that they

have used in the past.

I am particularly aware of the importance of the civil rights restoration to Hispanics and other minorities who have only recently begun to benefit from the Civil Rights Act. Hispanics still suffer from large scale discrimina-tion in such areas as schools and hous-ing, employment, voting rights, access to health and social services, and business development and opportunity.
Thus, the importance of continued support for, and enforcement of, civil rights protections is particularly important to Hispanics as we seek to attain equality in America.

The Reagan administration has once again demonstrated a dramatic lack of understanding and concern for issues affecting disadvantaged and disabled persons. He prefers to rely on "intent" rather than "effect" in identifying discrimination so that in the absence of "discriminary purpose", effective discrimination is allowed.

I urge my colleagues to override this veto.

President Reagan claims that the CRRA will bring "an intrusive Federal regulatory regime; random onsite com-pliance checks by federal officials; and increased exposure to lawsuits.

In truth, the CRRA neither expands nor creates any new riughts. It merely restores to the Civil Rights Act the scope and enforcement authority origiintended by Congress. It r Federal enforcement authority to pre-Grove City status. It is important to note that pre-Grove City, judicial and administrative interpretation of the Civil Rights Act consistently supported a broad application of the antidis-crimination provisions. Both Republican and Democratic administrations pursued that course.

The Moral Majority has claimed that the CRRA would force religious organizations to violate the teachings of their faiths in hiring prictices and

delivery of services.

The CRRA does nothing to change the exiting religious tenet exemption of the Civil Rights Act which has adequately protected religious organiza-tions in the past. That section of the act allows exemptions when nondis-crimination requirements are incon-sistent with religious tenets of a religious institution. I quote from a letter from the Civil Rights Office to Sena-tor Kennedy, "The Office of Civil Rights has never denied a request for religious exemption." More than 150 have been approved.

The CRRA would not prohibit an organization from giving preference to members in the delivery of services would not allow discrimination in the delivery of services directly funded by the Federal Government.

If the Moral Majority's claims are true, why is this bill supported by such diverse religious organizations as the U.S. Catholic Conference, the American Jewish Congress, and groups representing the Baptist, Lutheran, Episcopal, and Methodist faiths?

The Moral Majority claims that the

CRRA would apply to small momand-pop businesses, to farmers receiving Pederal crop subsidies, and to individ-uals who receive Federal assistance such as food stamps

The CRRA specifically excludes the ultimate beneficiary such as farmers and individuals who receive Federal assistance. It also excludes small pro assistance, it also excludes small providers such as grocery stores that accept food stamps. The National Association of Home Builders has demonstrated its support.

The Moral Majority claims that the CRRA would give handicapped status to alcoholics, drug addicts, homosex-uals, and persons with AIDS and other infectious diseases

The CRRA does not protect infe persons, alcoholics, or drug addicts who cannot perform job duties or who pose a threat to others.

The Moral Majority claims that the CRRA would expand the civil rights of homosovuals

Title 9 has never been interpreted to extend protections to persons on the

The CRRA is supported by a diverse group of mainstream organizations in-

cluding: The U.S. Catholic Conference

The National Association of Home Builders.
The AARP.

The American Jewish Congress. Paralyzed Veterans of America. Steelworkers, AFL-CIO, CWA. La Raza Unida.

The Easter Seal Society.

American Association of State Colleges and Universities. Childrens Defense Fund.

American Federation for the Blind A large number of religious organi-zations support this bill from all mainstream faiths including Jewish. Bap-Lutheran, Methodist, Episcopal, and Catholic.

Mr. Speaker, I wish to bring to the attention of my colleagues a very dis-turbing trend which I have begun to notice. There is a new stereotype of late, one that I have read in the news-papers and that has been relayed to by my constituents

The new stereotype developing that anyone who appears to be Hishave made it in the drug trade. Last week, I had a young, aggressive banker in my office, someone I am sure any of is would be proud to have as a constituent. He is trying to build his bank on community service and wants to spur

economic development in his area.

He had a most disturbing story to tell. It appears he started his career in an old family business which had trad-

ing operations throughout the world. He spent a number of years in Mexico and was later transferred to the Far East. A few years later, when the family business was sold, and my constituent was looking for a new investment, an opportunity opened up for him to take over a failing bank. He told me there was excessive redtape, simply because the examiners wanted proof that his funds came from legitimate sources, rather than from drug trade. I wonder whether an indi-vidual with an Anglo-Saxon name and fair skin would have had the same problems?

If this were an isolated incident, it would be one thing, but the stereotype that Hispanics with money are drug smugglers is much more pervasive-it exists here in the House of Represent-atives. I note a recent story from the Atlanta Journal in which one of our colleagues stated "I point blank asked him, 'where are these people from and where is their money from?' I mean when you meet a guy from Miami and his last name is Hispanic, your first thought is they're not legitimate."

I am personnally offended and outraged that our Government and its leaders should speak in this manner. I believe such statements by Members reflect poorly on this institution and is not the type of message we should be sending. I would instead urge my col-leagues to lend the support of this body in repudiating this type of racial and ethnic stereotyping and ensuring the equal and fair treatment of all our citizens.

JEFFORDS, Mr. Speaker, wisconsin (Mr. Gunderson).

(Mr. GUNDERSON asked and was

given permission to revise and extend his remarks

Mr. GUNDERSON. Mr. Speaker, I rise in strong support of the override. believe, like many others do, that civil rights is an issue whose day has come, as it has in years past. Yet it seems that some people are content today on addressing this issue of civil rights legislation as we have before, based on technicalities, on interpretations, and on distortions.

Everyone talks about the fact that this legislation is going to be an expan-sion of civil rights legislation entering the lives of everyone in this country. Let us understand that what we are doing is restoring the 1984 interpreta-tion of this legislation by this Congress and by this administration. If you were not bothered before 1984. you will not be bothered by the restoration of this act. Therefore, whether it be the religious tenets or the extent of private business or other sections of our economy, never in this history of civil rights has so much time been spent in colloquies on the floor, in committee history, and other efforts to allay any possible misunderstandings or fears

Today is our chance to send a signal. s the students of Gallaudet said this Nation 2 weeks ago, civil rights based on age, sex, race, or handicap is a right for all Americans.

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JEFFORDS, Mr. Speaker, I-

yield myself the balance of my time.
The SPEAKER. The gentleman from Vermont is recognized for 1% minutes.

Mr. JEFPORDS. Mr. Speaker, I want to spend just a moment talking to those on my side who may be considering switching from having voted for the bill upon passage and now apporting sustaining the veto. I do so because we have had a lot of facts, a lot cause we have had a lot of facts, we have for the bill upon passage and now supof very inconsistent facts. We have had a lot of emotional phone calls. I want to try to save you from the em-barrassment and the agony of having gotten yourselves in a position of having to explain.

First of all, let us go through some if the facts. AIDS and homosexuality. thousands of phone calls on that i The differences in the bill? None, both the same.

Abortion, that perpetually troubling problem, the bills are the sa

Farmers wondering whether they are covered if they take money with respect to any of the programs; in both bills, they are not covered

Small providers, the bill that you voted for would allow relief to small providers who may have problems with architectural barriers. substitute, only grocery stores.

Religious tenets, there is a differ-ence, but there is no problem. All those who have requested exemptions have received them.

The override is backed by the Catho lic Conference and backed by the National Association of Independent Colleges and Universities.

I urge you to continue to demon-strate your opposition to discrimination. Do not allow your opposition to demonstrate your inexplicable inconsistency

Mrs. MEYERS of Kansas. Speaker, will the gentleman yield?
Mr. JEFFORDS, I am happy to yield

to the gentlewoman from Kansas.
(Mrs. MEYERS of Kansas asked and

was given permission to revise and extent her remarks.)

MEYERS of Kansas. Speaker, I rise in support of the over-

The SPEAKER, The Chair will state that the gentleman from Wisconsin (Mr. SENSENBRENNER) has I minute remaining, the gentleman from Califor-nia (Mr. Hawkins) has 3 minutes re-maining, and the gentleman from California [Mr. EDWARDS] has 3 minutes

remaining.
Mr. SENSENBRENNER. Mr. Speakyield myself the remaining minute.

Mr. Speaker, I am proud of my record on civil rights. I was one of those who helped put together the ex-

tension of the Voting Rights Act of 1982, which is landmark civil rights legislation.

I think we have got to remember why we are here today and that is because in 1972 Congress was sloppy in its draftsmanship of title IX of the Higher Education Act. There was enough ambiguity in that law to allow the case to go to the U.S. Supreme Court involving the Grove City College, which resulted in a decision based on statutory interpretation, nar-rowly construing the antidiscrimina-tion provisions of title IX.

Everybody who has taken part in this debate agrees that where Federal money goes, there should be no dis-crimination, but those of us who support the President in his veto are quite plain in saying that this bill makes the same mistake that Congress made in 1972, and that is it is not clear and precise. We want to avoid future Grove City type decisions which will precise. bring this issue up before the Congress again and again.

The way we do that is by doing the job right this time. We do not do the check to the bureaucrats and the litigators, and that is why we ought to go back and tighten the bill up so that the courts have precise legislative direction in the statutory language of the bill, not in colloquies, to know precisely what the Congress of the United States has meant.

So please vote to sustain the veto. Let us vote to do our jobs as legislators right, so that the courts will make the right decisions.

Mr. HAWKINS. Mr. Speaker, I yield

myseif 2 minutes.

Mr. Speaker, I rise today in strong support of S. 557, the Civil Rights Restoration Act of 1987, and urge my col-leagues to vote to override the President's veto.

Three weeks ago, by a vote of 315 to 98. we voted to send S. 557 to the President, and, we did so knowing exactly what this bill did. There were no hidden agendas, no new protections, and no new rights established by this measure and we knew that when we so overwhelmingly passed S. 557

Amidst the most incredulous campaign of distortions and fabrications by the Moral Majority to which we all have been subject, we must remember why we voted for this bill in the first place. The premise is simple—Federal funds should not be used to subsidize discrimination based on race, age, sex or handicap. If an institution wishes to discriminate their choice is simple don't take Federal dollars.

This premise of nondiscrimination goes on to insure that all taxpayers are treated fairly and equally their doilars are used by federally supported institutions. If an educational institution wishes to assign girls to one conomics and boys to englneering and to provide only athletic programs for little boys and not to kirls they are free to do so but they

may not use Federal funds. If a house ing unit or muring home wishes to admit only whites that's their moral decision, but as a corporate unit they should not be allowed to use Pederal dollars either directly or indirectly through the notion of freeing up other dollars for such discriminatory activi-

My colleagues these are not new and startling revelations—rather these were the elements of the debate when we passed the Civil Rights Act of 1964. 25 years ago; of title IX of the Education Amendments of 1972-16 years ago; section 504 of the Rehabilitation Act of 1973—15 years ago; the Age Dis-crimination Act of 1974—14 years ago. There is nothing in S. 557 that There is nothing in S. 557 that changes in any way the substantive definition of what constitutes discrimination under these statutes, or what an institution must do to fulfill this duty; it does not alter what triggers coverage of these laws, in other words, what is Federal financial assistance: nor does it change or expand the protections that these basic laws have guaranteed for the last 25 years.

What S. 557 does do, and rather clearly, is define the scope of the covered entity that has a duty not to dis-criminate as it had been understood prior to the Supreme Court's misinterpretation of title IX in the Grove City College decision. S. 557 defines the phrase "program or activity", or "program" simply to make clear that discrimination is prohibited throughout entire agencies or institutions if any part receives Federal financial assistance

The Senate added two amendments. First, was the Danforth abortion amendment. Second, was the Harkin-Humphrey amendment that made explicit that "Congress wishes assure employers that they are not required to retain or hire individuals rith a contagious disease or infection when such individuals pose a direct to the health and safety other individuals, or cannot perform the essential duties of a job." For greater detail, I am enclosing at this point in my remarks letters of correspondence from the sponsors detailing their intent. It should be noted as well this provision is also contained in the

Presidents' substitute.

Mr. Speaker, S. 557 has been the subject of an incredible campaign of lies and distortion by the Moral Manies and distortion by the Moral Majority and done in the name of religious liberty. We all care deeply about our religious beliefs, and the freedom which allows each of us to practice our faiths, and not one of us here would in any way homedite our one religious. any way jeopardize any one's religious rights and freedoms. That is why, Speaker, I am so troubled by the accusations that this measure in some way infringes on the first amendment right of freedom of religion. Those accusations are simply not true. Listen to the list of churches that unequivocally support this measure:

U.S. Catholic Conference of Bishops National Council of Churches. American Jewish Congress. American Baptist Churches Evangelical Lutheran Church of America

Union of American Hebrew Congregations

Anti-Defamation League of B'nai B'rith.

American Jewish Committee. Church of the Brethren Presbyterian Church USA. Church Women United. Newwork-National Catholic Justice Lohhy

United Methodist Church. Episcopal Church.

The hysteria that has been created by the Moral Majority is simply that— hysteria—it is unfounded fear based on distortions and fabrications over what this bill does. I wish to restate as others have done that S. 557 does not create rights for homosexuals, does it require employers to hire people who have contagious diseases, who are alcoholics or drug addicts, and who pose a direct threat to the health or safety of others or who cannot per-form the essential functions of the iobs.

S. 557 simply restores the coverage of our civil rights laws to the pre-Grove City institution wide frame-work. I urge your support of the override.

Mr. Speaker, I include the following

CONGRESS OF THE UNITED STATES. HOUSE OF REFRESENTATIVES.
Washington, DC, February 22, 1988.

Hon. Senator Tom Harkin.

Chairman. Senate Subcommittee on the Handicapped, Washington. DC.

DEAR SERATOR HARKIN: As you know, the House of Representatives will be considering S. 557, the Civil Rights Restoration Act in the Dear University. in the near future. As part of that bill, we will be reviewing Amendment No. 1396. Our with the reviewing amentument is that it is de-signed simply to allay any fear that employ-ers may have had in hiring and retaining individuals with contagious diseases or infections. It does not change current, substantions. It does not change current, substan-tive protections afforded to people with con-tagious diseases or infections under Sec. 504 of the Rehabilitation Act of 1973. We need your views to add us in our assess-ment of this Amendment. As Chair of the

Subcommittee on the Handicapped and sponsor of the Amendment, we ask that you forward a description of the terms of the Amendment and its impact at your earliest convenience

Thank you for your assistance.

Sincerely,
Don EDWARDS, Chairman, Subcommittee on Civil and Constitutional Rights. Augustus F. Hawkins. Chairman. Committee on Education and Labor.

U.S. SERATE SUBCOMMITTEE ON THE HAND Washington, DC, February 26, 1982.
Aucustus F. Hawkins,
Chairman, Committee on Education and
Labor, Washington, DC,
Don Emurpe.

Labor, Washington, DC.

Don Enwards.

Chairman, Subcommittee on Civil and Constitutional Riphts, Washington, DC.

Dean Concernstates Hawkington, DC.

Dean Concernstates Hawkington and Enwards I am writing in response to your request for a discussion of Amendment No.

1396 to S. 557, the Civil Rights Restoration Act of 1987, which I cosponsored with Senator Humphrey and which was accepted by the Senate on Thursday, January 28, 1988.

Your reading of the amendment is correct. The amendment clarifies how section 504 of the Rechabiliation Act of 1973 applies to individuals with contagious diseases and infections. The amendment is consistent with the Supreme Court decision in School Board of Wassax County v. Arine. The amendment does not change or modify the substantive standards of section 504.

The fact that the amendment clarifies and does not modify or change the substantive standards of section 504 is evident from the substantive standards of section 504 is evident from the substantive standards of section 504 is evident from the substantive standards of section 504 is evident from the substantive standards of section 504 is evident from the substantive standards of section 504 is evident from the substantive standards of section 504 is evident from the substantive standards of section 504 is evident from the substantive standards of section 504 is evident from the substantive standards of section from the substantive standards of sectio

amendment; the amendment itself; and the colloquy accompanying the amendment.

The statement of purpose provides: "Purpose: To provide a clarification for otherwise qualified individuals with handicaps in the employment context." I would note that we intentionally did not state that the purpose of the amendment was to change the with contagious diseases or infections are covered by section 504.

The language of the amendment also re-

with contagious diseases or infections are covered by section 504.

The language of the amendment also reflects this intent. The language specifies that for purposes of sections 503 and 504, as they relate to employment, the term 'individual with handicape' does not include an individual who has a currently contagious disease or infection, and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who would be unable to perform the duties of the job.

This language was purposely patterned after a similar amendment adopted by Congress in 1978 with regard to alcoholics and drug users. At that time, many employers had unjustified concerns that they could be forced to hire or retain alcoholics or drug addicts who could not perform the essential functions of a job or who posed a threat to others. The legislative history of the 1978 amendment makes clear that Congress understood that the 'otherwise qualified' standard of section 504 aiready ensured that no such requirement could be placed on employers. Nevertheless, Congress enacted the amendment in order to reassure employers regarding the existing section 504 potters amendment in order to reassure employers regarding the existing section 504 protec

As we stated in the colloquy. Amendment No. 1398 is designed to serve the same purpose. The objective of the amendment is to expressly state in the statute the current standards of section 504 so as to reassure employers that they are not required to hire or retain individuals with contagious diseases or infections who pose a direct threat to the health or safety of others or who cannot perform the duties of a job.

The basic manner in which an individual with a contagious disease or infection can we stated in the colloquy. Amendment

The basic manner in which an individual with a contagious disease or infection can present a direct threat to the health or safety of others is when the individual poses a significant risk of transmitting the contagious disease or infection to other individuals. The Supreme Court in Arrine explicitly recognized this necessary limitation in the protections of section 504. The amendment is consistent with this standard.

Again as we stated in the colloquy, the amendment does nothing to change the requirements in the regulations and case law regarding the provision of reasonable accommends. regarding the provision of reasonable accommodations to a person with handicaps, as such provision applies to a person with a contagious disease or infection. Thus, for example, if a reasonable accommodation would eliminate the existence of a direct threat to the health or safety of others or eliminate an individual's inability to perform the essential duties of a lob, the individual is qualified to remain in his or her position.

Pinally, as was stated in the colloquy, the two-step process of section 504 applies in cases involving an individual with a conta-gious disease or infection. That is, a court must first determine whether an individual must first determine whether an individual is protected under the traditional three-part definition of "individual with handcape" under the statute. The court must then make an individualized determination as to whether the individual is "otherwise qualified" to hold the particular position at issue in the case before it.

I hope that this discussion is useful for you in your unpromine consideration of the

you in your upcoming consideration Civil Rights Restoration Act of 1987. Sincerely,

TOM HARKIN. Chairman

Mr. EDWARDS of California, Mr. Speaker, I yield such time as he may consume to the gentleman from Okishoma (Mr. Innork). (Mr. INHOFE asked and was given

permission to revise and extend his re-

Mr. INHOFE. Mr. Speaker, I rise in opposition to the effort to override the

I am very disappointed with the vote to override the President's veto of S. 557, the Civil Rights Restoration Act.

Civil hughts restorauch Acc.

I have been very disturbed by the way in which this bill has been hendled. First, the House leadership sought to bring it up for a vote under rules that allow no amendments, it found it could not get the votes to pass the bill under this procedure, so it turned to some-thing called a modified closed rule. This rule allowed only one amendment to be considered, despite the concorns of several Mombers and their desire to offer amendments inlended to clarify the intent of the logislation, I find these tactics of people who hold them ves out to be champions of civil rights to be peculiarly undemocratic

The fact is that the Civil Rights Restoration Act is too vague and leaves the door open for the Foderal judiciary and the bureaucracy to interpret it as it sees fit. It is a poorly crafted bill and could, as a result, have senous consequences for religious institutions, small esses, process, and farmers, to name a few It would result in increased Federal intrusion into these areas, which means increased costs and hassles for the people involved.

The Federal Government should have no hand in subsidizing institutions with discrimina-tory practices, but this legislation is a poor solution to the problem. The President has of-fered, and I have cosponsored, alternative legislation that would achieve the stated goels of the supporters of the Civil Rights Restoration Act without exposing hardworking people and our churches and religious school warranted intrusion of the Federal Govern-

We should deal with civil rights legislation the same way we deal with other legislation. with careful consideration and full discussion.

Mr. EDWARDS of California, Mr. Speaker, to close the debate, with great pleasure and honor. I yield the balance of my time to the chairman of the Committee on the Judiciary, the gentleman from New Jersey [Mr. Rodino].

Mr. HAWKINS, Mr. Speaker, I yield my 1 minute remaining to the gentle-man from New Jersey (Mr. Ronno). The SPEAKER. The gentleman

The SPEAKER. The gentleman from New Jersey [Mr. Rodino] is recognized for a total of 4 minutes.

(Mr. RODINO asked and was given permission to revise and extend his remarks.)

Mr. RODINO. Mr. Speaker, I come before the House today to strongly urge my colleagues to override the President's veto of S. 557, the Civil Rights Restoration Act. This action is necessary to ensure that the promise upon which our country was founded—equal opportunity and equality under the law for every American— will be attained. and equality

It was over 200 years ago when Thomas Jefferson wrote those immor-tal words "all men are created equal." Those words and the ideals they represented began a revolution that culminated in the forging of a new nation based upon the principle of "liberty and justice for all." Yet, we know that not every American was free nor was every individual treated equally. For years, people of color faced discrimination, often at the hands of their local government, that relegated them to second-class citizenship. The barriers of segregation created two societiesone black, one white; two societies, separate and unequal.

The struggle to break down those barriers was not an easy one, nor did it come quickly. America was not a fledgling nation, but a world power before she began in earnest to overcoming racial discrimination. And the effort was not without pain and sacrifice. In the 1950's and 1950's the South source the 1950's and 1960's the South crupted as individuals demonstrated, marched, and even died in the effort to secure the equal rights and oppor-tunities guaranteed to all Americans

by the Constitution.

In 1964, Congress provided the tools discrimination against to climinate people of color by enacting the Civil Rights Act. Title VI of that act made clear that Federal funds would no longer be used to subsidize racial discrimination. Although a decade before the Supreme Court had ordered school desegregation in Brown versus Board of Education, it was not until title VI became law that widespread integration was achieved. Faced with the loss of Federal funds, recalcitrant school districts decided that Federal assistance was more important than adherence to a bankrupt racist philosophy. Other recipients of Federal funds too began to dismantle their discriminatory practices.

In the 1970's, Congress heard the ries of other groups that were excluded from the American dream cause of prejudice and discrimination and enacted legislation to correct this injustice. Title IX of the Education Amendments of 1972 prohibited sex discrimination in educational pro-grams or activities receiving Federal id: section 504 of the 1973 Rehabilita tion Act banned discrimination against the disabled by recipients of Federal funds; and in 1975, the same protection was granted to the elderly by the Age Discrimination Act.

At the beginning of this decade, it looked as though we were well on the way to achieving the promise of America begun 200 years before—a land where all citizens, are guaranteed an opportunity to achieve their fullest potential, without regard to their color, gender, physical disability or age. Then, in 1984, the progress achieved was put at risk by the Supreme Court's decision in Grove City College versus Bell. The Court took a very narrow view of title IX, finding that only that part of the institution receiving Federal funds was prohibited from discriminating on the basis of sex; all other programs and activities were free to deny equal opportunity to women. Since all four civil rights acts contain identical language, the Grove City decision also jeopardized the rights of the elderly, the handicapped, and minorities.

The repercussions were swift and unfortunate. Hundreds of cases of dis-crimination have been dropped in the past 4 years. Women, minorities, the disabled and the elderly are being denied simple, basic protections. We must not let this travesty of justice continue. That is why we must override the President's veto of the Civil Rights Restoration Act. Contrary to the claims of its few opponents, this measure does not create new law or expand civil rights. It merely restores the status quo that existed before the Grove City decision and thus provides society with the tools to see that discrimination is never subsidized by the Federal Government

Before I close, I want to address the claim of the bill's opponents that this measure places an undue burden upon religious institutions, especially coleges and universities with religious affiliation. I find that claim difficult to reconcile with the list of supporters this legislation that includes the U.S. Catholic Conference of Bishops: National Council of Churches; American Congress: American Baptist Charebos: Church of America: Union of American Hebrew Congregations: Anti-Defamation League of B'nai B'rith; American Jewish Committee; Church of the Brethren; Pre-Syterian Church, USA; Church Women United: Network-National Cathelic Justice Lobby: United Methodist Church; and Episcopal Church, Moreover, in a letter to the President urging him to sign S. 557,

the National Association of Independent Colleges and Universities—the country's largest association of independent colleges and universities, many of which are church-related said, in part, "We want to reiterate our unqualified support for this legislation. We strongly urge you to sign the Civil Rights Restoration Act of 1988.

In closing, I want to add that I am deeply saddened by the fact that we must vote today to override a Presidential veto of this important civil rights legislation. Instead of supporting equality under the law for all Americans, regardless of their race, color, gender, age, or physical condi-tion, the President has again attempted to turn the clock back on the progress that has already been made toward that goal. Thus, it is doubly important that we, through our vote today, ensure that the promise of liberty and justice for all made over 200 years ago becomes a reality for every

Mrs. COLLINS, Mr. Speaker, in 1964 a great victory was won in the struggle for crvil rights. The 1964 Crvil Rights Act finally allowed the obvious to be stated clearly, once and for all-that all people are created equal regardtess of race, religion, creed, or gender. because of this equality, every person is entitled to fair and equal treatment. Finally, discommation was made iffedal in this country which prides itself on its doctrine of freedom, liberty, and equality.

But in 1984 the Supreme Court began to

chip away at the progress made in the strug-gle against discrimination. Its decision in Grove City versus Bell effectively condoned discrimination by claiming that only the particular program recoving Federal aid should he subject to scrubny, not the institution as a whole. This decision to turn a blind eye to an overall policy of blatant discrimination was an act of regression-it turned back the clock to tho days whon it was permissible and acceptable to discriminate. What we are talking about is a decision which gave in to discrimi nation instead of lighting it at the source of its

The question is this: Should the U.S. Govemment be funding any institution which would practice discriminatory policies in its roinfederally funded programs? The answer is obvious to those who realize that no foothold can be given to discrimination. The U.S. Government would be placed in the position of being an accomplice to the crime of discrimi-

Many legislators seem to have missed the point of the whole discussion surrounding this bill, It's not a question of how much Federal assistance an institution receives, or in which regrams it chooses to discriminate. Discrimination was outlawed in 1964, and whether you receive a lot of Federal aid, a little, or none at all-discrimination is an unacceptable prac-

it must be noted that the last victims of discrimination are people with infectious dis-eases, particularly AIDS patients. Because of ng controversy caused by the mistreatment of these people as a group, tanguage— which I wholoheartedly support—has been added to include them in S. 557. It is now ex-

plicitly against the law for recipients of Federal assistance to discriminate against disabled persons, which includes persons with inleclious diseases such as AIDS. Legislators who oppose S. 557 must remember that a law works if the people believe that those who govern them believe in that law. I believe in equality, and I believe in the fact that discrimination. equality. And I believe in the fact that discrim-nation in any form or amount is wrong. And fi-nally, I believe that we must pass 5, 557 in order to right the wrong Grove City versus Bell has perpetrated. We must put the civil rights movement back on the right track, and move forward in our effort to bring every American to an understanding and agreement about the importance of equality.

importance of equality.

Mrs. KENNELLY Mr. Speaker, I nse to urge my colleagues to vote to override the President's veto of the Civil Rights Restoration Act. This legislation has been the subject of more misunderstanding and half-truths man any in recent memory. In fact, the tactics and infolerance exhibited by some opponent groups points up exactly why we need civil rights legislation in the first place.

This legislation ends the taxpayer's subsidi zation of discrimination and simply restores the broad coverage of existing civil rights laws prohibiting discrimination on the basis of race, color, national origin, sex handicap, or age, in institutions which receive Federal funds.

It does not require employers to hire people with contagious diseases or require hospitals to perform abortions, it does not require refigious organizations to violate their religious beliefs. It simply upholds the basic freedoms quaranteed all Americans under the Constitu

This logislation is supported by nearly o major civil rights and religious organization, in-cluding the U.S. Catholic Conference, in the

cluding the U.S. Catholic Conference, in the country. I urge my colleagues to do the same. Mr. TALLON. Mr. Speaker, the Civil Rights Restoration Act of 1988 doos exactly what it says it does. Simply, it ensures that Federal funds will not support discrimination or segro-

The United States has been operating on this standard since 1984. The 1984 Grove chy decision pointed out that these taws needed clarification. With the passage of S. 557 in both Houses, we have done just that. I have watched this issue closely and I am

I have watched this issue closely and I am convinced that the law passed is a good one. The massive propaganda campaign against it has played on groundless fears and does not properly address the actual language of S. 557. I would like to take this opportunity to point out some facts about this law.

Farmers are considered "ultimate beneficiaries" and thereby qualify for an exemption under these laws. Farmers who receive proceand income supports and loans have been and will continue to be exempted from the ca.

and will continue to be exempt from the re-quirements of this legislation. In regard to church schools, this bill will not

in regard to church schools, this bill will not change the way the Federal Government presently respects religious activities. The exemption for church schools remains as it has since 1972. No matter what false information has been spread, this law does not require religious-controlled institutions to comply with the civil rights laws if compliance would conflict with the tenets of that religion.

Sexual preference has never been protected by law, nor is it protected in S. 557. S. 557 does not require an employer to hire

or retain in employment persons with conta

gious diseases because they are considered handcapped by law. An employer is free to refuse to here or fire any employee who poses a direct threat to the health or safety of other or who cannot perform the functions of the job. Nothing in S. 557 changes this fundamental right of the employer.

The taxpayers of America need to have in

surance that their hard-earned money will not go to programs or institutions which practice discrimination on the basis of race, sex, handi-

cap, or age.
Mr. ROWLAND of Georgia. Mr. Speake ave always supported the intent of the Crist Rights Restoration Act. However, I have been icerned over possible loopholes in this bill which may actually be detrimental to

which may actually be detrimental to the cause of civil rights.

The 1984 Grove City decision needs to be corrected, if institutions receive Federal funds, if is the intent of civil rights laws that those institutions be fully covered.

Provisions have been added to the original

bil, however, which may—if broadly interpret-ed by the courts—impose unintended burdens on churches, businesses, and private crizens. In my view, it would be better for everyone who supports and inghts to bring the bill back for renewed consideration and tighten up se provisions

those provisions.

There are many questions which have still not been adequately answered, and it would be better to resolve thom in Congress then to leave them up to the courts.

Mr. STOKES, Mr. Speaker, the fight for equal rights must be restored as a priority issue for our Nation. Just a few days ago, on issue to rour Nation. Just a few days ago, on March 2, 1988, I cast an unequivocal vote supporting the passage of S. 557, the Civil Rights Rostoration Act. Since that time, my tion on this issue has not changed. What I had to say on March 2 is still applicable today.
The time to reaffirm our Nation's commitment to eliminate discrimination against minonties, women, the elderly, and disabled is now.

Within the last few weeks, my office has regived many calls in opposition to the pasage of this bill. Based on these calls, it appears to me that many Americans have been grossly misinformed regarding the substantive provisions of S. 557. If I may, I would like to offer clarification

Quite simply, S. 557 has been drafted to minate the use of Federal taxpayers' money to fund discrimination. Such an occurrence is a blatant aberration of the democratic princies which have helped to make our Nation great. Moreover, such an occurrence contralicts the spirit and purpose of specific laws congress has enacted to ensure the provision of equal rights and opportunity to disadvansoed groups.

Just 4 years ago, in Grove City College ersus Bell, the U.S. Supreme Court issued a uling which watered down the substantive rovisions of our Nation's civil rights laws, th Grove City, the Supreme Court held that Fed-eral laws prohibiting discrimination do not poly to entire institutions, but only apply he program or activity receiving Federal as-sistance. Based on this ruling, Federal funds have been used to further discriminatory pracdices. To say the least, for minorities, y he disabled, and elderly, this ruling sets civil rights back a couple of decades.

For this reason, S. 557 is probably the most significant piece of civil rights legislation considered by the Congress since the Civil Rights

Act of 1964, I am hopeful that we will enact S 557 into law today. And, when we do, our Nation will take one step closer to fulfilling the promise of equal rights and opportunity to all

Mr. FAZIO, Mr. Speaker, I rise today in : port of S. 557, the Crvil Rights Restoration Act and urge my colleagues to overnde the President's veto of this important bill.

Passage of the Civil Rights Restoration Act is essential to restore the broad coverage of our crivil rights laws which were by the Supreme Court's ruling in Grove City College versus Bell. The Senate originally approved the bill by 75 to 14 and the House approved it overwhelmingly 315 to 98. Clearly, the measure has a broad support from Members on sides of the aisle and in both bodies.

The bill also has support from a wide spec-um of groups including: The Roman Catholic Church, the American Jewish Congress, the National Council of Churches, the National Women's Law Center, the U.S. Catholic Con-ference, the National Association of Independent Colleges and Universities, the Union of American Hebrow Congregations, and the Leadership Conference of Civil Rights.

S. 557 morely restores broad coverage of laws to protect exizens against discrimination due to race, sex, age, or handicap by institu-tions receiving Federal funds. This bill does not require an employer to hire all persons nth contagious diseases. It does not state that any employer must hire drug addicts or alcoholics. This bill does not change existing law to create any new duties, new standards or new requirements. Nor does it require a religious organization or institution to violate its own principles and beliefs.

We must vote to override the veto and end Federal support for institutions which unfairly discriminate. As Members of Congress, we have an obligation to protect the rights of all our constituent. This measure does not threaten the rights of anyone; it does just the opposite. The Civit Rights Restoration Act upholds the fundamental rights and freedoms guaranteed to all Americans by the Constitu which are reaffirmed in our previously enacted civil rights statutes.

Mr. FRENZEL, Mr. Speaker, I rise in support

S. 557, the Civil Rights Restoration Act. Co. posing any President on a veto-override at-tempt, much less a President of one's own is not an easy matter. However, I believe the veto was unwarranted in this case

The opposition to this bill has been quite aggressive. That is the way the system is sup-posed to work. However, S. 557 has been interpreted as a bill which will totally destroy the moral fiber of this country. In any judgment that interpretation is a little heavy-handed

The opponents' grassroots campaium to defeat the bill has been impressive. Hundreds of calls have poured into my office, and, I assume to many others as well interest groups which support the bill have been active as national organizations, but they have not developed a grass-roots campaign of their

The number of calls into my own ortices, and the concern of my constituents, have forced me to scrubnize the bit even more closely. I have thed to determine whether the legislation would result in the changes feared by its opponents, but I have found no such language in this bill.

Many citizens fear that Federal courts will misinterpret the law. One should always be nervous about people in black robes, but if we let nervousness turn into paranoia, we could never pass another bill.

This legislation does not change our current civil rights laws, other than to restore the application of those laws to cover an entire institution, rather than a program of an institution, if Federal funds are received. This was the way civil rights laws were administered poor to the Supreme Court's Grove City decision over 4 years ago.

4 years ago.

None of the fears being expressed now were reakzed before Grove City. Church-relatied schools were not forced to hire homosexuals and farmers, and small grocers were notif covered, and abortions were not forced upon fourch-run teaching hospitals. The bill has been designed to narrow the coverage of the civil rights laws to ensure that the laws would work as they did before the Court decision.

The Congress has been debating this issue for 4 years. It has not proceeded this far without plenty of discussion and debate. We all knew this legislation was coming, and there have been some opportunities for imputs.

Of course, I prefor the regular order in the House. I would be happier if the House had moved the bill under its regular procedures. I cannot defend the procedures under which it passed the House, but in a matter of this importance I cannot let procedure stand as a more compolling argument than substance. The need to overrule the Grove City decision is too great.

First of all, many of the interests expressing opposition to the legislation would not even be covered by it. It is well to remember that an organization is covored only if it receives Federal funds. There is language in the bill which excludes such ultimate beneficiaries as larmers, welfare, Social Security, Medicare and food stamp recipients from coverage under the bill

There is a religious tenet provision which would enable church-controlled organizations to refuse to perform abortions or to refuse to hire homosexual teachers. The intent here is to interpret this language as broadly as possible. As a result, many of the major religious organizations have supported S. 557. To date, no religious group applying for a religious tenet exemption has been denied an exemption.

To be sure I would prefer the language "affiliated with" to the language of the bill, "controlled by" in the religious tenets section. But the history of the current law is that the religious tenet language has been interpreted well.

There is a restatement of current law that companies or organizations receiving Federal funds would not have to hire a person with a contagious disease, such as AIDS, alcoholism, or drug addition, if there would be a direct threat to the health or safety to others.

There is, in addition, a small provider provision which exempts small businesses from expensive alternations of their businesses by excess by the handicapped, if they can provides soruces to the handicapped in some other way.

Homosexuals are not covered under any of these laws now, and there is nothing in this bill that extends any rights to them. There have been attempts for many years to amend civil rights laws to include sexual preference, but Congress has shown no interest at all.

But, for more important than any defense against attacks on this bit is the need to make our rights laws work. To accent the positive, the urgent need to guarantee the rights of American citizens far outweighs the objections to S. 557.

And where are civil rights more important than in our institutions of higher education? Young Americans, preparing themselves for leadership roles in our society, should, above all, be working in a discrimination-free environment. For me that's what this bill is all aboud. And that's why I support S. 557.
Civil rights laws should be administered to

Crid rights laws should be administered to end discrimmation due to race, gendor, age, or disability, in the manner intended by the Congress before the Grove City decision. I do not believe that this bill goes beyond that, and therafore I shall vote to override the President's veto.

Mr. BOULTER. Mr. Speaker, I rise loday to express my strong opposition to and grave concern about the Civil Rights Restoration Act

What is the bil? What will its impact be? And, most importantly, whose civil rights are we restorned?

The purpose of Senator KENNEDY'S bill is to extend Federal civil rights statutes like those in the 1972 bitle IX provisions of the Education Act, made "program specific" in the Grove City case, to cover not only the programs receiving Federal aid within an institution but all of the institution's services. This purported extension of Federal civil rights protections sounds laudable until one realizes that this bill will greatly expand Federal control in all types of institutions which receive direct or indirect

Federal aid.
Let's take a look at the potential repercussions of this legislation.
For the first time, churches and synagogues

will be subject to Federal regulatory control. Only trile IX of the 1972 Education Amendments Act allows a warver for religiously controlled schools. The other civil rights statutes included in the bill's purview—such as section 504 of the Rehabititation Act and title VI of the Civil Rights Act—do not provide for exclusions for religious institutions and would therefore force entire churches to comply with antidecriminatory regulations should they operate one federally assisted program or activity.

How helpful is the waner provision in title IX7 Proponents of this bill argue that any religious institution receiving Federal educational dollars can apply for a warver from comptiance with the title IX antidiscriminatory regulations. The problem with this argument is that only institutions legally "controlled by a religious organization" will be exempt from those title IX provisions which contradict the institution's religious tenets. The following Texas colleges that are religiously altifiated—but not religiously controlled—asked for waivers and did not receive them. Dallas Theological Seminary, Lubbock Christian College, University of Dallas, Southwestern Assemblies of God College, and Concorda Lutheran College.

implementation of this legislation will also mean that religiously affiliated schools that receive no Federal aid, but whose students do, could be forced to achieve a racial balance through a quota system as the Federal Government applies an effects test. This test

could determine whether or not the institution in question has any practices which cause discriminatory effects—even if the institution's intent is not to discriminate. The extension of the effects test to the private sector could result in affirmative action plans affecting grocery stores that accept food stamps, larms that get Federal price supports, insurance companies that administer Medicare or Medicaid * * * the list is endless.

According to William Bradford Reynolds, Assistant Attorney General, the purpose of this bill is "to use the overturning of Grove City as a vehicle for expanding to the fullest extent possible the reach and role of the Federal bureaucracy into every facet of the public and private affairs of all our cityens."

I am certainly against discrimination of the disabled, of women, of minorities, and of the eldorly. However, it is my strong opinion that long-established and dear liberties exercised by many of our churches, private colleges, and hospitals will be sacrificed so that bureaucrabic intrusion can be furthered in every sector of our American society under the guise of protecting individual liberties that are already insured by law.

Mr. Speaker, it is my firm belief that the President's vote should be upneld. I urge my colleagues to vote to sustain the vete and kill this bill.

Mr. GRADISON. I use in opposition to the veto of the Prosident of S. 557, the Cvil Rights Restoration Act, and urge "my colleagues to join me in supporting this critical civil rights legislation.

S. 557 would restore the broad scope of

S. 557 would restore the broad scope of coverage, intended by Congress, to four existing civil rights laws that form the foundation upon which this country stands against discrimination based on race, color, national origin, age, or six. These legal protections of basic civil rights—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—ensure that recipients of Federal funding cannot discriminate on those grounds

The Supreme Court, in its ruling on February 28, 1984, in the case of Grove City Collego versus Boll, effectively narrowed the application of the coverage of these importance civil rights statutes. The Courts' ruling reversed administrative practices and enforcement interpretation that had been carried cut for years by both Democratic and Republican administrations. Before the Supreme Court's 1994 ruling there was little dispute about what the intentions of Congress were in excited these ferms.

The issue before the House today is where it or realism the Nation's commitment to the broad coverage of the antidescrimation provisions of these important civil rights statutes as it existed before the Court ruled in the Grove City case. As the Prosident indicated in his letter of March 16, 1988, "protection of the civil rights of Americans is an important duty of the government." In my view, S. 557, accomplishes this worthy goal.

Although this legislation enjoys ande hearth.

Although this legislation enjoys wide hearthsan support, it has been severely critical. Some fear that S. 557 would present an unnecessary and unprecedented regulatory intrusion of the Federal Government into the operation of State and local governments and private organizations. It is leared that churches and synagogues, private schools, farms and small businesses would all come under the heavy hand of Government.

As my colleagues have, I have received hundreds of calls, letters, and telegrams from constitutents who are understandably concerned about the ramifications of this legislation. It is most unfortunate that much of what they have been told about this legislation is misleading and false.

After careful consideration, I am convinced that the lears which have been expressed to me are unfounded. This bill merely restores the status quo ante where the Grove City case is concerned. State and local governments would not be under any additional Federal mandates. This bill would not affect the operation of farmers who receive Federal subsidies. Nor would it affect those who receive Medicaid benefits, food stamps, or Social Security benefits.

Small businesses, such as grocery stores, that receive some form of Federal assistance, would not be required to make significant and costly structural changes to their existing facilities to ensure access for the handicapped. S. 557 does not require an employer to hire someone with AIDS or any other contagous desease if that person would pose a threat to the health or safety of others. Similarly, no employer would be under any mandate to hire or retain alcohokies and/or drug abusers. The courts have upheld the rights of employers in this area. This bill in no way changes that.

Much of the concern has come from those

Much of the concern has come from those who are womed about the adverse impact the legislation purportedly would have on their church or synagogue. S. 557 does not require religious controlled institutions to comply with the civil rights laws if compliance would conflict with the tenets of that religion. Furthermore, nothing in the bill requires any person or organization to provide or pay for benefits and services related to abortion.

In addition, the legislation does not create rights for homosexuals, based on their sexual preference. This bill would not prevent a religious organization from taking an individual's sexual preference into account in any of its activities if it would violate the religious tenets

of that organization.

It is unfortunate that much of the substantive debate on this issue has been shrouded by arguments that purport to stand, on religious grounds. The fact is that major Cathoke, Protestant, and Jewish organizations all support the onectment of S. 557. These organizations include, among a number of others, the U.S. Conference of Catholic Bishops, the National Council of Churches, the American Baptist Churches, the Evengelical Lutheran Church of America, the Episcopal Church, and the Union of American Hebrow Congregations Mr. Speaker, after 4 years of discussion and

Mr. Speaker, atter 4 years of discussion and debate the Congress has arrived at a carefully crafted solution to restore coverage to some of the critical provisions of the Nation's civil rights statutes. In order to keep our commitment to effective Federal civil rights statutes, S. 557 is a necessary and desirable addition to current law and turge my colleagues to join may in support of the legislation.

me in support of the legislation.

Mr. HOUGHTON. Mr. Speaker, there has been much debate over whether the Covi Rights Restoration Act should become law-part of this debate has been based on lact—much has been based on out and out emotion. Emotion is key to our lives, but must be

tempered when being translated into hard, tough law. The truth is that before the Grove City case, Federal antidescrimination laws applied to whole institutions when Foderal money was irrovived. S. 557 is an effort to restore the same protection which existed prior to the Supreme Court's decision. It's that simple.

The compromise is not perfect. And frankly there was little opportunity to improve it. I supported the one amendment permitted, and that, unfortunately, was voted down. Now we are faced with the final "up or down" vote on the bill.

I plan to vote "up." There have been 3 years of hearings on the bill and compromises along the way. S. 557 is now abortion neutral, which relieves the concerns of right-to-life advocates. Corporate-wide coverage has been kimited to five areas, although I would have personally preferred that all coverage be at the plant or facility level. The religious tenet language seems satisfactory to most of the educational institutions with whom I've talked. Very simply they would request an exemption under the act.

On other issues—current Federal law does not prohibit discrimination on grounds of sexual preference, nor does this bill. Similarly, the bill restates existing law which says that persons with contagoins diseases, such as AIDS, must be treated as handicapoed "except when they present a danger to the health and safety of others or cannot perform essenbal functions of their jobs."

There may be need for some refinement of the bill as we move to implement it. But I support the major thrust of the legislation—meaning that the Federal Government ask organizations that get tax dollars to comply with our civil rights taws.

Mr. KOSTMAYER. Mr. Speaker, I am voting to override the President's veto of S. 557, the Civil Right's Restoration Act.

On March 2, the House of Representatives passed S. 557 by an overwhelming 315 to 98 vote. The Senate passed the same bill on January 28 by a similarly wide margin, 75 to 14.

The purpose of this legislation is to re-altern the broad coverage of civil rights laws prohibiting discrimination on the basis of race, color, national origin, sex, handicap, or age, in inistinguish the programs.

tubons with federally funded programs. In the last several days I have received many telephone calls concerning the President's veto. While well intentioned, many constituents contacting me, Mr Speaker, are misinformed about S. 557 and its coverage.

The Civil Rights Restoration Act does not grant rights to homosexuals. This bill does not require an employer to hire or retain a person with a contagous disease. This legislation also does not require an employer who receives Federal funds to hire or retain an alcoholic or drug addict.

Most callers for example, Mr Speaker, are also not aware that the bill only applies to institutions which receive Federal funding.

And most callers. Mr Speaker, are not aware that S 557 does not change the reliyous exemptions now in effect in Federal civil roots statutes.

This legislation was introduced by a bipartisan group of Members of Congress in response to a Supreme Court ruling (Grove City College versus Bell) interpreting title IX of the 1972 Education Amendments to mean that an

nstitution receiving Federal funds must comply with Federal civil rights laws only in those programs that directly receive Federal funds. As a result of the Court's decision, federally funded schools and colleges could discriminate in other nonfunded programs without risking the loss of Federal funds. Schools that do not receive Federal funds, of course, are not covered by this legislation. But Congress passed title IX with the intention that if a school or college freely applied for Federal funds and received Federal aid in any form. the entire school must compy with the Federal civil rights statutes. In the face of the Su-Court ruling in the Grove City cas overwhelming bipartisan majority of the House and Senate felt legislation was necessary to restore the original intent of Congress to protoct all Americans from discrimination.

Nevertheless, there has been widespread misundorstanding about precisely what this logislation would accomplish. But it's important to note that it applies only to institutions that have recoved Federal funding. I am voting in favor of the bill because I

I am voting in favor of the bil because I think that most Americans would agree that taxpayers' funds should not go to an institution or organization which discriminates based on race, age, sex, national origin, or handicap. Discrimination is abhorrent to our Constitution and our country. We don't loterate discrimination because of someone's race' or retigion in the United States. Organizations which apply for and receive Federal funding ought to honor that simple mandate.

Finally, Mr. Speaker, I should reterate that S. 557 also resports the separation of church and state which the Constitution guarantees. S. 557 specifically recognizes that federally funded institutions controlled by a religious organization are not required to comply with the regulations under title IX and title VII if the application of these statutes would not be consistent with the organization's religious tenets. For example, a Catholic University which receives Federal funds would not be obligated to accept women into its seminary programs since the Catholic priesthood is male only. That is the law today. That will still be the law tomorrow even if the President's veto is over-rodden.

I might add that many religious groups have contacted me indicating their support for the legislation, including: U.S. Catholic Conference of Bishops, National Council of Churches, American Baptist Churches, Evangelical Lutheran Church of America, Church of the Brethren, Prosbytenan Church USA, United Methodst Church and the Episcopal Church.

Mr. Speaker, I urge my colleagues to support S. 557.

Mr. KONNYU. Mr. Speaker, I would like to go on record as supporting the concept but opposing not only the form of \$5.57. the Crul Rights Restoration Act of 1988, but also the methods used to get it passed. I would have supported President Reagan's substitute bill which would have overturned the Grove Cry decision without creating onerous new burdens on private obtains and small businesses. However, since no discussion or amendments were allowed on the President's atternative. I strongly object to the process which did not allow the menority to have a voice.

The bill in its present form is faulty from a number of perspectives:

It is big government at its biggest by being overbroad and going far beyond overbroad overbroad and going far beyond overturning the Supreme Court decision in the Grove City

It rewrites four statutes and would subject nearly every facet of American life to Federal

reamy every tacet or American has to Federal Government intrusion—future the corner gro-cory store to churches and agrapogues. As an example, it would cover an entire col-lege or university if only one student received Federal and even if the notione intell processor. Federal aid, ev n if the college itself received not a penny of Federal assistance.

identify with the tenets of a refigious organizar

stores, as an example. which

objective of overturning the Supreme Court, decision. However, imposing a law which significantly expands the jurisdiction of the Federal Government into the private lives of chizens without allowing perfecting amendments in the House is unwise at best.

Mr. DURBIN, Mr. Spoeker, I would like to

take this opportunity to speak about the Civil Rights Restoration Act. This important legislation passed both the House and Senat wide bipertisan margins. Unfortunately, President Reagan vetood the bill. I support the motion to override the veto because I believe ial that we restore antidiscrimina tion laws for women, minorities, the elderly and the handicapped.

The Civil Rights Restoration Act does not change the religious exemption now in effect in title IX of the 1972 Education Amendment and title VII of the 1964 Civil Rights Act. It is important to recognize that federally funded institutions controlled by a religious organization are not required to comply with the regu-lations if the application of these statutes would not be consistent with the organization's religious tenets.

The bill will not require individuals, instituprograms or activities that menive Fockeral financial assistance to provide or pay for abortions. In response to concerns expressed by the U.S. Catholic Conference and other religious organizations, an amendment was added to the bill in the Senate to make it "abortion-neutral" so that it would have no effect on these institutions.

The bill does not require an employer to hire or rotain someone with any contagious disease, an alcoholic, a drug addict or an ex-convict if that person would pose a threat to the health or salety of offmen.

The bill does not require a recipient of Fed eral funds to provide a homosexual the protections provided individuals by title IX. Nother title IX nor any of the other statutes have ever been interpreted by the courts to provide protection on the basis of sexual preference

The bill also explicitly affirms that "ultimate beneficiaries" of Federal aid, for example food stamp recipients, farmers who receive price and income supports. Social Security recipi ents, and AFDC recipients are not covered under the act.

There is widespread misunderstanding about precisely what this legislation would ac-complish. It is important to emphasize that it applies only to institutions that receive Federal funding. The Civil Rights Restoration Act does

not in any way after the substantive definit of what constitutes discrimination under the statutes. It does not change in any way who is a recipient of Federal financial assistance And it does not in any way after the definition of Federal f . ssistance.

The Civil Rights Restoration Act is supported by many major religious groups includi the U.S. Catholic Conference of Bishops, the erican Baptist Churches, the Evang Lutheran Church of America, the American ish Congress, the Rresbyterian Clau It does not protect institutions which closely: USA, and the Episcopal Church. These ht - COSA, area in the representation of the congress to a cassarer lead the legislation beneficial religious rights and freedoms. . to

crocery stores, as an example, which singles anewreepores.

accept food stamps (even very small ones in effect, the Civil Rights Resterable with as few as one employee) could be sub-situations with restore civil rights enforcement ness cet to Washington's long regulatory arm and steatmer pre-Greve City status. The legistic exchainly bollove in civil rights and in the, religious threedoms; instead, "if a intensi In effect, the Civil Rights Resteration rest well restore civil rights enforcement naccesses does not thicaton any constitutional sights or religious treedoms; widood, if is intended it unhold the basic freedoms glarantical to all peoplarty the U.S. Constitutions

Mr. McGRATH. Mr. Speaker, I am sony that do not strare the views of the President his decision to wato S. 557, the Civil Rights Restoration Act. In: turn, I am voting to over ride the President's veto for several reasons reasons

First I believe the bill is essential in ico bating discrimination at any institution receiving Federal tunds. Since the Grove City deciany recorns rurses. Since the Grove City deci-sion, major civil rights laws have been crip-pled iPonalizing only certain portions of seria-stitution for buttant civil-rights offension is merely a stap on the hand. Air. Specier, we are about to enter the 1990's. It is certainly time to let these institutions know that we limb civit rights abuse morally repugnant and that ors will not be tolerated.

Second, I support the bill's provisions con-cerning abortion. The Senate's reconciliatory language strongthened the bill and was n my decision to vote to override the veto. The provision, which was widely supported, ensures that no institution will be required to provide abortion services or benefits as a dition of receiving Federal funds.

Finally, I believe this bipartisan supported bill, in effect, reactivates the four major civil rights laws passed in the 1960's and 1970's. The 1984 Grove City decision seriously diluted these landmark antidiscrimination me By forbidding institutions that receive Federal funds to discriminate, the Congress is only plementing previously enacted civil rights legislation

I urge my colleagues to vote to overnde the voto. It is not too often that legislation such a clear message comes before the Con-gress. I suggest we take advantage of this op-portunity and send that message throughout the Nation

Mr. LAGOMARSINO. Mr. Speaker, while I firmly oppose discrimination and support the overturn of the 1984 court ruling in the Grove City case, I fear that this measure we are conadening today represents too drastic a change. I voted against it the first time it was before us and I strongly urge my colleagues to join me in doing so now

Of particular concern to me is the religious tenets provision of the bill which allows ex-emptions from the law only for institutions controlled by a religious organization. This means that if a church or synagogue operates just one program with Federal aid, such as Meals for the Poor, or a shelter or other help for the homeless, not only will those assisted programs be covered, but, for the first time, all other activities of the church or synagogue, including prayer rooms and other purely religious components, educational classes, church or synagogue schools—even though conducted in separate facilities—or a summer mp for youngsters, will be covered as well This has serious ramifications for religious freedom. I believe it would be more appropriate for exemptions to be allowed for entities closely identified with the tenets of a religious

organization.
I am also deepty distressed by the fact that the democratic majority chose to railroad this single most important piece of civil rights leg-islation since the landmark bills of the 1960's right through Congress without sufficient ebate. Had the bill been open to amendment and has such amendments as the religious tenets amendment been accepted, I would have been pleased to support the measure. wever, as it was, the bill was considered by not one single committee in the House and the rule under which it was considered allowed only one amendment. The measure represents a monumental change in the civil nghts enforcement landscape and rewrites four statutes to the point that the Federal Government will be involved in nearly every facet of State and local activity. I conta believe that such a major piece of legislation must be open to amendment.

I urge my colleagues to support the Presideat in his affort to reject this flawed so-called Cirol Rights Restoration/Activist us admit we were hasty and instead toke with do ents no cits of two later on facility grainty to crean place—passing a carefully crafted bill to ore that our Nation will dayfron from usfirst place communition.

Mr. DREIER of Catifornia: Mr. Speaker, I rise in support of the President's veto of S .557, the Civil Rights Rectionation Act, and in abapport of R.R. 4283, the President's attorna-

support of H.H. 4233, "the President's atterna-tive bit, of which I enthalt brighels soonsor. In our efforts to protect the civil rights, we must be carolid that we do not deny freedows and opportunities for all tribrities, 5, 557 vasily expands Foderal "jorsdiction over State and local governments and the private sector including churchos and syringdgues, famers, businesses, voluntary associations, and private and religious schools. When we expand Federal authority, we slippand the burdens that go with it and we had better be sure a need exists. The American people do not want the Federal Government to infuriting and order

S. 557 does not adequately protect the free exercise of religious beliefs. While educational institutions controlled by a religious organiza-tion would be exempt, educational institutions which are governed by lay boards would not To deny these institutions an exemption would eso institutions an exemption world be to deny them the freedom to teach the values and tenets that they believe in

I am also concerned about the invitethis legislation on small businesses would require expansive new Federal control of private employment practices, increased Federal paperwork requirements, runtim onsite compliance reviews by Federal agencies, thousands of pages of Federal regula-tions, costly structural and equipment modifications, and more

Rather than protecting civil rights, S 557 represents a threat. The response of ma

small business employers to the imprecise and subjective language in this bill would be to withdraw from participation in Federal job programs, training programs and social s ice programs because of the potential costs,

administrative burdens, and legal liabilities.

Mr. Speaker, S. 557 is simply too far-reaching. I urge my colleaguist to sustain the veto and support the President's alternative as it is the ideal bill which limits the jurisdiction of Federal statutes to that originally intended before Grove City, and protects our freedom of religion.

WELDON, Mr. Speaker, I rise today in support of civil rights but against the manner in which the Civil Rights Restoration Act was brought to the House floor. I voted in favor of this legislation on March 2 and again today to override the President's veto.

Recently, I along with many of my col-leagues received a flood of constituent telephone calls and correspondence in opposition to this legislation. Hearing the arguments coming from my district, I am convinced this is a result of misinformation. If the appropriate House committees had held hearings on the House committees had need nearings on the language of S. 557, this situation could have been avoided, and our constituents would have had an opportunity to hear from us on the substance of this issue, Instead, we are forced to respond to the irresponsible claims of certain groups opposed to any civil rights

legislation.
In response to the question: Do I have to hire gay drug addicts with AIDS because of this legislation? The answer is "No." Further, allow me to dispell this along with some other common myths I have come across.

Homosexuals are not given any new or 'special" protections under title IX of this legislation nor under any other statutes. For this reason, gay rights organizations are seeking separate legislation targeted specifically at discrimination on the basis of sexual preference. In addition, religious tenets holding ho-mosexuality as impermissable, are able to discriminate against those individuals acting against their beliefs.

Drug addicts and alcoholics may be fired o denied employment if they pose a threat to the health or safety of others or even if they are unable as a result of their condition to adequately perform their job function. Language to this effect was intentionally placed in the Civil Rights Restoration Act to address the fears of some employers about their responsibility to employ these individuals.

Persons with infectious diseases may be re-

fused employment or fired if they pose a threat to the health or safety of others or if they cannot perform their job functions ad-quately and if no "mesonable accommodations" can be made to restore health, safety, and job performance. A reasonable accommodation is considered to be an effort to utilize Federal guidelines for safety in the workplace set forth by the Center for Disease Control, e Department of Labor, the American Hospital Association, and various other research organizations.

Religious organizations by definition are primarily "religious". Therefore, even if a religious institution receives Federal assistance for providing health care, housing, social services or recreation they are not required to comply with the nondiscrimination provisions for each of their programs. Title IX has an exemption provision upon application to the Department of Labor for religious institutions whose beliefs forbid or restrict the actions or beliefs of certain groups covered under the language of this legislation. To date, there have been no exemption applications denied by the Department of Labor.

If this legislation is the "greatest threat to

religious freedom and traditional moral values ever passed", why then does it have the exever passed a why then does it have the expressed support of the following religious institutions: the U.S. Catholic Conference, the American Baptist Churches, the Evangekcel Luthcran Church of Amenica, the National Council of Churches, the United Methodist Church, the American Jewish Appeal, the Presbyterian Church of America, the Episcopal Church, the Union of Hebrew Congregations,

and many others.

There is "abortion neutral" language in the Civil Rights Restoration Act. The language will sure sures that no provision of this legislation will require or prohibit any entity from providing or paying for abortions. This language has satis-fied the national pro-life movement to the point of receiving their endorsement for the legislation. This provision may be invoked by any institution receiving Federal assistance.

Mr. Speaker, as a freshman Member of Congress I am fast learning how pressure can be applied by special interest groups on Mem-bers. It is most unfortunate that there are organizations which resort to scare tactics when the substance of the issue does not carry the message they wish to convey. In this instance, we see such an example, in the future, your cooperation in scheduling hearings on contro-versial legislation will enable Members of the House to debate, and if necessary after major legislation such as this.

Mr. HAWKINS. Mr. Speaker, I move

the previous question.

The previous question was ordered.

The SPEAKER. The question is. The Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were: yeas 292, nays 133, not voting 7, as follows:

(Roll No. 41)

YEAS-292

Arkerman Akaka Alexander Anderson Andrews Annunzio Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante Davis (MI) de la Garza DePazio Dellums Derrick Dicks Dingell DioGuardi Annunzio Anthony Applegate Aspin Atkins AuCoin Bates Bustaman Byron Campbell Cardin Carper Dixon Donnelly Dorgan (ND) Chandler Downey Downey Duncan Durbin Bernnett Chapman Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Cooper Bereuter Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Erdreich
Expy
Evana
Pascell
Pazio
Prighan
Pish Bonker Borski Cooper Coughlin Courter Coyne Crockett Darden

Flake Plippo Florio Foglietta Foley Ford (MI) Ford (TN) Frank Frenzei Front Gallo Gavdos Gilman Glickman Gordon Gradison Grant Gray (PA) Oreen Guarini Hall (OH) Hawkins
Hayes (LA)
Hayes (LA)
Helner
Hertel
Hochbrueck
Hopkins
Horson
Houghton
Howard
Hoyer
Hurkaby Husber Jefford Jentina Jentina Johnson (CT) Johnson (SD) Jones (NC) Jones (TN) Jones (TN)
Jones
Kanjorski
Kaptur
Kastenmeler
Kennedy
Kennelly
Killdee Kleczka Kolbe Kolter Kostmaver LaFaio Lancaster Lantos Leach (IA Levin (MI)

Levine (CA)
Levins (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
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MacKay
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Mazzoules Roe Rostenkowski Rostenkowski Rostenkowski Rowland (CT) Roybal Sabo Saiki Savage Sawyer Savage Sawyer Scheuer Scheuer Scheuer Schroede McClockey McCurdy McGrath Schumer Sharp McHugh McMillen (MD) Meyers Shays u. Meyers
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan Skags
Skelton
Slattery
Slaughter (1
Smith (FL)
Smith (A)
Smith (N)
Smowe
Solarz
Spratt
St Germain Montgo Moody Morrila Morrila Morrison (CT) Morrison (WA) Mrasek Murphy Murtha Nagle Halcher Neil Nelmon Nichola Nowak Oskar Oberstar Oberstar Otty Staggers Stallings Stark Stokes Stratton Studen Swift Synar Tallon Trans Taunin
Thomas (
Torres
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Owens (NT)
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Panettia
Pashayin
Patterson
Presse
Pelosi
Prenny
Pepper
Perkim
Petrim
Pickett
Pickle
Porter Traxier Udali Valentine Valentine
Vento
Vinclosky
Volkmer
Waleren
Watkins
Waxnan
Wess
Wrklon
Wheat
Williams William rurter Price (NC) Rahall Porter Rangel Ridge Rinaldo Robinsos Rodino

NAY8-133

Archer Daub Davis (IL) Armey Badham Baker Davis (IL)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Emerson
English
Pawell
Fields
Gallegly
Orkas Baker Ballenger Barnard Bartlett Barton Bateman Bentley Billrakis Bliley Boulter Gringly Orksa Gingrich Grandy Broomfield Huechner Bunning Burton Callahan Gregg Hall (TX) Hammers Hansen Hastert Hefley Henry Herger Hiler Holloway Hubbard Chency Coats
Coats
Coble
Coleman (MO)
Combest
Craig
Crane
Dannemeyer

Hunter Hutto Hyde Inhole Irriand Kaurn Kemp Kunnyu Kvi Lagumar Hutto (Appr Leath (TX) Liverston Losers LA Lukena (binald Miller (OH) Mourhead Myers Nielson Oxley Parkarc Parris Pursell Quillen Rayenel Ray Regula Rhodes Ritter Rhodes Ritter Roberts Rocers Roth Rouland (GA)

Schaefer Sensembremer Shaw Shumway Shuster Skeen Slaughter (VR) Smith (VR) Smith (VR) (OH) Smith Desny (OH) Smith. Robert INH Smith Robert OR Solomon Spence Stangeland Stenholm

Stump Sundquist Sweeney Swindail Tauke Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Whittaker
Woff
Wortley
Wylie
Young (FL)

NOT VOTINO-7 Lightfoot Madigan

Biakki Gephardt Gray (IL)

D 1801

So, two-thirds having voted in favor thereof, the Senate bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.
The SPEAKER. The Clerk will notify the Senate of the action of the

GENERAL LEAVE

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

The SPEAKER. Is there objection

to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I ask to proceed for the purpose of inquiring of the distinguished majority leader the program for the balance of the day

program for the balance of the day and tomorrow, maybe the week. Mr. FOLEY, Mr. Speaker, will the distinguished Republican leader yield? Mr. MICHEL I am happy to yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, this concludes the business for today. It will be my intention to offer a unanimous-consent request that when the House adjourns tonight it adjourn to meet at 1 a.m. tomorrow rather than at 2 p.m for the purpose of taking up the budget resolution for fiscal 1989, and if that request is granted it is our hope that we could conclude the debate on the budget and reach a vote on that by perhaps 6 o'clock tomorrow night.

At that time it would be my intention to ask unanimous consent that the House adjourn to meet in pro-forma session on Thursday, and we would then go over until Monday.

We will have a further program for next week to announce tomorrow, but that will be the program for this week.

It is our hope that we can go in tomorrow early and conclude the debate at a reasonable hour.

Mr. MICHEL I thank the gentle-man from Washington.

HOUR OF MEETING ON TOMORROW

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight it adjourn to

meet at 11 a.m. tomorrow.

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE RESOLU-TION WITH RESPECT TO CON-CURRENT RESOLUTION ON THE BUDGET, FISCAL 1989

Mr. FOLEY, Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a resolution with respect to the Budget Act for fiscal 1989.

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

There was no objection.

PERMISSION FOR COMMITTEE ON THE BUDGET TO FILE REPORT

Mr. FOLEY. Mr. Speaker, unanimous consent that the Committee on the Budget may have until midnight tonight to file a report.

The SPEAKER. Is there objection

to the request of the gentleman from Washington?

There was no objection.

CONGRATULATIONS TO THE CONGRESS ON OVERRIDE OF VETO OF CIVIL RIGHTS RES-TORATION ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gen-tlewoman from Ohio [Ms. Oakar] is recognized for 60 minutes.

Ms. OAKAR. Mr. Speaker, I would like to just briefly use our special orders which we had intended to do actually before the vote on the Civil Rights Restoration Act to simply conthe courageous Members who decided to vote to override the veto. It was a very courageous vote, because most Members of Congress were mendated with phone calls, and many of the people calling were not aware that the information they had was totally erroneous. So I think it is very, very key that we put a number of though at this time in the record to clear the record to refute the so-called Moral Majority's papers related to the Carl Rights Act which were totally fictitious

I simply want to say how delighted I am with the Members who decided to hold the line and vote for the civil rights of our elderly, our handicapped. our women and certainly those of varieties of people. So this is a very historic occasion.

This is the most important civil rights legislation passed in the last decade, so we are very, very delighted. It is a victory for those who do not It is a victory for those who do not want to step backward. It is a victory for those who want to move forward and open up the doors of our institutions, our educational facilities, that we have Federal funds so that all Americans can be treated equitably and fairly and that is the spirit of the and fairly and that is the spirit of the Restoration Act, and as a Member of the legislative body which is separate but equal to the judicial branch, this is one time that I am very, very proud that we were able to close a loophole created by the Reagan Supreme Court

Court.

We are delighted with the turnout and with the vote, and I will now at this time, once again, thank my colleagues for the override and yield back the balance of my time.

The SPEARER pro tempore. Under a previous order of the House, the gen-tleman from Pennsylvania (Mr. Genes) is recognized for 5 minutes.

[Mr. GEKAS 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 Kentucky [Mr. HUBBARD] is recognised for 5 minutes.

IMr. HUBBARD addressed House. His remarks will appear hereafter in the Extensions of Remarks.]

ERISA AND RICO: THE NEED TO PROTECT WELFARE AND WEL-FARE FUNDS

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

is recognized for 5 minutes.

Mr. CONYERS, Mr. Speaker, in 1974, Congress enacted the Employment Retirement and Security Act (ERISA), (29 U.S.C. § 100 et seq.) to protect the savings that millions of working Americans were placing in pension and related welfare funds. Currently, 64.5 million Americans have invested—either themselves or through their employers—\$1.4 trillion in pension and welfare benefit places. in pension and welfare benefit plans. Unfortunately, ERISA alone is not able effectively to protect the plans from fraud and misuse and much of this hard earned money is at substantial risk. In fact, the reporting system ERISA set up is not achieving its ob-jectives: the investigative agencies that have primary jurisdiction to en-force the act are overworked; and the independent auditors required by the act are too often not fulfilling their duties. As such, a national tragedy is in the making.

grounds.

Mexico cannot be effective unless and until Mexican authorities give full cooperation to U.S. antidrug efforts. And we simply cannot pretend that they are doing so now.
Until the Government of Mexico

gives full cooperation to U.S. antidrug efforts all other cooperation in so many ways between our two nations. however desirable and necessary, is threatened because until full cooperation is given by Mexican authorities a wave of drug-related crime and vio-lence will continue to threaten America's cities and towns, on our streets, in our parks, in schools, and on the play-

Mr. President, in my next statement I will examine the views expressed and efforts made by Mexican Government officials relating to the drug traffic and I will tell why they cannot be accepted as adequate or as a substitute for the full cooperation which the law demands.

Mr. President, I thank the Chair. I believe the Senator from Illinois has a statement. I yield the floor.

RESPONSE TO THE STOCK MARKET CRASH

Mr. DIXON. I thank my friend from California both for his remarks this morning and for his kindness in yielding the floor to this Schator for some brief remarks.

I am delighted to see my friend, the distinguished Senator from Alabama, in the chair because he is a member of the Banking Committee, and the subject matter I am about to address is one he is familiar with. I am delighted to see my friend, the distinguished Senator from Missouri, on the floor because he is a member of the Banking Committee as well and is familiar with this subject matter.

Mr. President, I would like to call to the attention of the U.S. Senate a very the attention of the U.S. Senate a very interesting, informative, and I think, excellent editorial from the Sunday Chicago Tribune of March 20, 1988, entitled "Mr. Reagan's last Stand on the Crash." I want to read just briefly form it from it.

After two months of watching federal reg ulators bickers over how to reform the fi-nancial markets, President Reagan is trying to force them to iron out their differences.

His new interagency committee, headed by Treasury Secretary James Baker, won't go over the same ground plowed by six major studies since the markets came un-glued five months ago. Instead, it will try to develop a coordinated response to the crash by early signature. early summer.

May I underline those words, Mr. President, "...a coordinated response..."?

In the meantime, federal regulators and the various exchanges in Chicago and New York should quilt their infighting and agree on ways to monitor the relationships between the stock, futures and options markets. This is the area singled out by the presidential Brady commission as in need of urgent attention. It wanted to put a super-regulator such as the Federal Reserve Board in change, but Fed Chairman Alan Greenspan wisely rejected that role for the central bank.

David Ruder, chairman of the Securities Datid Ruder, chairman of the Securities and Exchange Commission, offered his agency as the omnipotent regulator and called for higher margins, or collateral, on futures to dampen volatility. Wendy Oranim, not about to kive up any turf as new head of the Commodity Futures Trading Commission, deplored that lidea and the SEC power grab. She has the best approach, trying to focus attention on better information flow and the handling of larger volumes of securities and futures rather than on regulatory changes. on regulatory changes.

I stress that, Mr. President: "Trying to focus attention on better information flow and handling of larger vol-umes of securities and futures rather

than on regulatory changes."

There is more, Mr. President, and I unanimous consent that the entire tribune

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

MR. REAGAN'S LAST STAND ON THE CRASH

After two months of watching federal reg-ulators bicker over how to reform the finan-cial markets, President Reagan is trying to

cial markets, President Reagan is trying to force them to fron out their differences. His new interagency committee, headed by Treasury Secretary James Baker, won't go over the same ground plowed by six major studies since he markets came unglined five months ago, instead, it will try to develop a coordinated response to the crash by early summer.

This may seem like mere dillydallying, a managency to stell new regulatory laws by an

thy early summer.

This may seem like mere dillydallying, a maneuver to stall new regulatory laws by an administration with an aversion to regulations. But with a Democratic-controlled Congress bent on doing something, anything, to slap another set of restrictions on the markets, no matter how destructive or half-baked, a little constructive footdraging is precisely what's needed right now. In the meantime, federal regulators and the various exchanges in Chicago and New York should quit their infighting and agree on ways to monitor the relationships between the stock, futures and options markets. Thus is the area singled out by the presidential Brady Commission as in need of urgent attention. It wanted to put a superregulator such as the Federal Reserve Board in charge, but Fed Chairman Alan Crentral bank. central bank.

David Ruder, chairman of the Securities and Exchange Commission, offered his agency as the omnipotent regulator and called for higher margins, or collateral, on futures to dampen volatility. Wendy Gramm, not about to give up any turf as new head of the Commodity Putures Trading Commission, deplored that idea and the SEC power grab. She has the best approach, trying to focus attention on better information flow and the handling of larger volumes of securities and futures rather than negulatory changes.

Last week the SEC's Ruder retreated from his call for higher margins and pushed for David Ruder, chairman of the Securities

his call for higher margins and pushed for

coordinated trading halts to prevent the markets from breaking down during heavy trading, Wendy Gramm was receptive. But Nicholas Brady, the Wall Street executive who headed the President's first postcrash study. Is talking darkly about another one waiting to happen unless the exchanges and

waiting to happen unless the exchanges and regulators agree soon on reforms. Brady, a confidant of George Bush, apparently thinks that scaring everyone into accepting his policies will keep him in a national spotlight and snare a seat in a Bush cabinet. But James Baker is still treasury secretary, and he—along aith Greenspan, Ruder and Gramm—should be given time to reach a consensus. The goal should be supervising the linkers between markets. pervising the linkages between markets without increasing government tikering in them. If Washington binds them too tight, their aggressive (and freer) competitors overseas will be only too happy to snatch

Mr. DIXON. Mr. President, the fu-tures industry has made every conceivable effort to arrive at an understanding with the New York Stock Exchange and others about what should be done and has worked with the regulators to achieve a balanced response to the problem in the marketplace. They continue to do that work every day.

I conclude by saying this: May we

never forget that this is an interna-tional marketplace; that when some-thing occurs in the United States of America, in New York, in Chicago, it occurs in London, it occurs in Tokyo, it occurs in Hong Kong, it occurs in every conceivable marketplace in the world.

We will make a profound error if we act hastly, without having a consensus in the marketplace by the regulators and the people out there serving public in the marketplace.

The President, in my opinion, has made an excellent suggestion. Secre-tary of the Treasury James Baker will do a good job in working out an accommodation.

The Presiding Officer knows that when we had the banking bill last year, it was the Secretary of the Treasury, in the end, who came to us and accommodated us so that we could get a consensus last year. He has done that again this year. He is trying to do it now. The President is asking us to wait until May 18 in order to achieve an understanding among those in the marketplace and the regulators about what the response should be, and I say

that is a responsible approach.

I recognize what the distinguished chairman of the Banking Committee, the Senator from Wisconsin IMr. Proxmine), has done. He is working on a bill now. I am happy to hear that. The distinguished chairman of the Agriculture Committee, the Senator from Vermont [Mr. Leany], has legislation. He has an important role, because his He has an important role, occause his committee has jurisdiction over the CFTC. I say to all those fine Senators and their colleagues and friends that we should wait and see what the consensus is on May 18. There will be plenty of time after that to take the appropriate action.

I thank the Presiding Officer, the Senator from Alabama [Mr. Shelby], and I thank the Senator from Missourt. I hope they share my view that we should not act in haste on a problem that needs thoughtful and careful attention

Mr. BOND. Mr. President, I thank my good friend from Illinois for yielding the floor. I commend him for the mg the hour. I commend that for the very thoughtful statement he has made on a subject of great importance to this body and to the people of the

to this nous and to United States.
United States.
We share his concern that when action is taken, it be coordinated his commendation of action is taken, it be coordinated action. I applaud his commendation of the committee to be headed by Secretary of the Treasury, Jim Baker. I think we will get the best possible advice from that body.

I commend my friend from Illinois for his leadership on this matter and others in the Banking Committee.

TRIUMPH OF FREE ELECTIONS IN CENTRAL AMERICA

Mr. BOND. Mr. President, I am here to discuss today, for the benefit of my colleagues, a very interesting experi-

colleagues, a very interesting experience I had this past weekend.
Yesterday, I returned from Central
America, where, for the first time in
50 years; in that region we had the opportunity to witness the peaceful
transfer of power from one political
transfer of power from one political
party to another by means of the ballot box.

I was honored to be asked by President Reagan to go to El Salvador on the bipartisan observer commission headed by our colleague. Senator LUGAR, along with Representative MURTHA, 5 other Congressmen, and 11 other observers.

Our mission was to observe, along with similar delegations from many other countries the process of the election for members of the Salvador-an National Assembly and municipal posts to determine whether the elec-tions were fair and honest. As an American, accustomed as most of us are to the routine right of exercise of the right of suffrage, it was heartening to see the commitment of the Saling to see the commitment of the sat-vac rans to the exercise of the voting franchise and the relatively smooth operation of the process. In a country where the people have only had the right since 1982 to participate in free elections, between 60 and 70 percent of the 1.6 million registered to vote actuthe 1.6 million registered to vote actually turned out to vote on Sunday.

As we visited polling places in the capital city of San Salvador and the capital city of San Salvador and the third largest city of San Miguel, as well as polls in the outlying rural areas, we had the opportunity to witness the process and to talk, through translators, with the voters. Many had traveled considerable distances to reach the policie place that day. It was not une wimor to find people who had walked 2 to 3 kilometers. Still others role in or en pickup trucks, dump trucks, or enowded bases with

passengers packed on the luggage racks for 15 to 20 kilometers to come

to the polling place.

The hardships to get to the polls were not insignificant. But that much greater discouragement to voting was the widespread effort at voter intimidation by the Marxist guerrilla organidation by the Marxist guerrilla organi-zation, Farabundi Marti Liberation Nationale (FNLN). This guerrilla group, with command and control headquarters in Nicaragua, is committed to a broad range of activities to ted to a broad range of activities to achieve their ultimate objective of rev-olutionary triumph of the proletariat over the oppressors, which we under-stand to be the establishment of a Communist government. This guerrilla organization, which is supported and funded by the Sandinistas and the Cubans, has carried out active sabo-tage on public facilities to disrupt electricity, water, and telephone service. tricity, water, and telephone service. Indeed, we experienced the lack of electricity and water in the capital city. They have also kidnapped officials of opposing parties and engaged in the indicationable killing and in the indiscriminate killing and maiming of campesinos, or peasant farmers, and their families.

In the week before the election, the FMLN used its access to radio and tel-evision in El Salvador as well as word of mouth to disuade Salvadorans from of mouth to disuade Salvadorans from voting, among other things, by threats of violence and the warning of "transportation stoppages" on election day, which would include blowing up or burning of buses. In the week before the voting to show the people of San the voting, to show the people of San Salvador what they meant, their labor union front organization overturned and burned government vehicles and privately owned buses.

privately owned bises.

The FMLN guerrilles knew they could not stop the election, but they hoped to show a low turn out by keeping candidates of their revolutionary front groups from participating by intimidation timidation.

one rural department, In roughly corresponds to one of our States, we visited the polling place where Salvadorans had come from the self-proclaimed guerrilla capital in the neighboring department to vote. By midmorning on Sunday, over 90 people

midmorning on Sunday, over 90 people from that town had-come to vote. Also, we found that in other areas, the transportation stoppage threat had discouraged voting. Also, farmers in many of the rural regions were reluctant to carry home the indelible mark on the little finger which is designed to discourage double voting, which I still bear on my finger, because I wanted to see how long it lasts. This mark on the finger, for a Salvadoran peasant, can be a target for retribution and even death from the left-wing guerrilla organization. It does not wash off easily. Many Salvadorans still

Yet they were not afraid to vote.

The Salvadoran generally turned out in their Sunday best for a festire day in their Sunday best for a festire day. in which the high point of the day was the exercise of the vote. When we

asked these voters, through translators, why they were not afraid to vote. we received answers that they believed that God would protect them, and that they were accustomed to guerrillas, who no longer frighten them.

The voting procedure at the poll table, which accommodated no more than 300 voters, were simplified to permit easy voting for those who were not fully literate. Each voter had to present his or her carnet—a laminated present his or ner carnet—a faminated badget with photo, fingerprint and address—and locate the voting table number on the list of registered voters. At that table, the voter was given one ballot for the election of deputies to the assembly and one for deputies to the assembly and one municipal officials. Each ballot had the symbols of the parties participating and the voters instructions were ing and the voters instructions were simply to mark an X through the symbol of the party to vote for the officials of that party. On the municipal level, the party with the most votes took all the offices; for the assembly ballot, again each department there was proportional allocation of their was proportional allocation of vote, roughly among the top three.

Although we witnessed some minor foul ups, such as delayed opening of the polls, failures to have sufficient tables and chairs, to carnets that were not delivered to registered voters and names which did not appear on the lists, but these, though troublesome, were isolated incidents. Where there were delays up to 2 hours, the Salvadoran voters waited in line without complaint and with some good humor, a condition no American would accept wish we in America had such a com-

mitment to voting.

The election was a powerful less on the value of the democratic rights to a free election for those of us who often take our access to the ballot box for granted

I yield the floor, and 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.

CIVIL RIGHTS RESTORATION ACT (GROVE CITY)-VETO

The PRESIDING OFFICER, Under the previous order, the Senate will now resume consideration of the President's veto message on S. 557, which the clerk will report.

The assistant legislative clerk read as follows:

The President's veto message on S. 557, a The President's veto message on S. 557, a bill to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, sec. 504 of the Rehabilitation Act of 1973, the Age Distrimination Act of 1975, and title VI of the Civil Rights Act of 1964.

The Senate resumed consideration of the veto message.
The PRESIDING OFFICER, Under

The PRESIDING OFFICER. Under the previous order there will now be 1½ hours of debate on the veto mes-sage, to be equally divided and con-trolled by the Senator from Massachusetts [Mr. Kennedy] and the Schator from Utah [Mr. HATCH].

Mr. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both side

The PRESIDING OFFICER. Without objection, it is so ordered.
The clerk will call the roll.
The assistant legislative clerk proceeded to call the roll.
Mr. KENNEDY. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. With-

out objection, it is so ordered.

The Senator from Massachusetts is

recognized

Mr. KENNEDY. Mr. President, as I understand, the Senator from Utah has 45 minutes and the other 45 minutes are under the control of the Sern-tor from Connecticut and myself.

The PRESIDING OFFICER. The

Senator is correct, minus what time has been used by the quorum call.

Mr. KENNEDY, Mr. President, I yield such time as I might use.

The last President who vetoed a civil rights bill was impeached. I don't expect President Reagan to share Andrew Joinson's fate. But the fact Andrew Johnson's fate, but the fact that over a century has clapsed since the last civil rights veto is a good measure of the importance of this vote and the powerful bipartisan consensus that civil rights measures supported by Congress have historically enjayed.

by Congress have historically enjoyed. by Congress have historically enjoyed.

The President's veto is all the more deplorable, since this legislation confers no new civil rights at all. It is a civil rights restoration act, designed to estore the status quo ante-that is, the status of the law before the Supreme Court's unfortunate decision in 1984 in the Grove City College case. The Reagan administration has mis-

used that decision as an excuse to roll back the clock on civil rights.

back the clock on civil rignes.

The Supreme Court, at the instigntion of the Reagan Justice Department, had accepted an erroneously narrow reading of the fundamental laws prohibiting the use of Federal funds to support discrimination funds to support discrimination against women, minorities, the elderly, and the disabled. The legislation vetoed by the President would do nothing more than restore these antibias laws to their pre-1984 condition.
Since 1984, hundreds of administra-

tive enforcement actions to stop dis-crimination have been dropped, and victims of discrimination have been thrown out of court. From the beginning, many of us would have liked to use this legislation to broaden the reach of civil rights. But we accepted the principle of restoration as the basis for action, because we recognized ning many of us would have liked that our first priority was to restore

the law as it had been for the past two decades under the great civil rights statutes enacted in the 1960's and the

This bill, therefore, does nothing more than reaffirm the basic principle of the 1964 Civil Rights Act, which President Kennedy explained as fol-

Simple justice requires that public funds, to which all taxpayers of all races contrib-ute, not be spent in any fashion which en-courages, encrethes, subsidizes or results in racial discrimination.

Title 1X of the Education Amendments Act, section 504 of the Rehabilitation Act, and the Age Discrimination have extended that principle nondiscrimination to women, the disabled, and the elderly.

I also want to take this opportunity to express my regret at the cavalier reasoning of the Supreme Court in gutting the four civil rights statutes at issue in this legislation. The Court found the intent of Congress unclear, and rationalized its decision in the Grove City College case by saying that if Congress had meant the laws to be interpreted broadly instead of narrowly, Congress could simply pass a new statute saving so

But as we have seen, it is not all that easy to simply pass another law. The opponents of civil rights could not believe their good fortune in the Court's decision, and they have lost no opportunity in the past 4 years to capit on the judicial setback to civil rights by preventing any legislative correc-

So I hope that in the future, when the Supreme Court considers important social issues such as this, the justices will try harder to decipher the intent of Congress instead of taking the judicial path of least resistance by telling the legislative branch to try again

As Justice Holmes once put it, the As Justice Holmes once put it, the life of the law has not been logic, it has been experience. Whatever the logic of the Court's decision in the Grove City College case, the experience of the past 4 years is clear—large numbers of Americans have suffered violations of their fundamental civil rights and millions of Federal dollars have been dispensed to organizations. have been dispensed to organizations and institutions that practice discrimination. That result is unconscionable and unacceptable and it never had to happen.

To those who make the preposterous claim that this bill violates the princi-ple of separation of church and state, I reply that this legislation has been exhaustively examined and strongly endorsed by mainstream church leaders representing millions of Christians and Jews, and also by the association representing most of the private and religious colleges in America.

Indeed, most of these groups have vorked closely with us on this legislation from the start. Some of them had expressed reservations about earlier versions of the bill. Some of them supported amendments that were not adopted. But they are unanimous in their support for the bill that passed the Senate and House. Those opposed to discrimination in America recognize the importance of this measure. They agree that it overturns the Grove City decision, without expanding Federal regulation of State and local governments or private corporations, and without infringing on freedom of reli-

Contrary to the incredible allegations by the Moral Majority in its mischievous and deceptive campaign of misinformation and disinformation, the Civil Rights Restoration Act does not prohibit discrimination against homosexuals and does not give sweeping protection to alcoholics and drug addicts. Fortunately, Congress knows more about this civil rights measure than the Moral Majority seems to know. It is easy for Congress through the transparent distortions through the transparent distortions being used in this unseemly attempt to undermine civil rights. The opponents are proving once again that on this issue, as on many other issues, the Moral Majority is neither moral nor a majority.

This latest wave of scare factics is

now receding. It is reminiscent of the unconscionable campaigns against advances in civil rights throughout our history. We have overcome these anti-civil rights campaigns in the past and I am confident that we will overcome this assault today.

The Civil Rights Restoration-Act is

no leap into the unknown. It merely returns four important civil rights laws to their former scope. For 20 years, until 1894, these laws had operated to bring us closer to our goal of equal justice for all.

t is time to stop the hysteria and stop the use of Federal funds to discriminate against women, minorities, the disabled, and the elderly. The Civil Rights Restoration Act should have been exceed into Act should have been enacted into law with President Reagan's signature, and now it is up to Congress to enact it into law by over-riding President Reagan's veto. Once again, we in Congress can demonstrate the wisdom of the Founding Fathers, who gave us the power to override Presidential vetoes precisely because, in their wisdom, they anticipated circumstances such as this

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

Mr. HATCH. Mr. President, I yield such time as he may require to the dis-tinguished Senator from Missouri.

The PRESIDING OFFICER, The Senator from Missouri.

Mr. DANFORTH. Mr. President, surely Congress can advance the cause of civil rights without putting government in the business of regulating religion.

The President has promised that he will work with Congress to pass after-native legislation that does not entansle government with our churches and

synagogues. I think we should take him up on his promise. I will vote to sustain the veto.

he issue before us is not whether Congress will overturn the Grove City case. We will and we should do that. case. We will and we should do that. The issue is whether we can avoid the excesses of this legislation without doing violence to its underlying purpose. I am convinced that we can.

Under the bill now before us, a church which participates in the Meals on Wheels Program would have to meet Federal access requirements.

to meet Federal access requirements for the handicapped. Clearly, this goes too far in telling religious organiza-tions how to go about their business.

My concerns in this regard are not new. When the bill was on the floor of the Schate, I voted for two amendments to broaden the religious tenets exemption and to limit the bill's appli cability to religious organizations. Both amendments were defeated. Now e have a chance to correct in new legislation what we failed to correct in this bill.

Advocates of the present bill have branded those who have raised con-cerns as religious zealots who are against civil rights. That characteriza-tion is grossly unfair. The vast majori-ty of my contributority which have of my constituents who have ty of my constituents who have spoken out on this issue are commit-ted to equal opportunity. But they do not believe that the basic values of this country depend on government telling religious what to do, and they are deeply worried that government is reaching into the practice of their reli-gious beliefs.

From personal experience. attest that in the hearts of my constituents, basic human decency is alive and well. And so is a strong belief in the separation of church and state.

Mr. President, let us sustain the President's veto, and then let us enact immediately a bill that overturns Grove City in a manner consistent with religious liberty. On this matter of moral principle, let America affirm its belief in civil rights with one voice, and not with the anger which now divides us

Mr. HATCH. Mr. President, I believe the distinguished Senator from South Carolina wanted to go next. I would be happy to yield to him, if he is avail-

I wish to thank the distinguished Schator from Missouri for his cogent and important remarks. He happens to be an Episcopalian minister. His church has endorsed this bill and yet he sees the important reasons why we have decided to stand up on this bill.

It is not really a question of civil rights, but the extent to which the Federal Government can proceed to regulate the lives of churches. I just have to thank him for his cloquent statement on behalf of what the Presi-

dent is trying to do.

This is not really an issue of civil rights. All of us would vote to overturn the Grove City decision and apply the title IX decision and, as far as I am concerned, the other statutes, as well. But, sometimes there is merit in having them apply only to that particular program or activity or, in the case of religious institutions, to only that congregation or that particular institution that has violated some regulation.

I am happy to yield 5 minutes to the distinguished acting Republican leader.

Mr. SIMPSON. Mr. President, it is a difficult situation, obviously, for many

On January 28, 1988, I voted in favor of final passage of this bill, the Civil Rights Restoration Act. In my 9 years here, no one has ever been able to indicate anything but sensitivity on my part with regard to civil rights.

It is unfortunate that that still arises in America, that if you do not like a bill like this that somehow you are not committed to civil rights. That is very unfortunate. It is kind of sad, in a way; kind of racism in reverse, It is always kind of disgusting to me.

Anyway, 27 of my colleagues voted in favor of this legislation on the passage, Republicans and Democrats are committed to the original legislative intent of the Civil Rights Statutes and there is no one among us who in any way feels that somehow the Federal Government should subsidize discrimination. That is absurd.

However, many Senators and the White House are concerned that this does not adequately define the scope of coverage for certain entities—and Senator Harch has done a beautiful job of explaining that and will again in a short period of time before the vote at noon today-religious organizavote at noon today—religious organiza-tions, small businesses, and local gov-ernments—or the types of Federal as-sistance that would require compli-ance under the act; for instance, on this question of the ultimate program beneficiary versus Federal financial assistance

And, you you know, one of the ironies of it all is, as we do this to America, to farmers, to small baulnesses, to the church groups, we do not do it to ourselves in the U.S. Congress. Is that not interesting? I wonder when the ecople of America are going to figure that one out.

We do not put this on ourselves be-cause it is a burden on ourselves, we who hire and fire people at will in the Congress. We do a beautiful job of that. You simply walk in in the morning and you go—you are gone. There is no appeal process. There is no noth-That is the way we do our business in Congress. I hope the people of the United States are aware of that. I think they are. But we could do a good thing if we could put ourselves under this.

I voted in favor of the limiting amendments, which would have addressed those concerns by limiting the scope of Federal involvement. I voted Senator HATCH's amendment. I voted for Senator Danporth's amend-

ment, the abortion neutral language.

I think the President has sent us a very appropriate veto message. He has submitted an alternative piece of legislation which he believes achieves the intentions of S. 557, and I intend to support that proposal. I intend to vote to sustain the President's veto.

I am a little disturbed, too, though, bout the massive misinformation campaign being waged against this legislation, which charges that all sorts of new rights will emerge as a result of this bill. And my constituents in Wyo-ming are truly fearful of what they perceive this legislation will do. So I guess that I have always felt, as elected representatives, that we have a responsibility to inform and help edu-cate our constituents to the full meaning and consequences of this and any other pending legislation. If we had been successful in that responsibility and obligation, I think the misinformation campaign would have had very little effect upon a knowledgeable

public.
But I understand carefully what they are saying. I really do. I come from a State with a lot of religious schools and people who have decided the public school system does not quite get the job done. Why should we think of them as being evil or mean spirited? I certainly do not, I admire them. They have fears and legitimate concerns about the scope and application of this bill and that the act in its present form is not as effective as it

So I think the President has presented us with something that could be more efficient. It is a great temptation, in an election year, to make a partisan issue of important legislation. We will do a lot more of the legislation. We will do a lot more of that this year, you can bet a buck. But civil rights are much too important for political partisanship and so, Mr. President, in sus-taining the President's veto, I intend to work with the administration to strengthen this civil rights legislation, preserve its goal while addressing the legitimate concerns expressed about its scope and coverage by honest and concerned and thoughtful people in

the United States.

I would also indicate that even though the Republican leader will not be able to be present becasuse of many previous commitments, that if he were here he would assist in sustaining this veto. I think that is important for our colleagues to know, on both sides of the aisle, as to the position of Senator Dolg: Yes, he has the same concerns that we all do about this. He has some certain reservations. But, on balance, he has asked me to share with my col-leagues that, were he present and voting he would vote to sustain the President's veto.

That is the message from our leader. I want to share that with you. He will submit a statement in the Record and I ask unanimous consent that that

tatement be entered in the Record as if delivered. The PRESIDING OFFICER. With-

The PRESIDING OFFICER. With-out objection, it is so ordered. Mr. SIMPSON. Finally, Mr. Presi-dent, it seems to me that the Presi-dent's bill, S. 2184, is a remarkable piece of work. It might even be somepiece of work. It might even be some-thing where we would offer, at an ap-propriate time, a unanimous-consent request before the vote that if the veto is sustained we would take up the President's bill under a time limit, cer-tain time limit with only specified amendments to be in order. That seems like an act of good faith for those who feel strongly about the issue. If the veto is sustained we would not dither about and go into the usual dither about and go into the usual holding pattern, we would simply take up the President's bill under a time limit, time agreement under, even, expedited procedures if that be the case. with only specified amendments to be in order

think that is certainly something to be considered and certainly could be discussed and certainly objected to if that be the wish of the body and will of the Senate.

I thank the President; I thank the Senator from Utah. I greatly admire his efforts and his very important effort at his debate and presentation of a hearing and tough issue that is not just this simple, as previously indi-

always supported legislation to over-turn Grove City to restore the broad civil rights coverage that existed prior to that case. I feel strongly that taxto that case. I feel strongly that tax-payer funds should not be used to sub-sidize discrimination in any way. More-over, such legislation is of vital impor-tance to disabled Americans, who are still fighting to establish their rightful place in the civil rights movement. Section 504 is the only comprehensive civil rights law protecting the disabled. And section 504 has been eviscerated

by Grove City.

At the same time, I recognize that S. At the same time, I recognize that s. 557 is not a perfect bill. I am not fully satisfied with it. I wish that more of the language contained in the administration's bill had been adopted. But the fact remains that the administration's life had been adopted. But tion and its congressional allies had the opportunity to offer amendments. and they were voted down. This is a highly complex piece of legislation. The issues are highly technical. It took 4 years of hearings, debate, drafting, and redrafting to develop 2 consensus proposal. People of good will still differ over the meaning of some of the bill's provisions. But unfortunately, much, if not most of the public controversy has focused not on areas where there is good faith disagreement, but rather on serious misconceptions about the table to be serious misconceptions about the table table. tions about what this bill does.

HOMOMEXUAL RIGHTS

Pirst and foremost, it should be emphasized that this bill does not grant any kind of rights to homosexuals. There are no differences between the

President's proposal and S. 557 on this issue. Both bills contain identical language on the question of discrimina-tion against persons with contagious diseases. This language is consistent with current law and makes clear that persons with contagious discussed not protected under section 504 if they pose a threat to the health and safety of others or if they are unable to per-form the essential functions of the jobs. There is no other language in either bill that could be construed in any way to have anything to do with homosexuality or discrimination the basis of a person's sexual preference. In addition, none of the four underlying civil rights statutes have ever been interpreted to prohibit discrimination on the basis of a person's sexual preference.

Nothing in this bill could be construed to require recipients of Federal strued to require recipients of Federal funds to provide abortions or abortion services. Here again, S. 557 and the administration's bill are identical, Both include the Danforth "abortion neutrality" amendment which states that "Nothing in this title shall be construed to require or prohibit any person or public or private entity to provide or pay for any benefit or service, including the use of facilities relations. ice, including the use of facilities related to abortion • • • " and further that "No provision of this Act • • • shall be construed to force or require any individual or hospital or any other institu-tion, program, or activity to perform or pay for an abortion.

FARMERS AND RANCHESES

S. 557 continues the exemption for "ultimate beneficiaries" of Pederal assistance which means, under agency regulations and longstanding administrative practice, that farmers and ranchers receiving farm subsidies or price supports, as well as individuals receiving other types of aid such as food stamps, social security, and so forth, are not subject to these civil rights laws. The President's bill also continues the exemption for ultimate beneficiaries, but in addition, specifi-cally names farmers and ranchers as exempt. Proponents of S. 557 have argued that this is unnecessary and potentially dangerous since naming farmers and ranchers without naming other types of ultimate beneficiaries could give rise to the argument that Congress did not intend to automatically exempt them also.

RELIGIOUS ORGANIZATIONS

The administration has argued that as drafted, S. 557 would cover an entire church, even if it only received Federal funds for example, a day care center or refugee placement program. S. 557's sponsors have said that this is incorrect, and that only the part of the church or synagogue that received Federal funds would be covered. I am sympathetic to the administration's concerns, however, this appears to be more a matter of interpretation than substantive disagreement. The courts

should interpret S. 557 consistent with the explanation of the sponsors and their repeated assurances that they do not intend to go beyond pre-Grove City law. It should also be pointed out that major religious groups, including the Catholic Conference which origithe Cathone Conference which origi-nally opposed the bill, are satisfied with the explanation of the sponsors and now support the bill.

RELIGIOUS SCHOOLS

administration's bill The administration's bill would expand the religious tenet exemption in title IX to include institutions "closely identified" with a religious organization. Current law exempts only those schools "controlled by a reli. gious group.

An amendment to S. 557 containing the administration's language was de the administration's language was defeated, 39 to 56. Though I agree with the stated purpose of the administrathe stated purpose of the administra-tion's language, no problems have arisen under the current exemption. Indeed, over 150 schools have already indeed, over 150 schools have aircady been granted an exemption and there is no evidence that any school has ever been required to violate its religious tenets in order to comply with title IX. the list in order to comply with title IX.
It is also worth noting that while it led
the fight for this amendment, the National Association of Independent Colleges and Universities now supports S.

SMALL BUSINESSES

Small businesses that receive Federal funds will not be required to make costly structural changes to their facolities to make them accessible to the handicapped. Both S. 557 and the ad-ministration's bill codify the small business exception from section 504 building accessibility requirements cur-rently contained in the section 504 regulations.

DRUG ADDICTS AND ALCOHOLICS

S. 557 does not grant new rights to drug addicts and alcoholics. As does the administration's bill, S. 557 contains no changes in current law on this issue. Under current law, alcoholics and drug addicts are not protected under section 504 if they pose a threat to health and safety or are unable to perform the essential functions of the

GROCKEY STORES

administration ып exempt grocery stores or other business entities receiving food stamps. S. 557 is silent on this issue. The U.S. Department of Agriculture has testified that under current law, grocery stores receiving food stamps are not covered. I agree with this view, Senator Kunna-ny and others do not. The important point is, S. 557 does not deal with the question one way or the other.

CONCLUSION

Mr. President, the Grove City debate has been going on since 1984. Nearly everyone, including the administration, agrees that legislation to overturn Grove City is needed. We have had hearings and debates; we have had hearings and debates; we have drafted and redrafted. This is prob-

ably one of the most closely scrutinized pleces of legislation in Senate his-tory. The administration has raised they, the administration has faisce which have been addressed in S. 557. Indeed, though the veto has drawn attention areas of disagreement, we should not discount the many areas where agreement was achieved. In fact, most of the President's bill is drawn directly from S. 557.

While I wish we could have passed a bill the administration supported, I so believe that many of the concerns about this bill are based on misconceptions. The bill's proponents have re-peatedly assured us that the intent is merely to restore the law to its status prior to Grove City, Agencies and the courts should strictly adhere to that

intent.
The PRESIDING OFFICER. The

Senator from Utah.

Mr. HATCH. Mr. President, I yield 6

minutes to the distinguished Scuator from South Carolina. Mr. THURMOND. Mr. President. I urge my colleagues to vote to sustain the veto by the President and to sup ort the administration proposal to re-

solve the Grove City dispute.

Regarding my concern about this legislation, S. 557 represents a significant increase in Federal jurisdiction over churches and synagogues, private and religious schools, and the private sector. The major issue involved in this legislation is the need to carefully balance and protect constitutionally guaranteed freedoms and rights guaranteed freedoms and rights against the significant authority of the Federal Government. Stated simply, this legislation goes too far. Due to the broad expansion of Federal intervention into the private sector. this legislation is unacceptable.

Since S. 557 was introduced, its proponents have chosen to distort the real issue. They promote the premise that one is either in favor of this legislation, or is in favor of federally subsi-dized discrimination. This simplistic approach is used by some of the pro-ponents to disguise their true motive which is to expand Federal authority Federal financial assistance should not be allowed to fund discriminatory ac tivities. No one could rationally argue otherwise. However, this bill vastly expands not only program-specific coverage, but institutionwide coverage as well. It does not restore the reach of the four civil rights laws in question to their pre-Grove status, but extends them well beyond what is justifiable.

Before any Senator casts his or her vote to override the President's veto. I urge each Senator to examine ministration proposal which effectively resolves this Grove City issue. The President's proposal balances and pros constitutionally protected rights and guaranteed freedoms against the reach of Federal Government authority. This administration proposal addresses serious concerns raised by S. 557. It resolves the problems raised in regards to religious liberties; the overextention of coverage applying to entire corporations; grocers that re-ceive food stamps, farmers, private schools; and, coverage of State and local governments. More specifically,

First, provides that when one part of a church or synagogue receives Feder-al assistance, then only that part may be regulated by Government, rather than the entire religious institution:

Second, provides that when private secondary or elementary schools re-ceive Federal aid, only the school that receives that aid, and not the entire school system is subject to Federal regulation;

Third, limits corporate coverage to the plant or facility that actually receives Federal assistance unless the assistance is given to the corporation as

Fourth, explicitly exempts farmers,

Fifth, provides that merely accepting food stamps does not lead to the regulation of grocers and supermar-

In summary, the President's propos al more appropriately resolves the Grove City problem than does S. 557. The administration proposal restores civil rights coverage to what it the Grove City decision. This restoration is a balanced, reasonable approach which should be adopted in this body in Ileu of S. 557.

In closing, scrutiny of S. 557 shows that it significantly increases Federal jurisdiction beyond what is justified over religious institutions, private schools, and the private sector. I do not believe that those who voted in favor of S. 557 clearly understood its broad reach. I urge each Senator to vote to sustain the President's veto. This body can then swiftly act on the administration's proposal which appropriately balances the constitutional guarantees with the reach of Federal authority.

Mr. President, I just want to say this. Some people feel, because this bill has the words "civil rights" in it. that it is a true civil rights bill. This is not a civil rights bill. This is an extension of Federal authority and that is what has gone on here for years and years and that is one reason we have years and that is one reason we have such a big deficit today. Over \$2.5 tril-lion. We have not balanced this budget but once in 27 years. Federal author-ity, extending Federal authority. There is only so much power. Are we going to exercise power as the Constigoing to exercise power as the Consti-tution allows or are we going to keep shifting it to Washington? Unfortu-nately, over the last 40 years, the Con-gress has shifted more and more power to Washington.

I say the American people are sick and tired of it. People want to see the Federal Government stay within the powers delegated under the Constitu-tion it borders and not deprive the States and citizens of their rights. This bill goes into religion, it goes into private schools, it goes into private competitive business.

I say to you, it is a dangerous bill and that this bill should not become law. The only way now to stop it sustain the President's veto and then we can vote on the bill that he has come forward with, which is a reasonable, balanced bill.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER, Who vields time?

KENNEDY, Mr.

yield 45 seconds to myself.
The PRESIDING OFFICER, The

Senator from Massachusetts.

Mr. KENNEDY, Mr. President, I have heard many reasons why people should oppose this bill, but the idea that this bill somehow has contributed beyond any kind of understanding on my part

Second, Mr. President, I would hope that the suggestion that has been made by the acting Republican leader. that all we have to do is sustain the President's veto and enter a unacamous consent agreement for consideration of the President's bill would be dismissed out of hand. This administration has had 4 years to send up bills. Their spokesmen have testified time and time again against any effectime and time again against any effec-tive reversal of the Grove City deci-sion. Now, after 4 years, in the 11th hour and 59th minute, to propose some kind of so-called alternative policy I think is a blatant attempt to buy votes and we should reject it if we are faced with it

Mr. President, I want to yield to the Senator from Oregon who was one of the earliest supporters of the Civil Rights Restoration Act. I yield 3 min-

The PRESIDING OFFICER, The

Senator from Oregon.
Mr. PACKWOOD. Mr. President. I strongly urge this body to override the veto of the President for this reason: This bill does nothing more, and is intended to do nothing more, than re-store the state of the law as we thought it was prior to the so-called Grove City decision.

Mr. President, let me simply illustrate what we thought the law was, what Grove City did, and what we are

trying to change.

The Grove City decision was an interpretation of the words "program or activity." and the Supreme Court in the Grove City case said "program or activity" means the specific program or activity that receives Federal funds. For example, if in a college the English department received Federal funds, we assumed prior to Grove City that the entire college was covered, and if the English department re-ceived Federal funds, the French department could not discriminate.

The Supreme Court said no, gram or activity" means just th gram or activity" means just the pro-gram or activity that gets the money. If the English department gets the

money, it cannot discriminate, but if cisely what the bill will and will not the French department does not get any money, it can discriminate.

So this bill simply started out to re-

verse the interpretation of the words "program or activity" to say it means what we thought it meant, institution, wide. Only when we looked into this bill we found out that the other Civil Rights Acts, the principal ones that exist in this country—title VI of the Civil Rights Act of 1964, title IX of the education amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975—all used the words "program or activity."

gram of activity."
We had no reason to think when the administration argued this position that the Supreme Court would interpret "program or activity" otherwise in those other titles. So we had to change it for all four. But prior to Grove City, we meant institutionwide applied in all of those acts and all we have done is change the law back to what we thought it was. We have not expanded it beyond what we thought it was. We have not attempted to add any new obligations beyond what we thought existed. There was never a more status quo bill. Frankly, I would have liked to have gone beyond what this bill does, but in fairness we said we would simply go back to what we thought was the status quo prior to Grove City.

Grove City.

I hope by an overwhelming margin we will vote to simply reinstate fairness for all Americaus, be they disabled or minorities or women or the elderly and give them the opportunity that everyone else in this country as

that everyone else in this country as-sumes as a matter of right.

I thank the Chair and I thank the Senator from Massachusetts,
Mr. RUDMAN, Mr. President, I will vote today to override the President's veto of S. 557, the Civil Rights Resto-ration Act. I will do so because the bill restores into law an important princi-ple: an organization—a private business, a school, or a community organization—desiring the benefit of Federal dollars must not discriminate against individual Americans on the basis of gender, race, age, or a handicap. This principle was the legal policy of the United States until the Supreme Court's 1984 decision, and S. 557 simply reinstates it.

Like most of my-colleagues, I have

received many phone calls from con-stituents who oppose the bill. These good people from New Hampshire re-count horror stories about what S. 557 would force them or their church to do, tales that they believe because they have been spread by opponents of the measure. If these horror stories had any truth to them. I would not be voting for this bill today.

This issue is far too important to the rights of millions of Americans and to the moral fiber of this country to be analyzed on the basis of misstatement and misinformation. It is important, therefore, that we all understand pre-

do.

Pirst, this bill will not create any First, this bill will not create any new civil right. Only those groups currently protected by our civil rights laws will be entitled to protection under this act. Some opponents of this bill have characterized it as requiring the biring of homeographs to Citing and the contract of the process of the contract of the cont the hiring of homosexuals by the niring of nomosexuals by Unris-tian schools. Neither this bill nor the underlying statutes mention homosexuals, sexual preference, or any other phrase that could possibly be interpreted as granting rights to homosexuals as a class. The administration uals as a class. The administration clearly agrees with my analysis be-cause, while they asked for a number of changes in the bill, they did not ask for language to ensure or clarify that neither the bill nor existing law pro-tects individuals on the basis of sexual preference. It does protect individuals on the basis of gender, as it should. Second, the bill does not change the

definition of what constitutes F assistance. Tax-exempt status has not been considered Federal financial assistance for the purpose of these laws, and will not be when this bill is enacted. The mere receipt of a Social Security pension, veterans' ben-citis, welfare, or similar benefits is not considered Federal financial assistance as I speak, and it will not be considered Federal financial assistance if the

bill becomes law.

Third, the bill will not change the definition of who is a recipient of Federal financial assistance. If a business, university, or church receives Federal financial assistance today, it is subject to the civil rights laws. If a member of the church receives veteran's benefits, that fact alone will not subject the that lact alone will not subject the church to the civil rights laws under current law. More generally, an organization will not be deemed to be receiving Federal financial assistance merely because one of its members, customers or clients receives some Federal benefit. It is true that some types of assistance, notably aid for college students. Medicare and Medicare. lege students, Medicare, and Medicald, will trigger coverage of the organiza-tion receiving those funds, but that is only because those Federal funds inure to the direct benefit of the university or hospital. But that is true even if S. 557 does not become law. All S. 557 does is clarify which activities of an organization receiving Federal financial assistance are subject to the civil rights laws

Fourth, nothing in this bill will affect the practice of religion in a church or synagogue, nor could it. The first amendment continues, intact, as the fundamental guaranter of our religious freedom and I am confident the Supreme Court would strike down legislation which interferes with that. It is true that, should a local church decide to accept Federal funds for some purpose, the nonreligious aspects of the church will be covered by the prohibitions against discriminating on the basis of gender, race, age, or hand-icap. Although I voted for an amendment by Senator Harch which would help clarify the applicability of these laws to churches, the defeat of that amendment does not, in my view, pro-vide sufficient grounds to vote against this bill which is endorsed by the U.S. Catholic Conference, the Presbyterian Church, the Episcopal Church, the Evangelical Lutheran Church, the Methodist Church, and many other religious organizations.

Mr. President, I have touched on just a few examples of the misinformation that has been generated about mation that has been generated about this bill. Although some dispute these points, the clear language of the bill coupled with the language of the ex-isting law compels these conclusions.

S. 557 will simply require that if an organization wants the benefit and use organization wants the benefit and use of taxpayer dollars, paid into the treasury by men and women, blacks and whites, handicapped and nonhaudicapped Americans, it cannot discriminate against the very people who provide these first between the second and the s provide those funds. If this reasonable requirement is too onerous for an organization, then it should not take the money. S. 557 is a good bill which has been discussed for 4 years, and it deserves to become law.

I cannot complete this statement, however, without commenting on what is perhaps the most extreme frony of this debate. Last year, I stood on the Senate floor and expressed my distaste for the serious campaign of distortion that was waged against the nomination of Judge Robert Bork to the U.S. Supreme Court, as did many of my colleagues. We were folined in that condemnation by some of the cannot complete this statement. that condemnation by some of the very people who have generated such a sense of fear and apprehension in many of our constituents about S. 557. There is no excuse for inciting that fear under false pretenses, and I sin-cerely hope that this does not become the standard for debating matters which directly or peripherally touch upon civil rights.

Mr. KENNEDY, Mr. President, I am delighted to yield to the Senator from Connecticut. This has been a biparti-san effort. The Senator from Connecticut has been the principle cosponsor.

The PRESIDING OFFICER, The

Senator from Connecticut.

Mr. WEICKER, Mr. President, I pay a special tribute to the distinguished Senator from Massachusetts for having worked long and hard through the parliamentary maze, through op-position both within his own and within my party to achieve this moment today. It stands as a high tribute to his perseverance, to his com-

Passion, to his vision.

Next, Mr. President, I would like to highlight just two very short sentences in Senator Rudman's statement.

Like most of my colleagues, I have re-ceived many phone calls from constituents who oppose the bill. These good people from New Hampshire recount horror stories

about what 8, 557 would force them or their about what is, 337 would force them or their church to do, tales that they believe because they have been spread by opponents of the measure. If these horror stories had any truth to them, I would not be voting for this

truin to them, a would not be sound for the bill today.

This issue is far too important to the rights of millions of Americans and to the moral fiber of this country to be analyzed on the basis of misstalement and misinformation. It is important, therefore, that we all understand precisely what the bill will and will not do.

Senator Rudman states the case well in trying to clear up that fog of misinformation.

formation.

Now, Mr. President, this is as important a day as any of us have experienced or will experience in the near future. It has the potential of being a restatement, a restatement of our national commitment to equality of opportunity for all. Equal opportunity for all, to be a matter of national policy rather than individual whim.

Mr. President, how wonderful it is to

policy rather than individual whim.

Mr. President, how wonderful it is to
view the strivings of those young
people in a special Olympics setting.
We cry and we laugh as we watch
their strivings. For the few minutes of a day our hearts are touched. And maybe we will even reach into our pockets to supply a few pennies for pockets to supply a new permies for those special Olympics.

And yet it was not so long ago that

those very special men and women sat in the dark corners of institutions forgotten by our society, relegated by our prejudices to the darkness of dispair,

of being nothings in America.

For how long did the blacks of this Nation, until they found a voice in Dr. King, fulfill a role that was no more than being servants within their own country? Then Dr. King spoke from the steps of the Lincoln Memorial in Washington, and a nation's conscience and activism was touched.

No longer were these Americans to be dealed the opportunities of jobs, education, and prosperity.

How all of us thrill today as we see the achievements of women throughout our society. Not just in historical roles but as athletes, decisionmakers in Government, and leaders in busi-

And now of course, it is easy to hand now of course, it is easy to laugh as we view the zaniness of the promise of eternal youth in a movie such as Cocoon, forgetting completely that for so many years to be old, was

in fact, to be supremely lonely.

After we get through with all the technicalities about this legislation, it comes down to these people, because they are the ones who were and are affected. This legislation is should you they are the ones who were and are at-fected. This legislation is about your neighbor, whether that neighbor hap-pens to be elderly, a woman, a black or handleapped in any way. They are handicapped in any way. what this legislation is about.

It is about flesh and blood and a history of exclusion. They did not amount to a hill of beans before we made national statements of commu-ment to opportunity. We didn't rely on the fact of feeling a little warm inside on a particular moment of a particular day. It had to be a 365-day-a-year statement of national purpose. Not statement of national purpose. Not left to individual whim, beneficence or kindness. We set high expectations for ourselves as a nation, and we set the tough standards that go with manifesting those expectations.

The instant legislation was not meant to be a cream puff. It says we are not going to subsidize discrimina-tion and, if you do discriminate, the full force of the law comes down on your head. The law, in this instance, is not just a Federal Government.

It is, all of us, 250 million Americans. We do not want to see dark corners anymore. We do not want to see lonelianymore. We do not want to see ionen-ness anymore. We do not want to see doors shut in one's face because of skin color or gender. We have better things to do than to return to times

best forgotten. Greater lies ahead, Mankind's op portunities are too important to be left to the leavings from mankind's table. That is what this bill is about. It table. That is what this bill is about, it is a technical correction of the past and the promise of even more opportunity for the future. We know by virtue of history that when it came to opportunity, neither individual inspiration nor States' rights can achieve the des-tiny of the United States of America. Only an entire nation can do that. Today our Nation addresses its future

and sets its destiny.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from II-

The PRESIDING OFFICER. The Senator from Illinois.

Senator from Illinois.

Mr. SIMON. Mr. President, first I want to commend the Senator from Massachusetts and the Senator from Connecticut for standing up on this issue. This is not a partisan issue. This is something that ought to appeal to the base good instincts of area. the basic good instincts of every Member of the Senate and the House

In 1984, when I was in the House, I was the chief sponsor in the House of the Civil Rights Restoration Act to attempt to reverse that Grove City decition, and it passed the House 375 to

There are, I think, just two basic questions. One is: Should we go back to the pre-Grove City decision? And that is all we are attempting to do. The sentiment clearly in this body is that we should, and we should, for those who dredge up speciers of all kinds of things happening, let the record be clear, I heard the Senator from Massachusetts say earlier today, and I have heard the Senator from Connecticut say: We simply want to go back to the pre-Grove City decision.

Then, I guess the more fundamental Then, I guess the more fundamental question is: Are we going to try to make real the dream of a Constitution for equality? Those who wrote the Constitution talked about forming a more perfect Union. It was not a per-

fect Union then; it is not a perfect Union today, but it is a better Union today with opportunities there for minorities, for women, for others,

The Grove City decision grew the title IX Grove City appeal. It was not very many years ago the average woman working full time was making 59 cents compared to a man working full time. That has lifted a little, but very little. It has gone up to about 63 or 64 cents, but for those women under the age of 30, it has gone up to 85 cents compared to the dollar man makes. That is not good, but it is much better because of the force of law. We have a long way to go.

The unemployment rate for employables who are handicapped is astronomical. The unemployment rate for those who are handicapped who also happen to be black is today 82 percent. That is almost unbelievable

We have to do better in our society. I do not think one here suggests this is the whole answer, but it is at least a small step forward to guaranteeing opportunity to everyone

Senator WEICKER talked just a little bit before about the Olympics. Let us talk about the real Olympics, and that is the race of life. There are people in the race of life who have handicaps. Let us remove those handicaps insofar as possible, and we can help do that by overriding the President's veto.

The PRESIDING OFFICER, Who yields time?

Mr. KENNEDY. Mr. President, I yield 7 minutes to the Senator from

Maine.
The PRESIDING OFFICER. The enator from Maine.

Mr. MITCHELL. Mr. President, the President's veto of the Civil Rights Restoration Act was an unfortunate

This bill does not create a broad new mandate for Federal intervention in the daily lives of Americans. Instead, it restores the fundamental premise of all our civil rights laws: That there are no rights without remedies.

The bill passed the Senate and the House with broad, bipartisan support because it achieves a very simple and straightforward result: It will assure that Federal tax dollars raised from all the people cannot be spent to dis-criminate against some of the people. The bill says that institutions which

receive Federal funds must obey the receive Federal lunds must open the laws which say that minorities, women, the elderly and the handl-capped cannot be treated unfairly simple because they happen to be black, or female, or physically implement old paired or old.

That is a matter of simple justice.

Americans have embraced the idea
that all of us are created equal since we became a Nation. And in the past several decades, Americans have also expected their Government to live up to that ideal in practice.

That is what this bill will ensure.

Because this is such a bedrock ideal, so broadly shared by the American people, some of those who are unwilling to see it adopted in practice have resorted to misinformation, distortion and, in some cases, outright untruths in order to obscure that simple fact.

In the past week, my offices in Maine, as well as my Washington office, have received telephone calls from hundreds of Maine people op-posed to this bill.

These people have been told it will orce them to hire homosexual ministers for their churches or homosexual teachers for their schools and day care centers

They have been told it will give new privileges to drug addicts. Others have been told that their freedom to practice their own religion will be endan-

Some elderly Social Security recipi only due to been told that it will mean that they can no longer give a donation to their own church. Rarely has the legislative process been so subjected to such a campaign of misinfor-mation and distortion.

None of these concerns reflects anything that has ever happened in the State of Maine. Instead, they reflect a campaign of misinformation and distortion launched from Lynchburg, VA.

The people of Maine are the victims of a national effort undertaken by the Virginia-based Moral Majority and joined by the Washington-based Free Congress Foundation, the Florida Coral Ridge Ministries and other outside groups with their own agendas who spreading outrageous unare truths in order to pursue their own goals.

The truth is that nothing in the bill has any effect on any church's choice or training of ministers.

The truth is that nothing in this bill will require anyone to hire homosexual teachers.

The truth is that nothing in this bill expands the rights of any drug addict.

The truth is that nothing in this bill affects how any American spends his or her Social Security check.

The truth is, of course, that nothing in this bill overrides the first amendment to the Constitution, which guarantees to all Americans the right to

the free exercise of their own religious beliefs

Pastors in Maine have been told that the bill declares active homosexuals, transvestites, alcoholics and drug addicts, among others, to be handicapped and therefore protected under civil rights laws

The truth is that the bill contains no such declaration

Pastors in Maine have been told that when the attempt to "railroad" the bill began, the Moral Majority blew the whistle,

The truth is that this bill was not "railroaded." It has been before the It has been before the

Congress for 4 years.

And the truth is that in 4 full years of public hearings, argument and

debate, neither the Moral Majority nor any of its supporters has ever offered any evidence that it would affect the status of homosexuals, drug addicts or transvestites.

Pastors in Maine have been told that lawsuits are now prepared and waiting for this act to become law.

But the legal analysis on which the Moral Majority relies, which was sent to my office, says: "We make no pre-diction that litigation * * * will be widespread or that schools an churches will always lose these cases. The documents they claim to be using do not even support the distortions

that are being made.

Maine pastors have received a memorandum about "the gay rights bill." There is no such bill. This bill has nothing to do with gay rights. It protects racial minorities, ethnic minorities, and religious minorities. It protects women. It protects the handicapped. And it protects old people. But does nothing whatsoever about homosexual people.

The memo says that the bill, combined with present court cases, would qualify drug addicts, alcoholics, active homosexuals, and transvestites, among others, for Federal protection handicapped.

That is not true. The bill does not change the definition of who is handi-capped. And there are no Supreme Court rulings which require anyone to consider alcoholics, drug addicts, active homosexuals or transvestites to be handicapped.

This memo says that under this bill, churches and religious leaders could be forced to hire a practicing homosexual drug addict with AIDS to be a teacher or youth pastor.

This is the most blatant untruth of all. No American Government has ever had or could ever get the power, under our Constitution, to dictate any choice of pastor in a church-whether it be a youth pastor or any other.

If there were even a grain of truth in this claim, why would the American Baptist Churches support the bill— which they do? Why would the Evangelical Lutheran Church of America support the bill? Why would the United Methodist Church, the Church of the Brethren, the Episcopal Church or the Presbytrerian Church, U.S.A.,

These major religious denominations do not fear that their religious faith will be offended by a requirement to pursue an injunction common to all faiths: To deal justly with all.

The American Baptist Churches, U.S.A., say they "believe that discrimination against any of God's children is

The United Methodist Church " firms all persons as equally valuable in the sight of God * * • "

The Presbyterian Church (U.S.A.) urges Congress "to protect the rights of all Americans by overriding the President's veto."

The Church of the Brethren says the bill "represents the most basic moral and traditional teachings of our

The Churches of Christ "call upon Congress to resist the scare tactics being employed by some opponents of this bill" and override the President's veto.

The Evangelical Lutheran Church in America urges a veto override, based on the Government's "fundamental duty to protect all people from discrimination."

Major Jewish organizations, Quakers and others all recognize the fundamental issues of justice em-bodied in the bill. None believes illust religious liberties will be affected.

The Catholic Church of the United

States, which operates more religious-ly affiliated institutions of learning. health care and social services than any other, supports this bill.

The American Association of Retired Persons, the Nation's largest and bestknown association serving the rights of Social Security recipients, asked the Senate to override this veto.

Virtually every group representing the physically and mentally handi-capped, the health care community. welfare community, child major faith communities of Nation—all support this legislation. OUL

The misinformation about this bill ould be laughable were we not dealing with the basic rights of Americans.

The frequent claims of intrusiveness made against this bill arise from an assumption that discrimination should be barred only in extreme circumstances. It is said that Grove City College did not discriminate—only that it refused to fill out Federal paperwork.

Grove City College used \$1.8 million in Federal grants from students for its hasic tuition costs in the decade from 1974 to 1984, as well as additional funds in the form of guaranteed loans. It refused to provide assurances of compliance with title IX law.

compilance with title 1x law.

In this debate, a great deal of time has been expended on the unfairness of demanding such assurances. It is surprising that there is not more concern about simple accountability.

We do not permit GI education funds to be spent at any school simply on a verbal assurance that the school will provide the education it claims to provide. We demand accountability. Why is accountability for general edu-cation funds intrusive when account-ability for GI bill funds is not?

The bill does what any responsible government must do. It makes those who use and spend public dollars accountable for the way they spend those dollars. There is nothing intrusive or unfair about that.

All institutions, religious and secular like, have a simple choice: To accept Federal funds and obey the law, or not to take Federal funds.

Simply put, if an institution accepts tax funds, that institution may not

discriminate. We cannot eliminate pri vate prejudice and bigotry by law. But we need not and should not subsidize them

Thirty-four years ago, the Supreme Thirty-four years ago, the Supreme Court told American schools to desegregate their classrooms with "all deliberate speed." But 10 years later, "all deliberate speed" had become massive resistance.

So when Congress passed the 1964 Civil Rights Act, Federal funds were tled to the mandate to stop racial discrimination, as President Kennedy's message on the bill requested:

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination.

That vision of "simple justice" is as accurate today as it was then

The only thing that has changed is that we have since recognized that discrimination can also prejudice the rights of women, of disabled people

rights of women, or disabled people and elderly people. It is no accident that in the decade after the Civil Rights Act was passed, black college enrollment doubled.

In the days before section 504 of the in the days before section 804 of the Rehabilitation Act was passed, men and women with epilepsy were often barred from employment. Diabetics faced subtle, and sometimes not-so-subtle discrimination. Those confined to wheelchairs found their way barred to schoolrooms and law courts.

to schoolrooms and law courts.

In the days before title IX of the Education Act amendments was enacted, the Agriculture School at Cornell required female applicants to have SAT scores 30 '60' 49 percent higher than male applicants.

The 1944 gold medal swimmer at the Tokyo games, Donna DeVerons, was forced to end her athletic career as a teenager. Her teammate, Don Scholtenager. Her teammate, Don Scholtenager.

teenager. Her teammate, Don Schol-lander, also a gold medal swimmer, went to college on an athletic scholarship,

1964, there was not one single women's athlete scholarship in this country. In 1984, there were over 10,000. It is no coincidence that in this year's winter Olympics, American year's winter Olympics, American women won more gold medals than ican men.

When the Supreme Court ruled in when the supreme Court ruled in 1984, in Grove City College versus Beil, that civil rights obligations reached only the specific "program or activity" where public funds are used. all these gains were threatened.

Since 1984, the Education Department has dismissed, rejected or withdrawn almost 700 discrimination cases. Racially based discrimination has been cumented in the college systems of 10 States.

The Justice Department's own case against the higher education system of Alabama was dismissed because not even the Federal Government could trace each and every Federal dollar through the system, as the courts re-

The fallout of the Grove City case has been dramatic. But in the face of real injustice, opponents of this bill can cite only speculative difficulties at

And some of those opponents have

resorted to falsehoods.

The effort to give life to the ideals of our Constitution has always been a struggle against entrenched habit, accepted convention and established inequities.

We want a just society. To achieve justice, we must pursue justice.

In this veto override, let us reaffirm that historic commitment and rein-state the full force and vigor of the civil rights laws, to vindicate, after 25 years. President Joh vision of "simple justice." John

That is the fair way, that is the right way, that is the American way.
The PRESIDING OFFICER, Who

vields time?

Mr. GRAMM. Mr. President, I yield

Mr. GRAMM. Mr. Fresident, a yield myself 7 minutes. The PRESIDING OFFICER. The Senator from Texas. Mr. GRAMM. Mr. President, for almost 75 years this body remained silent on the issue of slavery while the Sheric on the issue of sharely with the churches and private schools of our Nation spoke out against it, while they provided the leadership that mobilized public support that ultimately brought slavery to an end. For 150 years this institution, for all practical years this institution, for all practical purposes, looked the other way when discrimination was rampant in our land, and during that 150 years the pulpits of the churches of America flamed in righteousness against bigotry and against discrimination. While this body was silent on integrating our subtle institutions of bigher education. public institutions of higher education and schools in general, private schools provided the early leadership in bringing integration to our society.

I think it is important today as we ite this veto override to recognize that the major cutting edge issue here is not civil rights but the extension of Federal power to institutions that historically have been the very voices of civil rights. We seek here today not to extend the power of the Federal Government to attack bigotry and prejudice but to place the heavy heel of Government upon the very institutions that led this Nation against discrimination and against bigotry when even this great deliberative body was silent on those issues

Now, Mr. President, why after all these years do the churches of America and the private institutions of higher learning suddenly need Federal regulation in the area of discrimina-tion? What we are looking at here is a massive extension of Federal power, and I ask my colleagues, is the freedom of America and Americans in religious matters better left in the hands of the churches of America or placed in the hands of Government?

Is government a neutral body which oversees in great wisdom disputes among its people or is it ultimately a

participant in that debate chooses sides based not on right and

wrong but on the basis of politics?

I submit, Mr. President, that this veto should be sustained. The President veto should be sustained. The Fresheent has made a proposal which makes many changes, among them one which is absolutely critical and indispensable. The change has to do with religious tenets and churches and synagogues. This body unwisely rejected amendment dealing with issues, but we have an opportunity to

go back and do it right.

Now, Mr. President, let me simply ask some questions that I think are relevant. Let me pick a private institu-tion in my own State, the University of Dallas. The University of Dallas is a religiously affiliated institution, but it is not controlled by the Roman Catholic Church. It does not have a religious exemption under existing law. It does not take Federal funds as an institution, but it does have students who get guaranteed student loans. If the President's veto is overriden, because some dent's veto is overriden, because some chemistry professor may get a small grant to look at some particular prop-erty in chemistry or because a student at the University of Dallas may get a guaranteed student loan, the Federal Government's heavy hand of intervention will be able to reach into this private church-related institution:

vate church-related institution:

The University of Dallas has a seminary which trains clergymen for the
Roman Catholic Church. The seminary is run in conjunction with the
University of Dallas and those who
graduate get degrees from the University of Dallas.

Under this bill to a statement the

Under this bill if a student at the University of Dallas gets a guaranteed student loan to study sociology, the Federal Government would have the ability to intervene, with clear juris-diction under this new law, into the operation of a Roman Catholic seminary. Mr. President, by that intervention, are we promoting freedom? Is religious freedom part of the constitu-tional guarantee? Who are we to intervene into the teachings of a seminary in the name of civil rights? Churches have doctrine. We have recognized from the beginning of the Republic that those doctrines were sacred and

they were private.

It is clear to me that we are making a mistake by intervening in these areas. This could be easily corrected by simply having a provision that provided a general exemption on religious tenets, and by excepting churches and synagogues this could be corrected. But by not correcting it, when disputes arise within a seminary between the teachings of the church and what are perceived to be the laws and standards of the Nation, the Federal Government will become an arbiter in what can and cannot happen, and what standards will and will not be tolerated in a seminary in Dallas, TX.
And I submit that is wrong.

I object to this bill basically for two reasons. One is philosophical. Government intervention into religious institutions is not the source of freedom. It is not the source of civil rights. These institutions were speaking out on civil rights when this great body was silent on those issues. Who are we to intervene into their private religious activities in the name of civil rights?

Second, I object on a practical basis. Who are we to intervene in the prac-Who are we to intervene in the practices that are being used in employment, in a private institution, in a Catholic seminary? I submit, Mr. President.—Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER (Mr.

The PRESIDING OFFICER (Wr. FowLea). The Senator may proceed. Mr. GRAMM. I submit, Mr. President, that makes no sense. Who are we to extend the hand of Government to extend the hand of Government into a church which is carrying out a public activity in the name of child care or feeding the poor when that incare or feeding the poor when that in-dividual activity happens to get some funds from the Federal Government? Should we then to able to expand the power of Government to accommodate and to ultimately control the functioning of that church? Should we have the capacity, because one student gets a guaranteed student loan, to dictate practices in a seminary that happens to be located in an institution which is I submit that we do not, and we should not have that power.

Mr. KENNEDY. Would the Senator yield?

Mr. GRAMM. I would be happy to yield.

yield.

Mr. KENNEDY. Could he tell us
why then the Catholic Church and
the Catholic Conference is strongly
supporting this legislation?

Mr. GRAMM. The only thing 1 can

Mr. KENNEDY. As well as major Protestant and Jewish groups?
Mr. GRAMM. If I might respond, the only thing I can say is that they obviously are not speaking for the in-stitution that is going to be affected in this case. The point remains and it is irrefutable that if this veto is overriden, because this seminary in Dallas, TX-and it is not unique, I speak of it simply because it is in my State—is af-fillated with an institution that is not directly controlled by the church, though that institution is church related, that this seminary will come under Federal jurisdiction under this law. I submit that is wrong, that is an absurd result, and that should not be tolerated.

Maybe the distinguished Senator from Massachusetts and I may disagee with the teachings of the church on some subject related to abortion or re-lated to family values. But who are we inted to family values, but who are we to intervene into that seminary and into that private school? I do not feel my self qualified to do that, nor do I believe the distinguished Senator from Massachusetts is qualified, nor do I believe Feetral indexe are so qualified. lieve Federal judges are so qualified.

So this is a clear-cut case where we have an institution that has not qualihave an institution that has not qualified for religious exemption, which does have programs that are clearly church related and programs that are clearly going to come under this law.

Mr. KENNEDY. Under the existing

law and regulations regarding the reli gious tenet exemption, a school or department of divinity normally entitled to a religious tenet exemption, if needed, and I do not think that at this point in the debate, the record ought

to be distorted and misrepresented.

Mr. GRAMM, If I may simply finish my time, clearly the schools of divinity that are separately constituted are ex cluded, but departments of divinity which are affiliated with schools that are not directly controlled church that give degrees from the university and not from the church are going to be affected, and not just those programs but other programs at the University of Dallas and religious related institutions all over the country are going to come under Federal control. I think that is a mistake. It is one that is easily corrected without trampling on civil rights, religious freedom, and the rights of groups to associate on the basis of shared values. That represents a very basic civil right which cannot be trampled on in the name of expanding the rights of the Individual

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

yields time?

Mr. KENNEDY, Mr. President, I
yield 2 minutes to the Senator from ermont

The PRESIDING OFFICER, The Schator from Vermont [Mr. STAFFORD] is recognized for 2 minutes.

Mr. STAFFORD, Thank you, Mr.

Mr. STAFFORD. Thank you, Mr. President. I would like to reaffirm my support and commitment to the Civil Rights Restoration Act of 1987 and ask my colleagues to join with me in overriding the President's veto. We need to send a clear and decisive message to the American people that discrimination, in any form, will not be balacelos

was an original sponsor of title IX of the Education Amendments, as well as section 504 of the 1973 Rehabilitaas section 504 of the 1973 remained tion Act. The narrow ruling handed down in Grove City versus Bell has been to reenter permitted discrimination to reenter our education system despite these two acts as well as the 1964 Civil Rights Act and the Age Discrimination Act of 1975. Clearly, the intent of these measures has been lost by the court ruled "program-specific" rather than "institutionwide" definition originally intended by the relations with the court ruled "program-specific" rather than "institutionwide" definition originally intended by the relation with the court rule. nally intended by legislators. When Congress enacted these four statutes. they were attempting to provide an effective and permanent remedy against discrimination. Overriding the veto will restate our commitment to the permanent eradication of discrimina

It is unfortunate that in order to guarantee equality for all individuals,

we have to mandate it in Federal law and hinge enforcement on the receipt of Federal funds. Women, minorities. eiderly, and disabled people should elderly, and disabled people should not have their tax dollars fund institu-tions that discriminate against them as individuals.

A century has passed since a President of the United States has vetoed a civil rights measure forwarded by the Congress, I urge my colleagues to join me today in rejecting the administra-tion's efforts to prevent enactment of the Civil Rights Restoration Act of

Mr. President, I have a letter from a former very distinguished Secretary of Education, Terrel Bell, and in the first two paragraphs he writes to me:

two paragraphs he writes to me:

I am writing to urge you and your colleagues to vote to override the President's
veto of the Civil Rights Restoration Act,
which previously passed the House and
Senate by strong bipartisan margins. The
legislation necessarily restores coverage of
civil rights laws to their original intent and

When I was Secretary of Education, * * * Incidentally, he was a Republican Secretary-

secretary
"" we read the law broadly to assure equal educational opportunity. While I had not considered direct aid to a student under the Pell grant program to be aid to an institution, we had for years considered an institution or school district obligated to comply with all the civil rights statutes if it received any federal assistance. We believed that if you take federal funds you must comply.

Ass. **Dendant I ask insaringuis con-

Mr. President, I ask unanimous consent the balance of that letter be made a part of the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

MARCH 21, 1988

HOR, ROBERT STAFFORD U.S. Schale Office Building, Washington, ຶກຕັ

DEAR SENATOR STAFFORD: I am writing to

DIAR SENATOR STAFFORD: I am writing to uter you and your colleagues to vote to override the President's veto of the Civil Rights Restoration Act, which previously passed the House and Senate by strong bipartisan margins. The legishition necessarily restores coverage of civil rights laws to their original intent and purpose. When I was Secretary of Education, we read the law broadly to assure equal edurational opportunity. While I had not considered direct aid to a student under the Pell Grant program to be aid to an institution, we had for years considered an institution or school district obligated to comply with all the civil rights statutes if I received any federal assistance. We believed that if you take federal funds you must comply.

reaction assistance. We believed that if you take federal funds you must comply, With the exception of a few small private institutions, there was broad acceptance and support of the civil rights laws to protect minorities, women, and the handicapped from discrimination, at the time I could see from discrimination. At the time I could see no reason to come forth with a new inter-pretation of these laws. It would cause strife and bitterness among those currently enjoy-ing the protection of the civil rights laws. It was clear to me then, as it is now that

It was clear to me then, as it is now, that the Department of Justice is determined to weaken civil rights enforcement in the na-tion's colleges and schools. Their position was, in my view, harmful to American edu-cation and potentially damaging to the

rights of minorites who fought against discrimination

crimination.

It was a great disappointment to me when the Supreme Court handed down the decision in Grove City College v. Bell, affirming the Justice Department's position.

The Civil Rights Restoration Act is as much a Republican bill as a Democratic bill. As you know, thirteen high ranking government officials from the Johnson, Nixon, Ford, and Carter administrations have all testified in support of the legislation to overturn the Grove City decision.

I am grateful for your leadership in this

I am grateful for your leadership in this effort and I hope the Congress will, at long last, reaffirm its commitment to civil rights by overriding the President's veto.

Sincerely yours,

TERREL H. Bell.

Mr. CONRAD. Mr. President, I will vote to override President Reagan's veto of the Civil Rights Restoration Act. I supported passage of this measure. act. I supported passage of this measure in January because I believed in its basic purpose—to improve enforcement of our civil rights laws by making sure that Federal funds are not used to support discrimination. I continue to believe that legislation is needed to ensure this result.

The controversy surrounding the bill and the veto must not obscure what the legislation is all about. In the wake of the Supreme Court's decision in Grove City versus Bell in 1984, this country's ability to deter discriminatory practices by institutions which recive Federal funding has been significantly weakened. The Court's decision limited the application of antidiscrimination laws to the specific program or activity receiving Federal aid. Thus, female students could be kept out of a school's athletic programs if such programs received no Federal aid even though the school got Federal funding for other purposes. Disabled veterans who had defended their country could be denied jobs or admission to universities even though part of the institution received a government grant. The Court held that Congress would have to certify whether it intended that the entire organization be covered in these situations. That's just what the bill does—and that's all it does. There is no truth to the charges that the Civil Rights Restoration Act

would require schools, churches, or any employer to hire homosexuals, al-coholies, drug abusers, or victims of AIDS. Existing civil rights laws do not forbid discrimination based on sexual preference, and neither does the Civil Rights Restoration Act. Current law does not require an employer to hire people with contagious diseases that threaten the health of others or people with medical problems or dis-abilities that prevent them from per-forming the job. And the Civil Rights Restoration Act clearly states that protections afforded to the handicapped do not apply to individuals with contagious diseases that endanger public health or to individuals unable to function on the job for any reason. The heated campaign to defeat this legislation has distorted its meanink and spread considerable misinformation about what the measure actually entails

During Senate debate on the bill, I supported an amendment to eliminate any ambiguity on the subject of abor tion. The Danforth amendment, in-cuded in the legislation vetoed by the President, states clearly that hospitals, schools, and other institutions or orga nizations receiving Federal funds cannot be forced to provide or pay for funds abortion services. I regarded this clari-fication as vital—and believe it should have dispelled any doubts about the legislation's intent.

registation's intent.

The vetoed bill also included an exception for religious institutions: in these cases, the prohibition on discrimination extends only to the specific activity receiving Federal funds.

Thus a church receiving funding for a social service project would not be pre-cluded from generally hiring from within its membership. I was Im-pressed to see that the United States Catholic Conference. Lutheran, Bap-tist, and other major religious organizations advocate passage of this bill

Nothing, of course, requires an orga nization to accept Federal funds. But those who benefit from Federal assistance should be willing to uphold our civil rights laws—and I believe most are. Federal revenues should not be used to support discrimination against women, minorities, the elderly and the disabled, and I believe government should have the power to assure that these groups can freely participate in programs and activities which receive Federal support. That's why I support ed the Civil Rights Restoration Act 2

months ago—and why I still do.
Mr. ARMSTRONG. Mr. President, as recently as this morning the Washington Post assured us again that S. 557, the Grove City bill, will not adversely affect churches. The Post editorialized, "As for churches that retoriaized. "As for churches that re-ceive Federal money to run social serv-ice projects—day care, nursing homes, and so forth—discrimination would not be allowed in that specific project." The Post was implying that only the specific project and not the entire church would be covered by

ederal law. The Post is wrong. Here is what S. 557 says:

"Tithe term 'program or activity' means all of the operations of """
"(3) He entire plant or other comparable, geographically separate facility to which Federal (financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship * * *

"any part of which is extended Federal fi-nancial assistance." (Emphasis added.)

Therefore, if a church takes Federal Therefore, it a church takes Federal financial assistance for a day care program, for example, "all of the operations of" the entire "geographically separate facility" become a "program or activity." That means the entire church is covered. And probably more. On page 18 the report says.

'In specifying limited coverage of an entire plant as the l'Igeographically separate facility,' the bill refers to facilities lo-

cated in different localities or regions. Two facilities that are part of a complex or that are proximate to each other in the same city would not be considered geographically separate." (Emphasis added.)

Therefore, if one church program takes Federal funds the entire church is covered as are all of its facilities that "are part of a complex or that are proximate to each other in the same Where a church takes targeted Federal financial aid, the report (at Federal financial aid, the report out page 18) says, "only the full operations of the geographically separate faculty will be covered by the civil rights laws." (Emphasis added.) (Is "only" not a wonderfully simple and comforting word? Why, this bill will "only" extend Federal regulation to the "full operations" of a church 1. operations" of a church.)

Church school systems are simply covered in their entirety if any one school program in any one school receives Federal financial assistance. The report says on page 17,

"If federal financial assistance is extended to one of three secondary schools which comprise a system operated by a Catholic Diocese, all of the operations of all three of the schools in the system are covered." (Emphasis added.)

That statement from the report simply restates what is clear in the bill. Once again, here is what S. 557 says:

"[T]he term 'program or activity' means all of the operations of " " " (2NB) [any] other school system " " any part of which is extended Pederal financial assistance." (Emphasis added.)

The bill's intrusion into religious matters could have been cured, but the committee defeated-by a vote of 5 to 11- a Thurmond amendment that would have retained "program specifwould have retained "program specific" treatment of religious organizations. A Hatch amendment to the same effect was defeated on the Senate floor by a vote of 36 to 56, 134 CONGRESSIONAL RECORD. S. 147-155 (daily ed. Jan. 27, 1988) (amendment no. 1384). In light of those votes it is hard to see how the Post, and many others, can talk about the narrowness of this bill. of this bill.

The committee's explanation of the Thurmond amendment is especially in-structive. Here it is in full from page 27 of the report:

By a vote of 5-11, the committee defeated an amendment proposed by Senator Thurmond that would limit coverage of programs or activities operated by religious organizations to the particular subunit of the organization which receives federal funds. In other words, this amendment would not overturn the Grove City College decision as It applies to programs or activities which we overturn the order City Contest decision as it applies to programs or activities which re-ceive federal financial assistance, as long as the programs or activities are run by a reli-gious organization. The dual system of civil rights protections for programs carried out by religious and secular organizations con by religious and secular organizations con-tained in this amendment is unprecedented in the history of our civil rights laws. For example, religious employers are subject to Title VII in the same manner as non-reli-gious employers. With the narrow exception of the religious tenet exemption in Title IX, religious recipients of federal financial as-

sistance have been and are subject to the prohibitions on discrimination of the four civil rights laws in the same manner as non-religious recipients of federal aid. There has reignous recipients of federal aid. There has been no trampling of religious liberty under these laws in the more than twenty years they have been in effect. S. 557 simply will restore the coverage of these laws to their pre Grove City College scope.

The committee rejected the Thurmond amendment for two reasons: First, the amendment would have limited coverage of religious institutions to the unit of the organization that actually received Federal assistance. The majority was opposed to limited coverage. They wanted the entire church covered, and they got what they wanted.

cond, the committee was afraid of establishing an "unprecedented" "dual system of civil rights protections." This interesting argument has the un-lortunate defect of being wrong. Title VII, which the committee goes out of its way to cite (it is out of the way because S. 557 does not amend title VII but title VI), does indeed contain exceptions for religious employers:

Section 702 has an exemption for a hurch "with respect to the employchurch "with respect to the employ-ment of individuals of a particular religion to perform work connectivithe carrying on" of the ch. A's activities. 42 U.S.C. 2000e-1 (1932). Just tivities, 42 U.S.C. 2000e-1 (1932), Just last summer the Supreme Court upheld this section against a consitutional challenge. In Corp. of the Presiding Bishop, Church of Jesus Christ of Latterday Saints v. Amos. 55 U.S.L.W. 5005 (decided June 24, 1987, without dissent), the court held that section 702 is not an unconstitutional establishment of religious religious. establishment of religion. Amos was especially significant because it con-cerned a church's secular activities. The court said Congress based section 702 on the permissible legislative goal of reducing governmental interference with the ability of a church to define and carry out its religious mission. Section 703 of title VII also has an exsection 103 of title vit also has an ex-emption for religious schools if the school is "owned, supported, con-trolled, or managed" by a particular religion or if the curriculum is "directreligion of the curriculum is directed toward the propagation of a particular religion." 42 U.S.C. 2000e-2(c)(2)(1982).

Therefore, the report's statement about the title VII precedent is wrong, and its claim about "dual systems" is misleading. Perhaps if these facts had been known prior to the votes on the Thurmond and Hatch amendments one of the amendments would have been adopted.

S. 557 will cover an entire church ven if just one part of the church receives Federal financial assistance. 557 will cover an entire religious education system even if only one part of one school receives Federal financial assistance. The committee intended these results. Unfortunately, however, the committee's actions-and the Senate's-may have been based on an inunderstanding of the Civil Rights Act. Tomorrow, when we

vote again on S. 557. I ask that you reconsider your earlier vote in light of the bill's impact on religious liberty.

Ms. MIKULSKI. Mr. President, I rise in support of the Civil Rights Restoration Act. This is now the fourth year that Congress has debated how to overcome the implications of the Grove City decision. We must not let another session of Congress end out passing this important legislation.

It's been almost 25 years since the Federal Government committed itself to ending invidious discrimination in this country. We, as a nation, said we wouldn't stand for bigotry in our schools, our public accommodations, our housing, or in our voting booths. And we particularly said we wouldn't for using taxpayer's money to subsidize that bigotry.

subsidize that bigotry.
When Congress passed the Civil
Rights Act of 1964, Americans took
the first major step to stop publicly
supported discrimination. Under title
VI of the act, we prohibited any program or activity that received taxpayrs' money from discriminating about race, color, or national origin.

Title VI became a major weapon for attacking the separate and unequal so clety that denied basic civil rights and opportunities to millions of Americans. As time passed, we realized that invidious discrimination takes many forms. we moved to protect the rights of women, disabled people, and

the elderly.

Title IX of the Education Amendments of 1972 prohibits sex discrimi-nation in education programs that receive Federal assistance. Its mandate s clear, simple, and effective: Schools that benefit from tax dollars can't dis-criminate because of gender.

The Supreme Court's 1984 decision in the Grove City case destroyed that simplicity, and severely limited the effect of little IX and its companion laws. It's time to restore the protections for women and men, blacks and whites, old people and young people, handleapped and nonhandicapped, that the Grove City decision curtailed. That's what S. 557 will do, and that's all it will do.

educational opportunities lost because of this unfortunate decision are gone forever. The young woman denied an athletic scholarship apply to college again. Craig Neff, in Sports Illustrated—a magazine, I should mention, not known for its radical political posture—points out that between 1972, when Congress passed title IX, and 1983, the number of women participating in college sports "mushroomed" from 32,000 to 150,000. Title IX made that possible, and Grove City gutted title IX.

To quote Craig Neff:

The impact (of Grove City) was immedithe impact (of Grove City) was immediate. The Department of Education's Office of Citil Rights (OCR) had been conducting title IX compliance rosiews and investigations of cellege athletic departments, but it now found itself without a legal basis for doing so. Within a year of Grove City, the OCR had suspended 64 investigations, more than half involving college athletics.

Mr. President, the students whose cases were closed because of Grove City have finished their colleage careers. But we have an opportunity to re-open the doors for hundreds of thousands of present and future stu-

Education is a big issue this election year, and it should be. Education is the door to opportunity—the opportunity to choose one's own destiny. We simply cannot continue to deny even one more student a guarantee of equality, or to subsidize discrimination with our hard-earned taxes.

The impact of Grove City has been real and devastating. Since 1984, hundreds of discrimination investigations have been dropped or curtailed-at least 674 in the Department of Education alone. The cases that will never be heard, much less remedied, cover everything from the loss of a teaching job by an elderly woman to a denial of admission to medical school for a wheelchair-bound student.

Mr. President, discrimination has no place in our society. And that principle cuts both ways. We don't let the government discriminate against people because of their religious views why I've been particularly troubled by the scare tactics used by some opponents of this bill. They have raised the specter of religious liberty when this bill has absolutely no effect on that

We've had 4 years of exhaustive analysis of this bill, and have consulted with every major religious organiza-tion in the country. How can some people assert that S. 557 infringes on religious beliefs when almost every single major religious group in America has studied the bill and endorsed

Look at the list; the U.S. Catholic Conference of Bishops, the National Council of Churches, the American Jewish Congress, the American Baptist Churches, the Evangelical Luther-an Church of America, the Union of American Hebrew Congregations. Church of the Brethren, the United Church of the Brethren, the United Methodist Church, the Episcopal Church, the Anti-Defamation League of B'nal B'rith, the Presbyterian Church USA, the American Jewish Committee, the Church Women United Network-National Catholic Justice Lobby.

Mr. President, these religious groups are filled with enlightened, intelligent, articulate people with a comprehen-sive knowledge of Federal law and how it relates to our religious beliefs. It just defies logic to argue that they would support a bill that infringes in any way on those beliefs.
We shouldn't let the scare tactics of

a few outweigh reason. We should override the President's veto and restore the strength of this country commitment to equality for all.

Mr. ADAMS. Mr. President, I rise today to express my deep concern about the President's veto of the Civil Rights Restoration Act and the impact that this action could have on the rights of women, minorities, disabled persons, and the elderly.

In 1964, Congress passed the Civil Rights Act—the most sweeping piece of legislation in this Nation's history. The passage of this act signaled to all that the time had come for this Nation to put a halt to discrimination in all forms—acknowledging the basic dignity of the human spirit. It was a signal that the equality of all people, of which our Founders spoke, would move a step closer to becoming a reality for all Americans. Finally, passage of this act was a signal that the Federal Government would assume its rightful role in the fight for equality by ensuring the programs which receive Federal funds did not discriminate against people based upon race, religion, color, or national origin.

ful role in the fight for equality by ensuring the programs which receive Federal funds did not discriminate against people based upon race, religion, color, or national origin.

The fight for equality did not end in 1964—it had just begun. It soon became apparent to those of us in Congress that discrimination in this Nation was not limited to people of color but extended to other segments of our society—to women, to the handicapped, and to the elderly.

handicapped, and to the eigerly. Recognizing the repugnancy of discrimination, Congress took action. Title IX of the 1972 Education Amendments was enacted to protect the rights of women in educational programs and activities receiving Federal assistance. Section 504 of the 1973 Rehabilitation Act was enacted to prohibit recipients of Federal funds from discriminating against disabled persons. And in 1975, Congress passed the Age Discrimination Act prohibiting discrimination on the basis of age in the delivery of services and benefits supported by Federal funds.

supported by Freeral lunds.

The Civil Rights Restoration Act is an attempt to reassert the intent of Congress in enacting these laws by overturning the decision of the U.S. Supreme Court in the case of Grove City versus Bell. That decision was based not upon an interpretation of the Constitution, but rather, upon a clear misunderstanding of the intent of Congress in enacting title IX of the 1972 Education Amendments. The decision stands for the proposition that Federal funds may be used to subsidize an institution which fosters and promotes discrimination. As one who served in the House of Representatives when this measure was enacted. I can say without hesitation that the intent of Congress was to flatly prohibit the granting of Federal funds to institutions which practice discrimination in any form.

The President's decision to veto the

The President's decision to voto the Civil Rights Restoration Act is based on the notion that it will interfere with the free exercise of religion. Such is not the case. Churches and synagogues are free to operate without Pederal interference as long as they do

not accept Federal funds. This is the situation which existed prior to the 1984. During the 20 years between passage of the Civil Rights Act of 1964 and the Supreme Court's decision in Grove City versus Bell, religious freedom in this country flourished. The fact of the matter is that the Civil Rights Restoration Act will not hamper the free exercise of religion in this country, but will hamper the efforts of those who seek to engage in discriminatory practices which are repugnant to our basic beliefs of equality and human dignity. I find it curious that the opponents of this act claim it will inhibit the free exercise of religion yet it has the support of virtually gion yet it has the support of virtually every major Prostestant, Catholic, and Jewish religious organization in this Nation. Someone is wrong in this great religious debate, but I do not think it is the Council of Churches, the American Jewish Congress, the National Council of the Churches of Christ, the National Church of the Brethren, the American Baptist Churches, the United Method-ist Church, the Presbyterian Church (U.S.A.), the U.S. Catholic Conference of Bishops and the Union of American Hebrew Congregations, all of whom have endorsed the Civil Rights Restoration Act and urged Congress to override the President's veto of this bill.

I believe it is incumbent upon the

I believe it is incumbent upon the Congress to override the President's veto of this act. In so doing, Congress will be sending an Important message to all that we will not stand by and idly watch while the rights of women, minorities, the disabled and the elderly are croded. Those of us who fought for civil rights in the 1960's know that retreat is synonymous with defeat. We did not accept defeat in the 1960's and we will not accept retreat in the 1980's.

Mr. BRADLEY. Mr. President. Immediate enactment of the Civil Rights Restoration Act is essential to ensure full compliance with our Nation's civil rights laws. Today the President appeals to Congress to sustain his veto. While his appeal is in keeping with his administration's pitiful record of enforcing the civil rights laws of our Nation, to sustain his veto would be unconscionable.

This President and this Justice Department's lax enforcement of our civil rights laws threaten to erode the hard won guarantees of civil rights for all Americans, regardless of race, color, national origin, sex, handicap, or acc.

The purpose of the Civil Rights Restoration Act is to clarify the intent of these original civil rights laws, an intent interrupted by the Supreme Court's unfortunate misinterpretation of congressional intent in their Grove City College rulines.

City College ruling.

I call for an immediate, bipartisan override of this callous veto. The conscience of our Nation demands nothing less.

Mr. KERRY, Mr. President, I regret very much that the President has chosen to veto the Civil Rights Restoration Act. The act is an important statement of a national reaffirmation to the cause of civil rights. I will vote to override the President's veto and enact this legislation into law, and I hope that my colleagues will do the same.

In the 1960's this Nation made a commitment to civil rights for all of our citizens. Many Americans participated in that struggle. Some sat in at lunch counters. Some demonstrated on college campuses. Some were freedom riders in the South. Some were arrested and went to jail. Some even gave their lives.

As a result of these efforts, we passed a law, the Civil Rights Act of 1964, which made civil rights a reality in this country. We enshrined those struggles in the law of the land, and by that action we began a process of changing the mentality of a nation, of changing attitudes and age-old prejudices. We have come a long way in that struggle in the past 20 years.

While we have made considerable progress in America in achieving civil rights for all of our citizens, a recent update of the Kerner Commission Report of 1968 indicates that there is still much more that needs to be done.

The new report concludes that "America is again becoming two separate societies." While race relations have improved in some areas, the situation of black Americans in our inner cities is even worse than it was 20 years ago.

The report states that "quiet riots" are taking place in our cities, consisting of unemployment, crime, drugs, poverty, poor housing, and school segregation. As the report states, these "quiet riots" are "more destructive of human life than the violent riots of 20 years neg.

I commend former Senator, Fred Harris, and the other panelists for issuing their timely and important reminder. There is still much more that needs to be done to fulfill the dream of Martin Luther King. And the Congress must lead the way in that effort. I was very pleased when the Senate took an important step forward in the

I was very pleased when the Senate took an important step forward in the civil rights struggle, by passing the Civil Rights Restoration Act in January. This legislation, of which I was an original cosponsor, would reverse the Supreme Court's ruling in the Grove City case of 1984, and restore the full protections of our civil rights laws to minorities, women, the handicapped, and the elderly.

The Supreme Court's decision in February 1984, in the case of Grove City College versus Bell was a step backward in the continuing struggle for civil rights in this country. In that decision, the Supreme Court ruled that title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in most education programs and activities receiving Federal financial assistance.

applies only to the particular program receiving Federal aid, not to the entire institution. The effect of this misguided decision has been to strip away constitutional protections against discrimination for women, minorities, the ciderly, and the disabled in our society.

I was particularly pleased that the Senate passed legislation to reverse this bad decision, by an overwhelming bipartisan margin of 75-14. That is why it is with such regret that we now find ourselves forced to revisit this issue and relight this battle once again. But the President's insistence on vetoing this bill makes it necessary to do so.

The time has come to restore the full protection of our civil rights laws to all Americans. The Senate should pass this legislation now, to make a clear statement to the American people that we still believe in the ideals of the civil rights movement.

President John F. Kennedy said:

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination.

That is what this legislation is designed to ensure. The four areas of law covered by this bill are laws which were written to assure that Federal funds would always go to prevent discrimination, not to promote it.

These are laws for which many

These are laws for which many people have worked and struggled. Some have even given their lives in the movement for civil rights in this country. And over the past three decades, since the Supreme Court's landmark decision in Brown versus Board of Education, this Nation has made great progress toward the goal of equal justice for all.

But that progress has been seriously threatened by the Court's regressive decision in the Grove City case. As a result of the Reagan administration's broad interpretation of the ruling in Grove City, the impact of the ruling has been extended to reach corporations, local governments, hospitals, airports, and many other facilities which receive Federal funds. Ed Meese, William Bradford Reynolds and Company have extended the Grove City ruling far beyond the educational institutions to which the actual holding applied, While the Court's ruling in Grove City was damaging enough, the Reagan administration has made it much worse.

This is not just a matter of abstract legalisms. It means that, if this decision is not reversed, there would be no Federal enforcement mechanism and no adequate legal recourse for many injustices. For example, as a result of the Grove City decision, a high school girl may be put on a waiting list for a science class until all the boys who want to enroll have had a chance to do so. And it means that a public school may decide to hold separate dances for black students and white students.

Incidents like these should be only sad memories of a distant past in

America. But unfortunately, they are all too real. They can happen even now, in 1988, in cities and towns across the United States. Too many people have struggled too long, and sacrificed too much, for us to turn our back on civil rights now.

Twenty years ago, in April of 1968.

Twenty years ago, in April of 1968, Dr. Martin Luther King gave his life in the struggle for civil rights in this country. Dr. King once wrote, in a letter from the Birmingham jail, that "Injustice anywhere is a threat to justice everywhere." Let us once again make American justice a model for all the world. Let us reaffirm our national commitment to civil rights in 1988 by keeping the teeth in our civil rights enforcements laws.

Mr. BOND. Mr. President, today I am voting to support the President's veto of S. 557, the Civil Rights Restoration Act of 1987

I supported this bill when it came before the Senate in January. I voted in favor of it despite a number of concerns I had regarding specific provisions contained in the bill because I believed it was important to address the serious problems brought about by the Grove City case.

In Grove City versus Bell, the U.S. Supreme Court ruled that title IX of the 1972 Education Amendments applied only to the specific program or activity that received Federal assistance. I do not believe Congress intended such a narrow interpretation, and I continue to support efforts to make it clear that title IX applies institutionwide.

My concerns regarding S. 557 involved three separate issues First, I shared the concerns of many of my colleagues that the bill could result in hospitals being forced to perform abortions against their will. For this reason I supported Senator Danform in his successful move to amend the bill to state, "Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion." This language made it clear that hospitals could not be forced—under the civil rights laws—to provide abortions if they did not otherwise want to do so.

Second, I was concerned about the bill's overbroad coverage of religious institutions under the civil rights laws. As passed by the Senate, S. 557 stated that if any part of a church or synagogue accepted Federal funding, then not only the funded program, but the the entire church or synagogue, would be subject to coverage under the Federal civil rights laws. Thus, if for example a church ran a Meals-on-Wheels Program out of its basement, its other activities could be subject to Federal regulation as well.

Because of these concerns, I supported an amendment offered by Senator Harch which would have made it clear that only the part of a religious institution which accepted Federal funds would be subject to Federal regulation. Unfortunately that amendment was rejected by the Senate.

Finally, I was concerned that the bill could have a negative impact on the Nation's small businesses and farms by expanding the amount of Government bureaucracy they would be forced to deal with or by discouraging businesses from participating in federally subsidized programs—job training programs—

grams, for example.

I supported the bill in the hope that these problems would be addressed in a House-Senate conference committee. I believed it was more important to get the bill out of the Senate and on its way to the President. Unfortunately, House Members were not given the cuportunity to amend the Senate-passed bill. Thus, the bill was sent to the President with flaws approved in the Senate-Senate.

The President's proposal, the Civil Rights Protection Act, addresses the problems created by the Grove City case while, at the same time, addressing the three issues that I have already mentioned.

The President's bill retains the language added by Senator Danforth to ensure that the bill is abortion neutral.

The President's proposal deals with religious institutions in an unobtrusive manner. It would extend Federal regulation to any church-run program that accepts Federal funds. Unlike, S. 557, it would not subject an entire church or synagogue to Federal regulation when only one specific program is subsidized. This is, I believe, a much more responsible approach.

Also, the bill contains provisions to

Also, the bill contains provisions to make it clear that small businesses and farms are not subject to unecessary regulation and Government interference. The bill does this by making it clear that certain small businesses—such as grocery stores which accept food stamps—will not be subject to new Fedral regulation.

Protecting the civil rights of our people is one of the most central responsibilities of the Pederal Government. In the past 20 years, we have made tremendous strides in ensuring that our society provides equal opportunity and equal protection for every one. This is central to an open society that encourages each and every citizen to reach for his or her own highest dreams.

Throughout my two decades in public service. I have recognized the importance of strong civil rights protections and I have worked to provide equal opportunity for all in this society. The Civil Rights Protection Act which President Reagan has proposed will allow us to do Just that. I am confident that, if the President's veto is sustained today, the Senate leadership will schedule an early vote on the measure so we can pass this bill, send it to the President for his signature and enact it into law.

CHAFEE, Mr. President, today I te to override the Presidential f the Civil Rights Restoration 1987. I do not casually make te. As an original cosponsor of gislation. I feel strongly that a desperately needed and approy constructed measure

Civil Rights Restoration Act is I in order to clarify the broad of coverage of our Nation's civil laws. When we as a nation give to a program, we ask that it be ted fairly, intelligently, and bly. Federal funds should not discrimnination-it is that In the last 20 years we have discrimination in a variety of ant areas. Now is not the time ı back.

4 years now, since the Supreme s decision in Grove City versus ve have been trying to restore 1984 the Supreme Court a narrow interpretation of X of the Education Amendment 2. The Court's decision limited Jovernment's ability to enforce ights laws in federally supported itions, by applying sanctions to the specific program affected e athletics for instance_rather to the entire institution. Unforely, this narrow interpretation ad not only to title IX of the Edunal Amendments of 1972, but also ree other important civil rights Title IV of the Civil Rights Act 64, section 504 of the Rehabilita-Act of 1973, and the Age Discrimi-n Act of 1975. This country's est achievement, freedom and for all, was-and still is-in al danger.

d so, 4 years ago, we set out to ly the scope of these laws. Our purpose was to provide institu-vide protection against discriminabased not only upon sex, but upon national origin, disability, and But the road to the introduction his corrective measure has been

and troubled. ere were numerous concerns that lously introduced versions might den the coverage of these laws

nd their effect prior to the Grove decision. These concerns have been addressed, and the relevant islons tightened. There were cons that the measure would have an erse effect on persons whom we ir intended to reach. There is now ecific exemption for small providin the language of this bill. There a concern that food stamp recipistudents receiving school loans farms operating with Federal sub 's would be subject to the law, as mate beneficiaries of Federal mate beneficiaries of Federal is, They, too, have now been spe-ally exempted in the statute. mate

is legislation does exactly what it intended to do—restore civil rights tection to the level that existed are the Grove City decision.

Because I feel strongly that we have finally achieved the measure that will accomplish our worthy goals. I deeply egret the President's decision to veto. We have come down a long road to the final reparation of the state of civil

rights in this country. To let this chance pass would be injurious. Mr. METZENBAUM. Mr. President, in the last few days, last ditch efforts have been made to distort the content of this bill and scare Members of Congress into voting to sustain the President's veto.

am confident that this propaganda will not stop us from restoring the civil rights of millions of Americans.

This vote to restore the civil rights of women, minorities, older Americans, or women, minorities, older Americans, handicapped Americans is a vote which will unify this country, not divide it. This vote to restore civil rights is a vote which will strengthen our country, not weaken it.

The most recent charge is that this

bill will destroy religion in this country. But many religious organizations disagree and support this bill. They include the U.S. Catholic Conference, the National Council of Churches, the American Jewish Congress the Afri-Methodist Episcopal Church. Reorganized Church of the Latter Day Saints, the American Jewish Commit-tee, the Lutheran Church, the Presbyterian Church, the Episcopal Church, the Churches of Christ, the Baptist Joint Committee, The Friends Com-mittee on National Legislation, Church Women United, and many others

The U.S. Catholic Conference said.

We believe that (the Civil Rights Restors tion Act? does much to strengthen Feder civil rights protections while safeguardi with concerns about * * * religious liberty.

The American Baptist Churches said

that,

* * this legislation would do much to restore liberties of people threatened by * * *
intolerance * * *

"Turberan Church

The Evangelical Lutheran Church said.

Religious liberty is not at risk by this legislation * * * . This legislation is critically needed * * *

The United Methodist Church said [We] have worked for four years to see this critical civil rights legislation passed.

These religious organizations sup-port the basic principles we want to restore to law: That Federal financial assistance should not go to institutions that discriminate and that all Americans should receive the benefits of federally funded programs.

There is no coercion here. When an organization—any organization—cannot abide by these principles, it should refuse Federal financial assist-

I'm proud to vote to override the President's veto and proud that Sena-tors on both sides of the aisle will join

me in doing so.

This override vote will clearly demonstrate to the American people that

there is binartisan support for the restoration of civil rights.

This override vote will help to make the ideal of equality a reality in our Nation.

Thank you, Mr. President.

Mr. DIXON. Mr. President, I rise today to urge my colleagues to vote to override the President's March 1988, veto of the Civil Rights Restoration Act, S. 557, and to reject the alter native legislation that the President

After thorough debate, this body overwhelmingly approved S. 557 on January 28, 1988, by a vote of 75 to 14. During the debate, the Senate rejected several amendments, including provisions that are essentially identical to those that are contained in the alternative bill that the President has proposed.

Except for the "abortion neutral" provision, which I supported, S. 557 restores only those civil rights that existed prior to the Supreme Court's 1984 Grove City College versus Bell Decision.

Specifically, S. 557 prohibits entitles nat accept Federal financial assistthat. ance from discriminating on the basis of race, color, sex, national origin, handicap, and age. The Court decision limited the discriminating coverage to the specific educational programs or activities which received Federal funds.

I deplore discrimination, and strongly feel that the Federal Government should not be about the business of subsidizing it. I feel certain that a ma-

jority of the people of the State of Illinois support me in this position.

During the past few days, I have heard from many of my Illinois comstituents who expressed some specific concerns about provisions of S. 557. I want to assure them and any other persons who may have similar fears of

the following:
First, title IX of the Education
Amendments of 1972 already protects
the religious freedom of a college or university when its students receive Trederal financial assistance and the school is closely affiliated with the religious tenets of a church; and

Second, S. 557 assures employers that they are not required to hire per sons with a contagious disease or infection when the person poses a direct threat to the health and safety of others, or when the person with the disease or infection cannot perform the essential duties of the job.

Mr. President, I urge my colleagues to override the veto of S. 557. This action would send a clear message to everyone that discrimination will not be tolerated in this country in any institution that receives Federal financial assistance.

Mr. PORD. Mr. President, I regret that President Reagan decided to veto the Civil Rights Restoration Act, S. 557. I believe he got some bad advi from staff who simply have not read

this legislation or deliberately misrepthis legislation or deliberately misrep-resented the facts. The bottom line is, public tax dollars should not be used to support discrimination against our elderly, the handicapped, minorities, or women. Without the Civil Rights Restoration Act, this will occur. I will vote to override the President's veto of this legislation this legislation.

I have read the President's veto message. I have listened carefully to those of my constituents who have contacted my office about the veto override.

And I have concluded that there has been incredible misinformation spread about this legislation. I want to set the record straight as to what this bill will and will not do.

First, farmers in Kentucky who re-ceive crop subsidies and loan guarantees are not currently subject to action under the civil rights laws and that will not change under this legislation. Similarly, individuals who receive food stamps, Social Security benefits, and welfare payments will not be forced to comply with the four major

rights laws.

Second, this legislation in no way provides any antidiscrimination pro lection for homosexuals. Discriminatection for nomosexuals. Discrimina-tion based on sexual preference has never been prohibited by any of the civil rights laws. S. 557 does not change current law in this regard. Any organization, church, business, or indi organization, church, business, or indi-vidual may continue to discriminate against homosexuals. While there has been legislation introduced which would amend the civil rights law to specifically prohibit discrimination against homosexuals, legislation which I do not support, The Civil Rights Restoration Act absolutely does not Restoration Act absolutely does not expand coverage of the civil rights

laws to homosexuals,
Third, this bill does not provide pro Third, this bill does not provide protection for individuals with AIDS. Under current law, employers can fire or refuse to hire individuals with contagious diseases who pose a direct threat to the health and safety of others. This has been the case since enactment of section 504 of the Rehabilitation Act in 1973. This policy was recently affirmed by the Supreme bilitation Act in 1973, this recently affirmed by the Supreme Court and this legislation in no way expands protection for individuals with AIDS. Similarly, this bill does not

expand protection for drug addicts.

Fourth, churches and synagogues which receive Federal financial assistance for such programs as Meals-on-Wheels refugee assistance, low-income housing; and schools will not be required to conform their religious teachings and doctrines to comply with the civil rights laws. Churches and synagogues are today subject to these civil rights laws if they receive Federal meney, and the Civil Rights Restoration Act does not change that. This bill only returns the scope of coverage of the four civil rights laws to where it was prior to the 1984 Su-preme Court delision in Grove City. But quite frankly, while I have a hard-time understanting why a church on

synagogue would tolerate discrimination against our elderly, minorities, and handicapped, these institutions are free to discriminate on any basis if simply do not accept Federal funds

Finally, there is nothing in this legislation which can be characterized as isiation which can be characterized as antifamily. If there were, I and my colleagues would not support it. The fact is that this legislation in no way impacts the individual family. Individuals the individual family. uals who receive Federal support payments are not receiving Federal financial assistance for the purposes of the civil rights laws. There is no Government intrusion into the sanctity of the

Furthermore, this legislation contains very important antiabortion lan-guage, which I voted for. This lan-guage not only ensures that S. 557 does not require that religious hospitals perform abortions, but eliminates from the books current proabortion regulations. As a strong supporter of the right-to-life movement, I welcome this language.

If churches, synagogues, businesses, schools, and other organizations want to discriminate against the elderly, the handleapped, minorities, and women, they are free to do so. But the taxpay-ers of America will not subsidize that discrimination with Federal funds.

Misinformation campaigns are commonplace in Communist countries. They have no place in America, Nothing in this legislation prohibits any or-ganization or individual from discriminating against another. It simply pro-hibits them from doing so with Federal money.

I am pleased to join with the numer

ous religious and church organizations supporting this legislation, as well as other mainstream American groups. I ask unanimous consent that a partial listing of the responsible groups sup-porting this legislation be printed at

this point in the RECORD.

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

RECORD, as follows:

U.S. Catholic Conference of Bishops.

American Baptist Churches.

National Council of Churches.

Presbyterian Church USA.

Evangelical Luthern Church of Am.

The Catholic Health Association.

Paralyzed Veterans of America.

-American Council of the Blind.

American Foundation for the Blind.

National Council of Senior Citizens.

League of Women Voters.

Business & Professional Women's Clubs.

American Jewish Committee.

Episcopal Church.

American Jewish Congress.

United Methodist Church:

Church of the Brethren. Church of the Breuren.

AARP.

Cystle Phrods Foundation.

Disabled American Veterans.

Batter Scales Society.

National Urban League.

API_CIO.

American Bar Association.

During the Senate's consideration of S. 557 hast month; Senator Harch offered an amendment which I strongly Church of the Brethren.

Mr. McCONNELL. Mr. President, I Mr. MCCUNNELL, Mr. Fresident, a don't think there is anyone in this body who would vote against a bill which honestly and fairly enhanced the civil rights of American citizens. It would be a violation of the oath that each of us makes to uphold the Constitution to oppose any measure that truly protects the rights of freedom and equality envisioned by our Founding Fathers and expanded by Con-

Some people say that the easiest way to get support for anything in Washington is to call it reform. We found that to be true with the campaign finance issue, where a disastrous, antidemocratic, unconstitutionally. al bill garnered 53 cosponsors because someone had slapped the reform label on it—guaranteed to be reform or your vote back. Yet, when we were discussing this bill on the floor, it became painfully obvious that many of the bill's cosponsors had no idea what it actually contained, or what it actually would do. It was an embarrassment, to say the least.

I certainly hope that the stirring banner of civil rights, with all its rich history and idealism, is not being used in such a superficial, cynical manner, Yet, we have before us today a bill Yet, we have before us today a bill called the Civil Rights Restoration Act, and when you look at this bill, and consider its vague, intrusive horizons, you begin to see how ironic and incorrect that title is.

Now, if our purpose is to restore the civil rights curtailed in the Supreme Court decision in Grove City College versus Bell, we can do that today. I have supported such legislation in the past, and would do so again without hesitation. This legislation would give back civil rights that the Supreme Court took away. S. 577, the so-called Civil Rights Res-

toration Act, would take away people's civil rights to be left alone by the Government, to worship as they see fit, and to pursue their livelihood without having to file forms in triplicate with a having to file forms in triplicate with a giant, impersonal bureaucracy every step of the way. Overall, this bill promises less freedom and more government in every corner of America. If unchanged, S. 557 would:

Allow the watchful eye of the Federal Government into every store; church, school, farm, and hospital in

the country.

Diminish the protected religious

freedoms which are and always have been the cornerstone of this great Nation

Paralyze every activity with endless reporting requirements and request forms, to be fed into a vast, slumber-

ing bureaucracy.

Let Washington bureaucrats take over decisions once made freely by individuals, small businessmen, farmers,

supported, protecting churches, synagogues, and religious schools from the amorphous, broad reach of this bill. amorphous, broad reach of this bill. Without such amendment, S. 557 could potentially narrow the "religious tenet exemption" contained in Federal antidiscrimination laws.

This was a freedom of religion issue, a test of how much Congress values the right to worship as one sees fit. This amendment made each Member of this body face up to the decision of how much the Federal Government sitting in Washington, DC, should impose its values and notions on religlous, devout people throughout this country. Congress rendered its shameful decision on this issue, defeating the Hatch amendment by 39 to 56. It wasn't even close, Mr. President. It wasn't even close. Thus, I am compelled to fight S. 557 as long as it threatens the right to worship.

But the bill does not stop at the gious, devout people throughout this

But this bill does not stop at the churches and synagogues. It forces the Federal Government into every small business, school, farm, and charity program in America. Well, George Orwell was a little bit off the mark: It Orwell was a little bit off the mark: It took this Congress 4 extra years to erect big brother and put him in every nook and cranny of our citizens' private lives. When you look at the vagueness and breadth of this bill, it is not hard to hear the death knell of States' rights and individual freedom in this country.

States' rights and individual freedom in this country.

We can expect that those on the other side will take to the floor and bash the President over this veto. But the bottom line—and I think the people who live outside this "square mile aurrounded by reality" understand this perfectly well—is that it is stand this perfectly well—so this to be the President who is trying to protect the rights of Americans—all Ameri-cans. It is the President who is resistunprecedented expansion of Federal power into the lives of private citizens and the affairs of small businesses, churches, and local govern-

I am proud to stand with the President on this issue, and will stand with him again when his veto is challenged this body. I voted against S. 557 when it was originally before the Senate in January. It was a threat to freedom and religion then, and the passage of time has not improved it. In fact, the real problems with this bill have only started to become clear, after Congress hastily considered it and passed it, as if Congress was afraid to look over its shoulder.

Well, I urge those of my colleagues who voted for this bill to look over their shoulders, reexamine this bill, and consider that there is a way to fully restore the civil rights lost by an unfortunate Supreme Court decision a way I totally support—without threatening individual freedom and the right to worship, without moving this country toward a creeping totalitarianism

I urge those who voted for this bill to check whether they are in fact rep-

resenting their constituents on this crucial issue. How many people have written them and called them, ex-pressing their legitimate fear about this amorphous bill? What will these Members tell them, after S. 557 has closed down church soup kitchens, choked farmers in red tape, and made small businesses throw in the towel with all the reporting and liability excesses this bill will foster?

I urge my colleagues to listen to their telephones ringing off the hook. to see their mallrooms piling up with to see their mairrooms puing up with telegrams and letters, to listen to the voice of the people back home, who are speaking out of fear of the tremen-dous, unlimited, power which the Fed-eral Government is claiming for itself

today in this bill.

today in this bill.

In my home State of Kentucky, where farmers and small businesses are the lifeblood of the economy, this bill would be a disaster. This bill debill would be a disaster. This bill de-clares that a farmer who receives a crop subsidy, no matter how small, or hires a student part time under a Federal work-study program, will have all of his farm operations subject to a wide range of laws and regulations, including handicapped access and housing standards.

The reporting and inspection re-quirements alone will crush many small farm operators. Make no mis-take—this is not an issue of discrimination; it is an issue of regulation. The farmer who decides to let an unproductive worker go will have to think every time; Could I be sued? Is there any possible way to say that I discriminated? Maybe the worker has an alcohol or drug problem; but if there is any way to claim discrimination—no matter how absurd under the circumstances—that farmer is going to face the possibility of a lawsuit with every

the possibility of a lawsuit with every personnel decision he makes.

A church operating a day care center that receives any Federal assistance will discover that the entire church suddenly is subject to Federal law and regulation. One result of this is that church day care facilities will have to hire carriers of infectious diseases, and resulting and the substitute and substit possibly drug addicts and alcoholics—whatever and whomever the Pederal courts tell them to hire.

A grocery store, no matter how small, which accepts food stamps—as a service to the poor and homeless—will suddenly be required to file endless forms with the Federal Government and comply with endless regulations created by the bureaucracy. A small business that hires one part-time student on a work-study program will be drowned in Federal regulations and controls. If it is part of a chain, then all the stores will be affected.

Now, some supporters of this bill say: If the person does not want all these regulations and interference, they should not take the Federal money. On the surface, that sounds perfect. But we ought to ask ourselves why we created those Federal pro-grams in the first place. It is true: If S. 557 is enacted, most people will decide that the assistance just isn't worth the trouble.

But who will suffer? It will be those people whom these Federal programs people whom these Federal programs were designed to help: The economically needy student who won't get hired, the homeless who can't use their food stamps, the parents who can't find affordable, trustworthy day care from their church or synagogue. the poor who see the soup kitchens closed down—these are the people who will pay the price for Congress' failure to read and consider the bills it passes.

With these few examples, it should be clear why this Senator, who repre-sents a small, rural State with a lot of struggling people, is obliged to oppose this bill. S. 557 will build yet another wall keeping my State from economic growth and progress. I don't want that for my State, and I intend to fight it.

for my State, and I intend to fight it. Now, If this body sustains the President's veto, then what will become of civil rights legislation in Congress? Is that the end of civil rights restoration? Certainly not. President Reagan accompanied his veto message with a real Civil Rights Restoration Act, one that addresses every civil rights issue that addresses every civil rights issue identified by those supporting \$.557—without infringing on the personal and religious freedoms of decent, hard-working Americans.

Specifically, the would provide that: President's

If only one part of a church or syna-gogue receives Federal assistance, then only that part can be regulated by the Government, and must comply with all Federal civil rights laws. The Federal Government shall re-

spect the religious tenets of organiza-tions which are closely identified with, but not controlled directly by, religious groups.

Farmers would be explicitly exempt-

ed from the bill's reach.

ed from the bill's reach.

Coverage of civil rights laws would be extended throughout an entire business facility if any part of the facility receives Federal assistance—but coverage would extend no further, to other facilities owned by the business.
The mere acceptance of food stamps

from poor and homeless persons does not increase coverage for grocery

When private secular or religious when physics secure or religious schools receive Federal assistance in any form, coverage will extend throughout the school, but not to other schools in the system if they do not also receive Federal aid.
Full coverage of the civil rights laws

shall extend to all local agencies and departments receiving Federal aid, but not to other agencies and departments

not to other agencies and departments which do not receive Federal aid. I have said before and will say again, I believe that Grove City should be re-versed. I believe that the civil rights which were curtailed by that wrongful decision must be fully restored. In fact, I have cosponsored and woted for legislation to accomplish these goals. I

would do it again. But S. 557, as passed by this body and vetoed by the President, promises less freedom and more government in every corner of Amer-

My objection has nothing to do with discrimination; it is an objection to regulation. It is an objection to restrict tions on personal freedom and the right to worship. We don't need to put big brother in the churches, in the schools, on the farm, and in struggling people's businesses to protect civil rights. Let's protect civil rights, but let's do it right.

I urge my colleagues to sustain the President's veto on this unwise bill, and urge them to support meaningful legislation to overturn Grove City and restore the civil rights which this body affirmed by law over the last two dec-

Mr. President, I yield the floor

Mr. GRASSLEY. Mr. President, a President's exercise of the veto power is a serious matter. Article I of the Constitution affords us the authority to override that veto.

When we consider whether to over-ride, a number of considerations must be balanced. Not the least of these considerations is the need to support our President, particularly in times of

Notwithstanding these considerations, in the past I have regularly voted to override Presidential vetoes. I votes to overrise Presidential vetoes. I have done so, in fact, eight out of nine times. So, I am not afraid to oppose the President when he is wrong. On most of these occasions, I was joined

by a majority of my colleagues.
Today presents another occasion to
balance the arguments for and against
an override of the President's veto.

I take a back seat to no one when it comes to promoting the civil rights of every person in this great land of ours. My faith has instilled in me an abiding belief that all of us are equal in the eyes of our maker. So my commitment to equality isn't solely based in mere laws passed by legislatures, or in my role as a Member of this body, as seriously as I take my responsibilities. It's much deeper than that. I know many of my colleagues feel

the same way, for many of the same

After the Supreme Court's 1984 decision on a narrow construction of pro-gram-specific coverage in the Grove City case, we in the Congress labored long and hard to work on restoring our original intent regarding the applica-tion of the Nation's civil rights laws.

Our goal-to return the state of the law to what we thought was the case before the Supreme Court's ruling. We had a consensus on that goal.

I was among those who sponsored legislation to overturn the narrow result in Grove City, and return application of the civil rights laws to bar discrimination. Institutions receiving Federal funds should not discriminate there is should not quarrel with this principle.

When we were able to debate this sue. I looked forward to seeing the

legislative process played out.
The legislative process
means careful committee process normally ation and debate, full discussion here on the floor of the Senate, and an opportunity to offer amendments to re-solve ambiguities and make improvesolve amonguines and make improve-ments. The other body is supposed to proceed likewise. Ultimately, any dif-ferences are to be worked out, and other refinements made, in conference

We debated S. 557 in the Senate for 3 days. I was anxious to try to make improvements in this measure. A number of amendments were offer I supported some of them, in an effort

I was pleased that one of these amendments, offered by Senator Day-FORTH, was included in S. 557. Uti-mately. I supported the bill on final passage from the Senate, thinking that it would be further considered and amended by the other body. I was hopeful that the two versions of the bill would then undergo further re-finement in a conference committee. That's the way the legislative process is supposed to work.

I assumed that the other body might

I assumed that the other body might see fit to consider amendments as we did—such as an exemption for those education institutions closely identified with the tenets of a religious organization, or to narrow the law's application to that portion of a religious institution receiving Federal funds, rather than the entire institution.

However, a quick turn of events deprived the legislative process of its full measure of deliberation when the leadership of the other body declined to permit any amendment to the Senate bill—other than a minority party substitute bill that didn't have any chance of passing. This was espe-

any chance of passing. This was espe-cially surprising given this bill's label as "the most important civil rights bill in more than 20 years."

Over the past 3 days, literally thou-

sands of Iowans have voiced their conviolate their civil rights. They have urged me to work on a compromise measure that will accomplish the goal of affording civil rights for all Americans. Therefore, I stand ready to work with congressional leadership and the administration to enact true civil rights protection legislation. We can prohibit discrimination by those who receive Federal financial assistance, without jeopardizing other equally important civil rights.

Upon reflection of what has happened since last January, when the Senate last had an opportunity to senate last nad an opportunity to speak on this issue, I have determined that it would be best to take a step back from our recent labors and have another look at this bill and the alternative offered by the administration.

I, therefore, will cast my vote to sustain-the decision to vete 8t. 569 mile hope to bring these points to my cofleagues' attention for refinement and clarification:

First, as one can't judge a book by Its cover, so don't judge a book by its cover, so don't judge a bill by its title—the "Civil Rights Restoration Act" is really the "Massive Expansion of Federal Powers" Act.

Second, the bill goes far beyond the mere reversal of the Supreme Court's 1984 Grove City ruling—it's deceptive

to argue otherwise.

Third, the bill's ambiguous and murky language is certain to lead to an avalanche of litigation over the expanded coverage of religious-oriented schools, small businesses, farmers, and local governments—the Grove City case had nothing to do with these enti-

Fourth, why not simply spell it out in the bill that farmers receiving crop subsidies aren't covered by massive Federal recordkeeping requirements?
Or that corner grocery stores taking food stamps don't have to install ramps or elevators?

ramps or clevators?

Fifth, the President's alternative bill spells it out, and is a true civil rights bill—committed to the principles of equal employment opportunity and antidiscrimination.

Sixth, I supported this bill earlier in the hope that further clarifying amendments could have been considered in the House; but the House leadership thwarted fair consideration of any other amendments.

Seventh, I urge the Senate leader-ship to immediately take up the President's bill-a true civil rights bill we all can support.

BATIONAL ASSOCIATION OF HUME BUILDERS'

Mr. CRANSTON, Mr. President, I would like to clarify the position of the National Association of Home Builders (NAHB) regarding this legislation. In the words of the president of the association, Mr. Dale Stuard, in his March 21 letter to me—and in an identical letter to the chairman of the Labor and Human and Resources Committee's Subcommittee on the Handleapped [Mr. HARKIN]—the Association "support[s] the Civil Rights Restoration Act of 1987."

This is in contrast to the position expressed by the Association last week in support of the veto of this bill. Beginning late last week, however, I and cer-tain members of the majority leadership in the House, as well as Senator HARKIN, discussed the issues involved with representatives of NAHB, and we were able to satisfy them that this bill word anter to satisfy them that this bit would not result in the hardships for their members about which they had such serious concerns. As a result, Sen-ator Harstr and I had an exchange of correspondence with NAHB in which we addressed their concerns and they, in response, announced their support

in response, announced their supports for the legislation.

Mr. President, I am pleased to be able to provide this chariffection and ask unauthous consent that copies of

our letter to NAHB and the NAHB response to me be printed in the Record.
There being no objection, the material was ordered to be printed in the RECORD, as follows:

> U.S. SERATE Washington, DC, March 21, 1988.

Washinglon, DC, March 21, 1988.
Mr. DALE STUARD,
Prisident, National Association of Home
Builders, 15th and M Streets, NW.,
Washinglon, DC.
DEAR MR. STUARD: The National Association of Home Builders has raised several
concerns regarding the potential impacts of
the Civil Rights Restoration Act of 1987 on
INTERPRETABLE AND ASSOCIATION. the Civil Rights Restoration Act of 1987 on property owners, tenants and home builders. These concerns relate primarily to the following issues: The impact of the Act upon existing buildings (subsidized and non-subsidized); the impact of the Act upon non-housing activities of a business predominately involved in providing housing; and the definition of the term "federal financial assistance".

First let us clearly state that a business inrisk ict us cicarly state that a business in-volved in providing housing would have to comply with these requirements only after the date it receives federal financial assis-tance. If federal financial assistance is in-volved there will be some expense in alter-ing existing structures to make them accesing existing structures to make them accessible to handleapped persons. However, it is not intended that every part of every building must be accessible to handleapped persons. Hather, the common areas of buildings should be accessible. There is no intention that building owners would have to undertake inordinate expenditures in order to comply with handleapped accessibility requirements. In most cases, the cost to make existing buildings accessible to handleapped persons will be no more than 1 cent per square foot on the average.

There was also the question raised regarding the reach of the law to non-housing activities (e.g., commercial and manufacturing activities) and non-subsidized housing activities. If the non-housing activities. If the non-housing activities. If the non-housing activities.

activities) and non-subsidized housing activi-ties. If the non-housing activities are con-ducted in a form that is legally and oper-ationally separate and distinct from the housing activities, and if the non-housing activities receive no federal financial assist-ance, then such non-housing activities are not affected by this law. Additionally, non-subsidized housing is not affected by this law, unless owned by an entity that is not legally and operationally separate and dis-tinct from the entity that owns the subsi-dized housing.

tinct from the entity that owns the subsidized housing.

Several concerns have been raised regarding the definition of federal financial assistance. You have raised specific concerns regarding the FHA and VA loan programs, FDIC and PSLIC insured loans, as well as GNMA and FNMA secondary market activities.

Pursuant to the Department of Housing and Urban Development's interim regulations under section 504 of the Rehabilitation Act of 1973, the term "federal financial assistance" does not include a procurement contract of insurance or guarantee. Thus, under the regulations, PHA and VA insured or guaranteed loans would not constitute federal financial assistance. Nor would the secondary market activities of government sponsored enterprises (e.g., FNMA or GNMA) or loans insured by FDIC or FSLIC constitute federal financial assistance. We wish to emphasize strongly our com-Pursuant to the Department of Housing

We wish to emphasize strongly our commitment to ensuring that the law as interpreted in the future by courts and administrative agencies compiles with the understanding set forth in this letter. Should legislation be required to correct any interpre-tation by any entities which contradicts any of these understandings, we will do out best to enact such legislation. In this context we note that the Senate will soon be consider-ing some related issues in the context of the

Pair Housing Act, on which we expect to continue to work together.

In particular, the Fair Housing Bill will deal with the question of requirements for handicapped accessibility, including retrofit and rehabilitation requirements, and we beand rehabilitation requirements, and we be-lieve the best course of action to meet our mutual concerns will be to ensure that any agreement reached dealing with accessibil-ity requirements during the fair housing de-liberations be made explicitly applicable to the accessibility requirements triggered by the Civil Rights Restoration Act.

Sincerely,
Tom Harkin, Chairman, Subcommittee on the Handi-capped, Committee on Labor and Human Resources. ALAN CRANSTON,

Chairman

Committee on Veterans' Afairs.

NATIONAL ASSOCIATION OF HOME Builders, Washington, DC, March 21, 1988.

Hon, ALAN CRANSTON Majority Whip, S-148, U.S. Capitol, Washington, DC. DEAR MAJORITY WHIP CHANSTON:

behalf of the National Association of Ho Builders, I would like to take this opportu-nity to thank you for your March 21 letter regarding NAHB's concern with the scope of the Civil Rights Restoration Act of 1987.

As you know, we have never opposed civil rights legislation. Rather, our concern related to the potential impact of S. 557 on retro-fitting existing buildings and the scope of the definition of "federal financial assist-

ance."
Having raised these concerns, we are now satisfied that they have been adequately addressed. Your letter, as well as the legislative history, clearly spells out that there is no intent on the part of Congress for property owners to incur substantial expenditures in order to make existing buildings accessible of the handlessened by the constitution. curry in order to make existing buildings accessible to the handicapped. Furthermore, we have been assured that FHA and VA loan programs, FDIC and FSLIC Insured loans, and GNMA and PNMA secondary market activities do not constitute federal financial assistance. Moreover, it has been clarified that unsubsidized housing would the source of the substant of assets that not be covered if legally and operationally separate from subsidized housing.

Accordingly, we support the Civil Rights Restoration Act of 1887.

Sincerely

DALE STUARE

Mr. METZENBAUM. In the last few days, last-ditch efforts have been made to distort the content of this bill and scare Members of Congress into

I am confident that this propaganda will not stop us from restoring the civil rights of millions of Americans.

This vote to restore the civil rights of women, minorities, older Americans, handicapped Americans is a vote which will unify this country, not divide it. This vote to restore civil rights is a vote which will strengthen

our country, not weaken it.

The most recent charge is that this bill will destroy religion in this country. But many religious organizations disagree and support this bill. They include the United States Catholic Con-

ference, the National Council of Churches, the American Jewish Congress, the African Methodist Episcopal Church, the Reorganized Church of the Latter Day Saints, the American Jewish Committee, the Lutheran Church, the Presbyterian Church, the Enizero, the Presoyterian Church, the Episcopal Church, the Churches of Christ, the Baptist Joint Committee, the Friends Committee on National Legislation, Church Women United, and many others.

The United States Catholic Conference said:

We believe that-the Civil Rights Restoration Act—does much to strengthen Federal civil rights protections while safeguarding vital concerns about * * * religious liberty.

The American Baptist Churches said

This legislation would do much to restore liberties of people threatened by * * * intolerance.

The Evangelical Lutheran Church

Religious liberty is not at risk by this legislation is entriced . This legislation is critically

The United Methodist Church said: We have worked for 4 years to see this critical civil rights legislation passed.

These religious organizations port the basic principles we want to re-store to law: that Federal (inancial assistance should not go to institutions that discriminate and that all Ameri-cans should receive the benefits of federally funded programs

There is no coercion here. When an organization—any organization—cannot abide by these principles, it should refuse Federal financial assist-

I'm proud to vote to override the President's veto and proud that Senators on both sides of the aisle will join me in doing so.

This override vote will clearly dem-onstrate to the American people that there is bipartisan support for the restoration of civil rights.

This override vote will help to make the ideal of equality a reality in our Nation.

Mr. KARNES, Mr. President, I am a strong believer in civil rights, but the Grove City legislation is much more than a civil rights bill. It opens the door for broad Federal intrusion into some of our most personal and cherished rights, like the free exercise of religion. I began to become very con-cerned last August when I read the civil rights bill to prepare for my vote. You can find bizarre things in legisla-tion when you settle down to read the

I was shocked to learn that it would have left the door open for massive Federal intervention into basic activities of churches and synagogues. It could allow for new and totally unnecessary requirements for farmers and ranchers. It could subject small businesses to extra regulations that could cost jobs and hurt their operations. In short it became clear to me from the

very beginning that this bill was deceptively named. Instead of being called the "Civil Rights Restoration Act," it should be called the "the Expansion of Government in Our Lives Act

Subjecting bona fide churches and their congregations to lawsuits under the Grove City bill could affect this vital aspect of family life in America. The mere threat of court action would have a chilling effect on church life. This expansion of Government power jeopardize one of the cornermay stones of freedom in our country—the independence of our churches from governmental influence.

I believe we can have strong civil rights without destroying the constitutionally protected religious freedoms and the family values that they are designed to protect.

I have been criticized by some for voting against the Grove City bill. I voted against the Grove City bill when it wasn't the popular thing to do. You can imagine that if you vote against anything called civil rights bill, that some people are going to get the wrong idea. But I firmly believe people should be allowed to worship their God according to their own moral values, with minimal intrusion by the courts or by Congress. When legislation like this comes to the Senate floor for a vote. I feel it is important to stand up and be counted in favor of family values and religious independence, instead of simply going with the rest of the growd.

If you care about family values, or religious independence, or farming and ranching, or small business and jobs, this vote affects you.

I am not a newcomer to this issue. I first published an article in Nebraska newspapers last August that detailed my strong misgivings about this bill. I said at that time I am a strong supour freedoms, but that we must be careful not to introduce new Federal Intrusion into matter where it is ill advised or totally unnecessary. Mr. President, I submit a copy of that article for the RECORD to be printed.

I applaud President Reagan's extensive efforts since last year to address the problem areas in this bill. He is not a newcomer to this bill either. He has consistently outlined the reasons why he cannot support the bill. I have a copy of his letter to my distin-guished colleague, Senator Harch, guished colleague, Senator HATCH, dated January 28, in which the President explained why he opposed the overly broad provisions in the bill, and why he was seeking support on Capitol Hill to oppose the current legislation. The President has consistently sought a better piece of legislation, but he knew that the current bill would need to be rejected first. I congratulate him for his early identification of the prob-lems in the Grove City legislation, and his consistent efforts to get a better

It is time for Congress to uphold the President's veto and begin work on a solld civil rights bill that will protect women, minorities, elderly and disabled people and protects our religious freedoms and unnecessary Federal intervention. The President's alterna-tive clarifies the gray areas that create such great concern with churches, synagogues, small businessmen, women, farmers, ranchers, and schools. If the veto is sustained I will work tirelessly to enact into law the President's alternative which achieves effective civil rights restoration and reform without challenging the values of religious freedoms that I believe are found in S.

Mr. President, I also ask unanimous consent to have the following Omaha-World Herald editorial of March 22, 1988 included in the Record as a part

of my statements.

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

(From the Falls City (NE) Journal, Aug. 14, 1987)

FARMERS BEWARE: THE NEW CIVIL RIGHTS BILL

By Senator David K. Karnes

The United States Senate is thinking about giving farmers the gift that keeps on giving—headaches. That's right. More regulation of the business of farming. Only this particular bill could change the way of life on the farm as well as the way of doing business, depending on how a court might see it. Surprised?

Surprised: It's true. The Labor and Human Resources Committee of the United States Senate is preparing legislation to expand al-ready existing civil rights statutes. The lan-guage of the legislation is just loose enough

guage of the legislation is just losse enough to leave the door open for some complex and disturbing legal consequences. Of particular concern to me is the possi-bility that farmers would be brought under the civil rights laws as "ultimate benefici-

the civil rights laws as "utilimate beneficiaries" of federal assistance programs.

Under current law "utilimate beneficiaries" are not regulated by the civil rights acts. That is, farmers receiving deficiency payments, loan guarantees, commodity loans, disaster payments, or price supports—all government programs—have not been regulated because they are "utilimate beneficiaries." However, if the past history of other federal law, like the OSHA regulations, can be a guide it is entirely possible tions, can be a guide it is entirely possible.

other federal law, like the OSHA regula-tions, can be a guide it is entirely possible that S. 557 could be expanded far beyond the limits of its current language. Section 7 of the proposed legislation states that none of its amendments shall be construed to extend the application of the civil rights laws to ultimate beneficiaries of Federal financial assistance excluded from coverage before enginent. It does not coverage before enactment. It does not, however, make clear which ultimate beneficiarles are now excluded, I would prefer that farmers would be specifically excluded in the body of the act. Nor does it address the issue of exclusion of those persons requiring baselite from the control of th celving benefits from programs that may be

celving benefits from programs that may be enacted in the future.

Would S. 557 require farmers to come under the Civil Rights laws as the price for participating in new farm programs down the road? I have asked that question; thus far, no one has given me sufficient assurance to the contrary, it is not enough to say that the bill does not alter or affect who is a recipient of federal financial assistance. The

language must be modified to crase all doubt. If our worst fears are realized, then it is not inconceivable that farmers, even small operations, could be subject to in-creased federal paperwork requirements, random on site compliance reviews, and nu-incrous other regulatory burdens. It is even possible flat farmers will have to make observed changes on their farms—at their own expense—to comply with the civil rights requirements.

We have no way of knowing all the im-

We have no way of knowing all the impacts the new legislation could have on the operations of a farmer, but the possentities are varied and quite disturbing.

It would be a mistake to believe that those who are opposed to this bill are opposed to certification of the circle to the time and the events that necessitated the enactment of these laws. I simply vant to make certain we know precisely how far the bill would go toward making life more difficult for farmers. Loose drafting of legislation can yield some amazinety bad and lation can yield some amazingly bad and surprising results.

surprising results.

The American farmer is maintaining a precarious balance. Overburdened already by low commodity prices, excess surplus stocks, and the lack of affordable (inaucing, legislation of this type could be the final act that sends many farmers over the edge.

The goal of the 1985 Farm Bill was to reduce government involvement in the life of the American farmer. We need to strive toward that goal, not in the opposite direction.

I From the Omaha (NE) World Herald. Mar. 22, 1988)

CIVIL RIGHTS NOT THE ISSUE IN GROVE CITY COLLEGE BILL

Backers of the Grove City College bill dis-torted the issue when they packaged their bill as a civil rights litmus test and accused President Reagan of turning back the clock on civil rights by vetoing it. Legitimate ar-guments against the bill didn't get the at-tention they deserved as the vote on the override automorbed. override approached.

override approached.
Contrary to the allegations of the bill's supporters, Reagan's veto and the alternative he offered didn't constitute a retreat from the concept that discrimination is wrong. The White House proposed strengthening the civil rights laws—but without the congressional bill's serious intrusions on the activities of private individuals and organizations. zations.

Congress passed its bill as a response to Congress passed its bill as a response, the 1994 Supreme Court ruling in the Grove City College case. The court said that the government's civil rights authority extends to college programs and activities that reto college programs and activities that re-ceive federal funds—but not to programs and activities that don't receive federal and activities that don't receive lederal funds. Congress voted to extend federal au-thority to entire institutions, as well as busi-nesses, private organizations and state and local governments, if any of their branches received (ederal aid.

The congressional version, in other words. went far beyond overturning the Supreme Court decision. The White House says it could have these effects:

could have these effects:

If a grocery store accepted food stamps, the government could force the store to have a work force that mirrored the racial composition of the community. Small businesses could be forced to file periodic compliance reports and submit their personnel records to federal inspectors.

Parmers and businesses that hired a partition federal estated workstip studies.

time federally assisted work-study student could have their entire operation open to federal inspectors.

If a state agency used federal funds, the entire state government would be covered. A national social service organization would be covered if one local affiliate re-

A national social service organization would be covered if one local affiliate received federal funds.

A business would be covered if it contributed its own funds to a federally assisted school district, private school or private social service program.

To be against such a sweeping expansion of authority isn't to favor illegal discrimination. As Paul A. Gigot wrote recently in the Wail Street Journal, "Genuine acts of discrimination remain covered by the great civil rights laws of the 1960s, of course, as on one disputes they should be."

Likewise, most people of good will don't dispute the principle that federal funds should not be used to subsidize illegal discrimination.

Hut harassing farmers who hire workstudy students and businesses that partici-pate in adopt-a-school programs is not the way to make society more humane. A number of congressional and senators, in-cluding Sen. David Karnes, R-Neb., who voted against passing the bill in January, have displayed the wisdom to see the issue as it is and the courage to reject the distor-tions of the bill's supporters. They deserve special praise. study students and businesses that part

Mr. BENTSEN. Mr. President, despite overwhelming bipartisan majori-tics in both Houses of Congress in support of the Civil Rights Restoration Act. President Reagan has exercised his veto power. Now we have the op-portunity—and responsibility—to override that veto.

The long struggle to guarantee Americans their basic civil rights led to a series of laws which we can all be to a series of laws which we can all be proud of, laws which prohibited discrimination on the basis of race, sex, age, or physical handicap. In 1934, however, the Supreme Court radically restricted the application of these-laws in the Grove City case. At last, the Congress has a chance to restore the protections which our people had prior to that Court decision.

Already there are unjustified claims

Already there are unjustified claims that this law could somehow infringe on our religious liberties. That is not on our rengious noercies. That is not the opinion of the American Baptist Churches, or the United Methodist Church, or the Church of the Brethren, or the Presbyterian Church USA, or the Episcopal Church, or the Evan gelical Lutherans of America, or the U.S. Catholic Conference, or the American Jewish Congress—for all of those groups, as well as many others, support this law.

Unfortunately, opponents of this legislation have stirred up a duststorm of criticisms, suggesting that this law will lead to ridiculous and unintended burdens on schools, churches, and shopkeepers. That is just not true.

These hypothetical horror stories are reminiscent of the arguments used the years ago when we first approved the landmark legislation preventing discrimination on the basis of race, tional origin, sex, age, or disability. Those arguments were farfetched

then and are still wrong now.

For example, this law will not require churches to hire homosexuals. None of our civil rights statutes has

ever been interpreted to provide protection on the basis of sexual preference; neither does this bill do that. This law will not force small store owners to make expensive structural adjustments when that is clearly not feasible. The Senate specifically included an exemption for small provid-

We also protected farmers, by continuing the exemption already in the law for those farmers who receive payments under various agricultural support and marketing programs.

What this law will do is restore those civil rights Americans used to have. It will reestablish the legal situation and legal protections which were tion falls legal protections which were in effect prior to the Supreme Court's decision. It will forbid federal subsidies to those who practice illegal dis-

crimination.

President Reagan's last-minute alternative would permit large numbers of institutions that receive Federal aid to discriminate and still get Federal funds. That is not acceptable to me, and I doubt that it is acceptable to the overwhelming majority of Congres We should not condone and shou never subsidize discrimination. and should

never subsidize discrimination.

By insisting on this law, we are not expanding the powers of the Federal Government; we are not encroaching on religious liberties. We are simply restoring the basic civil rights of millions of vulnerable Americans. That is a necessary and proper role of government. In establish those wise prement, to establish those straints that make us all free.

Mr. WARNER. Mr. President, there United States is dedicated to the goal of enacting meaningful civil rights legislation in this Congress. The fact that 27 Senators on this side of the aisle voted for S. 557 on final passage clearly demonstrates our commitment to the goal and stated purpose of this civil rights legislation. I support civil

civii rights for all Americans and I voted for the bill when it passed the Senate. However, while it is for the Congress to make the law, it is the responsibility of the executive branch to implement and enforce the law and of the ment and enforce the law, and of the citizens of this Nation to live with and

comply with the law.

The President has now veloed this The irresuent has now vetoed this bill. In his veto message, the President referred to the problems of administering the bill as passed. He gave very specific, understandable detailed explanations of problems with the bill.

The President's message clearly indicates that there are some major questions as to the scope and intent of the legislation that may only be resolved in the courts. For example, to what extent will a church that serves meals on wheels programs for the elderly be covered? To what degree will existing buildings have to be retrofitted if FHA losns, VA loans, or other federally guaranteed loans to individuals, corporations or partnerships are used to purchase, or build, single or multifam-

ily housing. These questions are not clearly addressed by the legislation.

In other situations, the current law in a state of change and there is the possibility that future judicial decisions will alter the assumptions upon which the legislation is passed today. For example, will a corner grocery store that accepts food stamps be covered? Will future judicial determina-tions require farmers who receive Fed-eral crop subsidies to be covered.

We now have the opportunity with the President's veto to clarify these questions and then pass an even better bill. The Congress is not only capable of resolving, but is responsible for resolving these questions now instead of leaving it to the courts for later.

The President is committed to the elimination of invidious discrimination through vigorous enforcement of Fedthrough vigorous enforcement of rea-eral civil rights laws. I do not doubt the sincerity of that intention. I un-derstand that the proposal forwarded to the Congress with the veto uses S. 557 as a starting point and adds changes to address: problems of implementation; the scope of the legislation as to certain types of institutions and businesses; and the type of federal aid that requires implementation of Federal civil rights statutes.

The Congress has the obligation to The Congress has the obligation to send to the executive for implementation legislation which is practical and will not result in years of litigation and uncertainty for the citizens of this country. I hope that the Senate will seriously consider the President's new proposals and work proposals and work with him to achieve meaningful and practical civil rights legislation that we can vote for.

rights tegistation that we can vote for, and the President can sign this year.

Mr. DOMENICI. Mr. President, I would like to say a few words about the extremely important bill we are considering again here today, S. 557, the Civil Rights Restoration Act.

This bill is designed to reverse the 1984 Supreme Court decision in Grove City versus Bell and restore the scope of four very important civil rights statof four very important civil rights scat-utes: Title VI of the Civil Rights Act; title IX of the Education Amendments of 1972; section 504 of the Rehabilitation Act of 1973; and the Age Discrimination Act of 1975.

I have heard from many of my good friends in New Mexico who have deep concerns about this bill. I have taken these concerns very seriously and I have gone back and taken another look at this bill, reviewing it in light of the concerns that have been expressed. I have re-researched this matter and talked with discrimination law experts and constitutional scholars who are first amendment and freedom of religion authorities.

Mr. President, I must tell you that I believe that the concerns that have been expressed stem from a misunderstanding of what passage of this bill will mean.

In order to explain this, it is important to review what the Grove City decision was all about.

In the Grove City case the Supreme Court ruled that the four civil rights laws that I mentioned earlier applied only to the individual programs of a school or other organization that ceives Federal funds, and not to the entire college or organization of which the program is a part.

Therefore, under the Grove City de cision, a college that receives Federal funds as a part of its financial aid program would only be prohibited from discriminating against individuals in relation to its financial aid programs. in all other areas, the college would be

free to discriminate.

Mr. President, neither the Congress nor the President believe that the scope of these civil laws should be limited in the way the Court ruled in Grove City. Almost everyone agrees Grove City. Almost everyone agrees that the Grove City decision should be overturned because it is an incorrect interpretation of congressional intent. Congress has always intended that the laws that prohibit discrimination not be limited in the way interpreted by the Supreme Court in the Grove City

For too long, discrimination on the base of race, sex, age, and physical handicap has been a blight on this country. So long as people in America are subjected to these types of dis-

crimination, we are not a free people.

Our civil rights statutes need to
make certain that taxpayers' dollars are not used to initiate or perpetuate bias and prejudice. The Federal Go ernment should not encourage or subsidize discrimination. The task of eliminating discrimination from institutions that receive Federal aid can only be accomplished if civil rights statutes are given their original broad interpretation.

Mr. President, we need to restore to the civil rights laws the original broad coverage that they had before the Grove City decision. Everybody agrees with that. The President does, the Senate does, the House of Representatives does, the American people do

I was very pleased to cosponsor legis-lation in 1984 along with Senator Dolz and others that would have restored the original scope of these laws. That bill did not become law, and for the past 4 years, while legislation has been drafted and redrafted and hearings have been held, discrimination against individuals on the basis of race, sex, age, and physical handicap has occurred because of the Supreme Court's decision. It is time to put a halt to that

The Civil Rights Restoration Act will correct the Grove City decision. It would amend the four civil rights laws that I have just mentioned to restore their original institutionwide application. It would make clear that discrimination is prohibited throughout entire agencies, institutions, education systems, and corporations if these in-

stitutions receive Federal funding. S. 557 restores the original intent of the Congress regarding the application of these civil rights laws

That is all that this bill does. With the exception of a provision to ensure that hospitals will not be forced to perform abortions, the Civil Rights Restoration Act restores the law back to where it was before the Grove City decision. If there were problems with the underlying statutes before Grove City, they remain.

Discrimination on the basis of race. sex, age, and physical handicap is pro-hibited by Federal law and has been prohibited by Federal law for the past generation. This bill does not change

what constitutes discrimination.

The Civil Rights Restoration Act dees not change who is protected. It does not grant any new rights to any person or groups. Federal law does not grant homosexuals any special rights nor does this bill. Federal law does not prohibit discrimination against alcoholics, drug addicts, and persons with contagious diseases where the persons present a danger to the health and safety of others or cannot perform their jobs. This bill does not change

Under this bill, small businesses will not be required to make expensive structural changes to their buildings to make them accessible to the handi capped.

The Civil Rights Restoration Act does not change the status of grocery stores that accept food stamps. I don't believe that such grocery stores are covered under the civil rights laws. and the law has never been interpret-ed in that way. But if they are covered, they always have been, and this bill does not cause them to be covered

Under existing law, farmers and ranchers who receive farm subsidies or price supports are not subject to these civil rights laws. This bill does not

change that

As I said, the bill adds nothing new to Federal law as it existed prior to the Grove City decision, with a single exception

The bill does change existing law to prevent hospitals from being forced to perform abortions.

A concern was expressed during the hearings on this bill that the civil rights laws could be interpreted to hospitals to perform abortions. even if the hospitals are opposed to abortion.

I am very pleased, Mr. President, that the Congress was able to correct this problem by adopting the Danamendment, making these laws abortion-neutral. I voted for amendment and argued strongly for it.

That amendment makes it clear that Congress will not force private organizations to peform or finance abortions-these are things we in Congress have long said we would not tolerate in our own programs.

Mr. President, it makes great sense to say that institutions should not dis-

criminate, but it is not discrimination for a hospital to say, "We don't choose to perform abortions, and we will not perform them." No one should be forced to perform or pay for an abor-tion against his or her will. I am very pleased that S. 557 clarifies this point.

Although I support the Civil Rights Restoration Act, let me make it clear that there are some problems with the four civil rights laws that are the subject of this bill. These problems have existed since long before the Grove City decision. These problems result from ambiguities in the laws themselves and from court decisions inter preting the law.

The bill now before us did not create these problems, but they are problems nonetheless

When the Senate considered this bill in January I voted in favor of two amendments to correct some of these problems with these four civil rights

The first would have limited cover age of these laws when applied to religious organizations that receive Federal funds. Under the amendment, the antidiscrimination provisions would apply only the specific programs and activities operated with Federal funds by a religious organization, rather than the entire religious organization. This would have done much to assure that the Pederal Government does not interfere with legitimate religious be-

The second amendment would have expanded the religious tenets exemption, allowing schools closely identi-fied with the tenets of religious organizations. -but not officially controlled by a religious denomination—to claim an exemption from certain sex discrimination provisions.

Although no school has ever been denied a religious exemption under the law, I supported the amendment because it would have enabled schools like Georgetown and Notre Dame to have access to religious tenets exemptions they do not now have under the civil rights laws and allowed them to be exempt from compliance with certain rules that could be at odds with some of their fundamental beliefs.

These amendments would have changed the four civil rights laws, not merely restored them to their previous coverage. However, I believe that they were reasonable and important amendments. Yet, both amendments were re-Jected by the Senate.

Therefore, the religious tenets ex-emption and other provisions affecting religious organizations are exactly same as they have been for the past decade. They have not changed.

This is not to say that these provisions in existing law are perfect-I don't think they are. But these provisions in the bill are not new.

I believe that after we pass this bill.

Congress ought to go back and reex-amine some of the problems with the underlying civil rights statutes.

In the meantime, though, we need to take this first step and overturn the Grove City decision by restoring to our civil rights laws the broad prohibition against discrimination that they shold have, that they historically have had until the Supreme Court's decision in Grove City. That is all this bill does. And that is why I will vote to override the President's veto.

Mr. GORE. Mr. President, the Civil Rights Restoration Act is the most im portant piece of civil rights legislation In the meantime, though, we need to

portant piece of civil rights legislation of this decade. I cosponsored this bill and have strongly supported it because it will ensure that our tax dollars are not supporting discrimination on the basis of race. sex. age. or obysiton on the basis of race, sex, age, or physical disability.

cal disability.

That was the intent of Congress when these four civil rights statutes were originally enacted. Congress reaffirmed this intention when it passed this bill by large, bipartisan majorities in the House and Senate this year. President Reagan made a mistage last. President Reagan made a mistake last week in vetoing this bill. Today, Con-gress will correct that mistake by over-

riding his veto.

I am proud of the progress we have made in the South and across the country in eliminating prejudice and discrimination. It is in this proud tradition that I take a stand against discrimination and refuse to accent a crimination, and refuse to accept a presidential veto of much-needed civil presidential vecto of much-needed civil rights legislation. In this day and age it is simply unacceptable to allow any Federal moneys to go to institutions that practice discrimination on the basis of race, sex, age, or physical disability.

basis of race, sea, and seasons ability.

Throughout my years in Congress I have fought to protect the working men and women of this country. I have worked so that America is truly a have worked so that America is truly a have worked so that America is truly a land of opportunity for everyone and that there are no artificial barriers to how far any Individual can advance. This bill will ensure that people are not kept out of organizations for reasons based on prejudice, that women are not sexually harassed, and that the disabled are not kept out merely because they cannot get through the door or up the stairs.

The committee report on this bill tells the stories of blatant discriminatells the stories of blatant discrimina-tion occurring at federally funded in-stitutions—though not in the specific programs that were receiving aid—and the Justice Department's Office of Civil Rights closing the cases because "it found the alleged discrimination did not occur in a program or activity which was a direct recipient of Federal financial assistance."

There has been much misinforma-

There has been much misinforma-tion about his bill. It does not affect ultimate beneficiaries; Those that ultimate beneficiarles; Those that accept food stamps, Medicaid and Medicare benefits, or Social Security checks from private cities. Medicare benefits, or Social Security checks from private citizens. In addition, farm subsidies do not constitute Federal funding. There has also been much concern about religious schools: Religiously controlled schools are eligible for a religious tenets exemption if to comply with the applicable sex discrimination provisions would violate the religious tenets of the institution.

Others have expressed concern that small providers would be unduly burdened with requirements of structural alterations to ensure that their facilities be handicapped accessible. The bill does not require costly alterations on the part of smaller organizations if there are alternative ways of providing the services

Finally, there has been concern that the bill requires the employment of individuals who pose a health threat. This is simply not so. The Rehabilitathis is simply not so, the Renabilita-tion Act specifically states that if an employee poses a health risk, he or she may be taken out of the work-

These concerns are all adequately addressed in the bill. Unfortunately, opponents of the bill. Unfortunately, opponents of the bill have misinformed the public. They have charged that it goes against religious principles. I think that it is a central theme of Judeo-Christian tradition that we treat our prighbor. treat our neighbors fairly, regardless of the color of their skin, their age, their sex, or any physical disability.

This legislation does not apply to private action; we cannot legislate against private prejudice. But we can ensure that Federal funds are not used to subsidize actions based on unreato subsidize actions based on unreasonable prejudices that amount to arbitrary discrimination. I strongly believe that Americans do not want their tax dollars used in this manner. For this reason I will vote today to override the President's veto of this important civil rights bill. I urge all my Senate and House colleagues to Join me. We need to show the American me. We need to show the American people that we in Washington do not

people that we in Washington do not condone discrimination and we certainly will not fund it.

Mr. CRANSTON. Mr. President. President Reagan's veto of the Civil Rights Restoration Act came as no surprise. The Reagan administration urged the Supreme Court in the Grove City case to narrow the scope of coverage of the Nation's civil rights statutes. age of the Nation's civil rights statutes and has fought for the past 4 years against restoring the effectiveness of

these statutes.

The veto demonstrates, once again, that this administration is out-of-step with the Nation on the issue of civil rights.

There is a broad consensus in this There is a ground consensus in this country, and in the Congress, that Pederal funds should not be used to subsidize discrimination. The Civil Rights Restoration Act is designed to the country that Federal do just that—help ensure that Federal do Just that—neip ensure that receral funds are not used to subsidize discrimination against individuals because of race, sex, age, or disability.

Mr. President, this legislation passed

Mr. President, this legislation passed both the House and Senate by over-whelming bipartisan margins, it was debated, revised, and scrutinized for 4 years. It is time that we enact it into

This Nation has come too far and struggled too hard to put invidious dis-

crimination behind us to turn back now. The Grove City College decision brought civil rights enforcement proorought civil rights enforcement pro-ceedings to a grinding halt throughout the Nation. The record on S. 557 amply documents the numerous civil rights complaints and cases which have been dismissed or curtailed because of the narrow strictures imposed by the Grove City decision.

The Federal Government has a moral and a constitutional responsibil ity to assure its resources are not used to discriminate. It is not enough just to give lip service to the principles of equality of opportunity which are the foundation of our democracy. It takes a commitment to making those prom-

ises a reality.

That's what this legislation, and the civil rights struggle of the past three decades, is about—making the promise of equality a reality.

The veto should be overridden.

Mr. RIEGLE. Mr. President, I rise today to express my support for over-riding the President's veto of S. 557. he Civil Rights Restoration Act of

It is truly an unfortunate situation we have before us. The President, against the counsel of his own advisers, has vetoed important civil rights legislation which prohibits discrimina-tion against an individual on the basis tion against an individual on the basis of his sex, race, age, or handleap. As my colleagues know, the legislation before us was written in response to the 1984 Supreme Court decision in Grove City versus Bell. In that decision the Supreme Court paragin one. sion the Supreme Court narrowly construcd title IX of the Education Amendments of 1972 to mean that antidiscrimination laws would apply only to the programs for which Federfunds had been received. Hence, under Grove City, a college admission office that received Federal funds would be barred from discriminating; however, if the same college's science department did not receive Federal funds, antidiscriminations law would not apply.

The result of the Grove City deci-The result of the Grove City decision was the opening of a gaping hole in our 20 year commitment to ending discrimination in our great Nation. Clearly, Mr. President, Congress did not intend for such an inequilable possible when it passed civil relate legis. not intend for such an inequitable result when it passed civil rights legislation, and our vote today will set the record straight. No longer will institutions be able to practice selective discrimination; but rather, our vote today will reaffirm our national complement. will reaffirm our national commitment to ending discrimination against mi-norities, women, elderly, and disabled

persons.

Mr. President, opponents of this leg-Mr. President, opponents of this leg-islation have argued that it provides an unwarranted intrusion into reli-gious freedoms enjoyed by all Ameri-cans. Yet, national church leaders from the Catholic bishops to the Evangelical Lutherans and the American Hebrew Congregation support this legislation and its goals. In addition, S.

557 leaves in place the current religious tenet exemption to title Hence, no college or school controlled by a religious group will be required to adopt policies that conflict with its religious beliefs.

Others have argued that this legislaoffices have a profound and costly effect on small grocery stores that accept tood stamps and on farmers who receive Federal crop subsidies. wito receive reserra crop sucsides. Yet, both the language of the bill and the committee report make a clear that such would not be the eace. The remmittee report states that farmers receiving crop subsidies would not be receiving crop subsidies would not be covered by this legislation. In fact, they've not been covered since 1984. Others excluded from coverage in-clude recipients of Social Security, Medicare, and Medicaid, and individ-uals who receive food stamps. It is an unfortunate fact that dis-crimination still exists today against women minorities effects, and

women, minorities, elderly, and disabled persons. Although we cannot legislate what is in the hearts of the people, we can send a clear message today that scarce Federal resources will not be used to fund institutions which discriminate.

Mr. President, the legislation before us will restore reason and balance to our Nation's civil rights laws. I hope my colleagues will agree and will vote with me to override the President's

veto. Thank you.

Mr. DASCHLE, Mr. President, as the Senate prepares to vote on the motion to override the President's veto of the Civil Rights Restoration Act. I think it is important that each Senator. and the American public, make an honest effort to separate fact from hyperbole before reaching a final opinion on the legislation.

The debate surrounding the Civil Rights Restoration Act is unquestionably highly charged. As I listen to the speculation about the potential effects of this legislation, there is little doubt why the debate has generated such widespread attention

Each Member of this body has heard alarming reports about what could happen if this bill becomes law. For example, some opponents of the bill suggest that it would force employers to hire homosexuals, or retain employ-ees who cannot perform their jobs because they are alcoholics or fectious diseases. Others claim that the bill would force certain churches the oill would force certain churches to ordain women or require religiously affillated hospitals to perform abor-tions. Pinally, some assert that ulti-mate beneficiaries of Federal aid, such a farmer who merely receive price as farmers who merely receive price

as farmers who merely receive price and income supports and loans or Social Security recipients, would be covered by the bill.

These would be alarming prospects, were they true. They are not, however, justified by fact.

If any of these charges were true, a vast majority of the Senate, including-myself, would not have supported this bill. Nor would so many religious orga-

nizations and other groups have urged Congress to override the President's veto

The Civil Rights Restoration Act is a straightforward bill which will simply restore the ability of victims of dis-crimination—including blacks, the ofderly, the handicapped, and women to seek redress in the manner they did prior to the 1984 Supreme Court decision in the Grove City case. It is a bill that clarifies the original intent of Congress that the civil rights laws be interpreted to apply to all the programs and activities of an institution that receives bederal funding, rather than to just the specific program which receives that funding.

During Senate consideration of this legislation, precautions were taken to ensure that the Civil Rights Restoration Act will perform as advertised. Thus, when concern was expressed that the bill might have the unintended effect of requiring religiously affiliated institutions to perform abortions if they received any Federal funding. the Senate added a provision to the bill stipulating that colleges, universi-ties, and other institutions closely affiliated with churches may get an exemption from the law, as in the past. I voted for that provision. This religious tenets exemption has been available for 16 years, has been granted to more than 200 institutions, and has not

been denied once.

The Civil Rights Restoration has broad-based support, both within and outside the Congress. It was thoroughly debated by the Senate and the House, and it passed both Chambers

tiouse, and it passed both Chambers by overwhelming margins.

The list of religious organizations which support the Civil Rights Restoration Act is instructive. It includes the U.S. Catholic Conference of Bishops, the American Lutheran Church, the Association of Evangelical Lutheran Churches. the Lutheran Church. an Churches, the Lutheran Church in America, the Union of American Hebrew Congregations, the American Baptist Churches and the Church of the Brethren, to name just a few. In fact, the U.S. Catholic Confer-

ence has circulated a letter which states that, "we believe that it (the Civil Rights Restoration Act) does much to strengthen Federal civil rights protections while safeguarding vital concerns about human life and religious liberty." I commend this letter to my colleagues' attention and ask unanimous consent that it be printed in the Congressional Record.

Mr. President, whenever the President vetoes a bill, the Congress must take this action very seriously. Even the most ardent supporters of the Civil Rights Restoration Act should re-examine their support in light of

the President's veto.
I have done just that

The Civil Rights Restoration Act is not a partisan issue. Senators on both sides of the aisle joined together when this legislation passed in February by a vote of 75 to 14. I expect that on the

vote today, once again, Republicans and Democrats will join together to override the President's veto.

Similarly, religious organizations of diverse faiths have announced their support for the Civil Rights Restora-tion Act. Like the majority is the Strate, they do so in order to order our civil rights laws to their ore-Grove City status.

For these reasons, I will join the majority of the Republicans and Democrats in Congress to pass this legislation over the President's setu.

There being no objection, the biter as ordered to be printed a the RECORD, AS follows:

RECORD AS follows:

U.S. CATHOLIC CONFERENCY.

Washington, D.C., March 11, 1938.

DEAR SENATOR: I write on be half of the retion's Roman Catholic behinds to argo conto vote to override the veto of the Coal Rights Restoration Act. We stronger support this legislation which recently provide the House and Senate by overwhelming margins. We believe that it does much to strengthen federal civil rights protections while safeguarding vital concerns about human life and religious liberty.

This important legislation will strengthen

This important legislation will strengthen the federal commitment to combat discrimi-nation based on race, gender, age, national origin and handicapping condition. We beorigin and handicapping condition. We be-lieve government has a fundamental duty to protect the life, dignity and rights of the human person. This is why we supported the goals of the Civil Rights Restoration Act, successfully urged its modification in several important respects, strongly urged final passage in this amended form in both the House and Senate and urged the Presi-dent to sign. dent to sign it.

As you know, the United States Catholic Conference expressed some serious reserva-tions about the original bill. In the bill Conference expressed some serious reservations about the original bill. In the bill
veloed by the President, Congress made several essential improvements, including the
"abortion neutral" amendment. This
amendment, which we strongly supported,
ensures that no institution will be required
to provide abortion services or benefits as a
condition of receiving federal funds. If this
bill does not become law, we lear these important guarantees will be lost and the exsting regulations under Title 1X could once
again threaten to force institutional couperation with abortion. We also believe this
legislation as interpreted by the committee
report and floor debate adequately accommodates our legitimate concerns in the area
of religious liberty.

No piece of legislation is perfect and
people of good-will can disagree over these
matters. However, we believe the Civil
Rights Restoration Act with the important
improvements made by the Congress is a
significant victory for civil rights and an important step forward in insuring that our
nation's civil rights laws do not require any
institution to violate fundamental convictions on human life.

We are pleased by the overwhelming bipartisan support of this vital legislation. We

tions on human life.

We are pleased by the overwhelming bipartisan support of this vital legislation. We
hope you will join in this broad based effort
to help our nation live up to its pledge of
"liberty and justice for all" and vote to override the veto of the Civil Rights Restoration
Acc.

Sincerely yours, Rev. Msgr. Daniel F. Hove, General Secretary.

Mr. DECONCINI. Mr. President, I rise today to cast my vote to override

the President's veto of the Civil

Rights Restoration Act.
The Civil Rights Restoration Act The Civil Rights Restoration Act has been one of the most highly scrutinized pieces of legislation this body has addressed in many years. Throughout the debate waged in the national press and in the Senate, facts have been twisted and misrepresented. So much so as to lead one to believe this legislation is meant to completely overhaul the current state of civil rights law. That is not the case. The Civil Rights Restoration Act is intend-Civil Rights Restoration Act is intended to, and does, return the civil rights law to the state which existed prior to the Grove City decision by the Supreme Court. In Grove City the Court held that only the specific program or activity of an institution receiving Federal funds must conform to the existing civil rights laws.

I have received numerous letters and I have received numerous ictiers and phone calls raising concerns on the ap-plication of the Civil Rights Restora-tion Act to the hiring and firing of ho-mosexuals, alcoholies, drug addicts, and persons with contagious diseases. I ve heard additional concerns ex-essed regarding the coverage of the Civil Rights Restoration Act to churches and religious educational facilities. And finally, many of my Arizo-na constituents have contacted me regarding concerns associated with aborgarding concerns associated with abor-ation and this legislation. Each is a valid concern, yet I believe now, as I did when I became an original cospon-sor, that this legislation is the most important recent legislation strength-ening the Federal commitment to combat discrimination based on race. gender, age, ethnicity or handicapping conditions without infringing on the rights of religious organizations and others to manage their own house.

I am not alone in my beliefs. My distinguished colleague, Senator Simpson, the Senate Republican Whip, has also concluded that we have "ended up with good language that does interfere with religious liberties."

The Civil Rights Restoration amends title IX of the Education Amendments of 1972, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. Title IX prohibits sex discrimination in education programs or activities re-ceiving Federal financial assistance. Title VI addresses discrimination based on race, color, or national origin in a program or activity that receives Federal aid. Section 504 prohibits discrimination against disabled persons in programs or activities receiving Federal funds. The Age Discrimination Act prohibits discrimination on the basis of age in federally funded programs or

Contrary to some of the most ex-pressed fears, this bill does not require protections provided women title IX to be extended to homosex-uals. Nor has any other statute been interpreted by courts to provide such protection

This bill would not preclude an entity from taking action against an individual solely on the basis of that individual's homosexuality. If, for instance, the religious tenets of an organization require it to take disciplinary action against a homosexual because of that person's sexual preference, section 504 of the Rehabilitation Act would not protect the individual. In addition, title IX would not protect the individual from disciplinary disciplinary action. The case law has continually supported this position and this bill does not change that interpretation.

For example, in Rowland v. Mad River Local School District, 730 F. 2d 444 (1984) the U.S. Court of Appeals for the Sixth Circuit held that sexual preference is not a constitutionally protected interest.

In Rowland, a teacher was suspended, transferred and finally terminated after she disclosed that she was a ho-mosexual. The teacher claimed that the school's actions violated her right to freedom of speech and to equal pro-

tection under the law.

The court first ruled that since Rowland was speaking upon matters only of personal interest, and not public concern, her statements did not constitute protected speech under the first amendment.

Second, the court found no evidence support a finding that Rowland wa to support a inding that Rowland was treated differently from heterosexual employees. As a consequence, the court held that the school district had not violated Rowland's constitutional rights. In 1986, the U.S. Supreme Court refused to hear the case.

Many of the inquiries I have received have questioned the application of this bill in the area of alcohol and drug abuse as it relates to hiring and firing by employers who receive I al funding. During the floor debate on this legislation, Senators However and Harkin offered an amendment which was unanimously adopted. That amendment allows employers to exclude or fire a prospective or current employee if it is determined that he or she poses a direct threat to the health or safety of other workers. Actions may also be taken if such an individual cannot perform the duties required and no reasonable accommodations can be made to remove the safety threat or enable the person to complete his or her assigned duties.

This provision maintains the current

law, section 504 of the Rehabilitation In fact, since the 1978 amendments to that act, employers have acted with the knowledge that they do not have to hire or retain alcoholics or drug addicts. Additionally, courts have continually upheld the rights of em-ployers to act in this manner.

For example, in New York City Transit Authority v. Beazer, 99 S.Ct. 1355 (1979) the U.S. Supreme Court upheld the transit authority's blanket exclusion of persons who regularly use narcotic drugs from employment. The Court considered the exclusion to be a

policy decision and thus refused to interfere with the judgment of the transit authority.

Just as employers are not required to suffer consequences of an employee's alcohol or drug addiction, employee's arconol of drug addiction, employers are also not required to hire or retain persons with contaxious discusses if the employee poses a direct threat to the health and safety of others or cannot perform the functions of the job. In these types of cases such determinations must be made on individual basis, just as with an alcohol or drug addiction hiring related

As previously stated, this language was unanimously supported in the Senate, as well as passed in the House. and was found in the Sensenbrenner substitute which was endorsed by the administration via a letter from Secre-

tary Bennett.

The same standards regarding employment of individuals with contagious diseases apply to the admission of pupils to schools. This case by case or pupils to schools. This case-ty-case review process is supported by the American Public Health Association which suggests that individualized review acts to promote the overall health of the general public.

Although I have responded to many questions and concerns on the above matters, the major concern of those who contacted my office has centered around this legislation's application to religious organizations and the appli-cation of the religious tenet exemption. Because of the nature of concern, I believe a thorough explana-

tion is in order.

Under the Civil Rights Restoration Act, complete coverage of a corpora-tion, partnership, or other private ortion, partnersnip, or other private or-ganization, of which a religious organi-zation is one, would result under two circumstances. In the first instance, where Federal financial assistance is where recern inflation assistance where extended to a private organization "as a whole," that is, assistance which is not designated for a particular purpose, the organization as a whole is required to meet the requirements of the Civil Rights Restoration Act. Conversely, a grant to a religious organization for a specific purpose, such as assistance to refugees, would not qualify as assistance to the religious organiza-tion "as a whole," and therefore would not require compliance rights statutes.

rights statutes.
Second, when "principally engaged in the business of providing education, health care, housing, social services, or parks and recreation" an organization must follow the Grove City legislation. It is self-evident that a church, diocese, or synagogue is a religious organization. As such, a religious organiza-tion would not be covered in its entirety even if engaged in education, health care, or social service programs, be-cause the primary objective of a reli-

gous organization is religion.

Furthermore, and in lieu of the above classifications, a religious orga-

nization is not prevented from giving hiring preference to members of that religion in its federally assisted activi-ties. However, this does not mean that a religious organization may engage in racial discrimination veiled in

a regious organization may engage in racial discrimination veiled in the cloth of religious preference.

Under title IX of the Education institutions controlled by a religious organization are exempt from compliance with the requirements of title IX. In order to acquire exempted status, an educational institution must file an application of exemption with the Department of Education. Since this process has been in effect, no institution has been denied exempt status. As a result of the exemption process, institutions qualifying for exempt status ficulate institutions that: require sex discrimination in training students for the ministry; require differential treatments. ministry; require differential treatment of pregnant students and em-ployees; require differential treatment of men and women in athletic pro-grams; require unmarried pregnant students to live separately from other unmarried women in a dormitory; reunmarried women in a dormitory; require marital status to be considered for employment; prohibit men and women from swimming in the same pool; and mandate other religion-based differing treatment. Under the Civil Rights Restoration Act, religiously controlled educational institutions will be able to continue to choose to manage their feetilites as they deserved.

will be able to continue to choose to manage their facilities as they deem necessary in accordance with the teachings of their religious beliefs. Finally, prior to the passage of the Civil Rights Restoration Act, concerns were expressed to me that this bill would require any institution not con-trolled by a religious organization to would require any institution not con-trolled by a religious organization to either provide or pay for abortions. To allay these concerns the Senate adopt-ed the Danforth amendment which I ed the Danforth amendment which I cosponsored. The Danforth amendment provides in pertinent part that nothing in the legislation "shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to abortion." By so stating, this amendment acts to make this legislation abortion neutral. I believe this tion abortion neutral. I believe this amendment contributed to the over-

whelming support for the bill which passed the Senate by a 75 to 14 margin and the House by a 318 to 98 margin. I have repeatedly received reports that many of the religious organizations are opposed to the legislation. Yet when I take an inventory of the correspondence directed to me, I find what anyears to be external to the legislation. what appears to be overwhelming sup-port for the Civil Rights Restoration Act. After voicing serious reservations about the original bill, the U.S. Catholic Conference joined in supporting the legislation and urged the President to sign the act into law. But as we now know, the President chose not to sign the bill.

addition, the Evangelical Lutheran Church of America writes "those of

us who stand before you today are unus who stand before you today are un-waivering in our support of this bill, and of its great need for our country today." The American Baptist Church-es, U.S.A. states "we reiterate our continued support for this legislation and urge the Congress to override President Reagan's veto." Similar statements have been sent to me by the General Board of Church and Society, the United Methodist Church, the Presbyterian Church (U.S.A.), the Washington Office of the Episcopal Church, the National Council of the Churches of Christ, the Jesuit Social Ministries, the Quakers, and others. The American Jewish Congress expressed its support recently by stating tinued support for this legislation and

The American Jewish Congress expressed its support recently by stating that "we strongly urge the House and Senate to override the President's veto." The AJC clearly summarized the issue, saying "(this remains a matter of simple justice."

Mr. President, I have been honored by an annointment to the U.S. Congli.

by an appointment to the U.S. Consti-tution Bicentennial Commission. I was tution Bicentennial Commission. I was fortunate enough to have joined my colleagues in the original room in which the Continental Congress convened, and we reenacted the drafting and signing of our Constitution. These activities have given me cause to reread many of our Nation's most treasured documents in a new light of the continued documents and the continued documents are continued documents. read many of our Nation's most treas-ured documents in a new light. If I might ask your indulgence for one moment, I would like to read some-thing which I find appropriate here.

thing which I find appropriate here.

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the Earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent request to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unaleanable rights, that among these are life, liberty, and the pursuit of happiness.

As we all know, that is the beginning

As we all know, that is the beginning of the Declaration of Independence.

Mr. President, I find these cherished words ring particularly true as I east my vote to override the Presidential veto of the Civil Rights Restoration Act. In so doing I reiterate my support for all those certain unalienable rights

on which our country was founded.

Mr. LEVIN. Mr. President, in the last few days, we have witnessed a remarkable campaign in support of President Reagan's veto of S. 557, the so-called Grove City bill. The concerns the people who have contacted eir elected representatives and their their elected representatives and urged them to sustain the veto are sincere. Unfortunately, their concerns are based on erroneous information.

Leaders of major religious organizations have spoken out against the mis-information being spread by those who wish to defeat the Grove City bill. The Evangelical Lutheran Church in American, one of the many religious groups supporting S. 557, says that those responsible for the anti-Grove City campaign are "spreading hysteria." The American Baptist Churches in the U.S.A., another religious organization supporting the bill, denounces attacks on the bill as "egregiously irre-sponsible misrepresentations."

Is it true that churches and religious schools will have to hire homosexuals as a result of this bill? No, it is not true. None of the civil rights statutes amended by this bill has ever been interpreted by the courts to provide pro-tection on the basis of sexual preference; none of the agency regulations implementing these statutes have ever so provided; and nothing in the bill

creates any such protection.

Is it true that if this bill passes, a church school won't be allowed to fire individuals with contagious diseases? No it is not true. An employer will be to fire anyone who poses a threat to the health and safety of others or who cannot perform the essential

functions of the job.

Some of the major religious groups some of the major religious groups supporting this bill—the Presbyterian Church, the United Methodist Church, the Episcopal Church, the Church of the Brethren, the U.S. Catholic Conference, and others—understand that the bill believe that the conference is the conference of the con Catholic Conference, and others—un-derstand that the bill restores impor-tant protections to racial and ethnic minorities, to women, to the handi-capped, and to the elderly, protections that were severely limited as a result of a 1984 Supreme Court decision. These religious institutions had no problem with the application of these problem with the application of these civil rights statutes before 1984, and they are convinced that they won't have a problem after this bill becomes

To repeat, Mr. President, the concerns of those who have called and written in the past week are sincere. But they have been expressed in response to information that is just plain wrong. Homosexuals and drug addicts get no new rights under this bill. The activities of churches, synagogues, and religious schools will not be subject to new and intrusive scruti-ny by the Federal Government. S. 557 simply reaffirms the coverage and enforcement practices that existed before the 1984 Supreme Court decision. Before 1984, the civil rights statutes were effectively preventing feder-ally funded discrimination without infringing on religious liberty. They will continue to function in this way after S. 557 is passed.

Mr. President, I think most Ameri-Mr. President, I think most ameri-cans oppose discrimination and sup-port religious liberty. These are not mutually contradictory values. The Civil Rights Restoration Act preserves

both these values

Mr. BINGAMAN. President gan's veto last week of the Civil Rights Restoration Act was a regrettable dis-service to millions of women, Hispanics, blacks, native Americans, elderly, and disabled Americans, Today, I hope the Members of the Senate will rectify

President Reagan's wrong and vote to override the veto.

Since its initial introduction in 1984, Since its initial introduction in 1984.

I have been a supporter of the Civil Rights Restoration Act because I refuse to condone discrimination. My continued support for this act will be reflected by my vote today.

After the Supreme Court's 1984 decision in Grove City versus bell, the strength and effectiveness of major strength and effectiveness of major civil rights statutes were called seriously into question. The Court had ruled that title IX of the Education Amendments of 1972, which prohibits discrimination based on sex, applies only to the particular program or activity receiving Federal financial assistance, not to the institution as a sistance, not to the institution as are far reaching because similar language. are far reaching because similar language is contained in several other civil rights statutes.

Earlier this year, a vast majority of the House and Senate agreed that we had no choice but to set the record straight. The intent of Congress straight. The intent of Congress always has been, and must continue to be, that the broadest interpretation be given to statutory construction of our Federal civil rights laws.

The evolution of civil rights laws in this country has been a slow and arduous process, and we have by no means reached a point where we can be com-placent. The Grove City decision, the Presidential veto, and the recent dis-semination of misleading and irrespon-sible information about this issue, il-lustrate this point.

I believe the act that passed the I believe the act that passed the Scnate by a vote of 75 to 14 2 months ago provides a solid basis for a full partnership between the States and Frederal Government to abolish discrimination in our country. The Senate's vote today can reaffirm that commitment.

I sincerely hope that my colleagues will not be swayed into switching their votes solely because of pressure from the Moral Majority's recent negative and misinformed campaign to sustain

the Presidential veto.
I. along with probably all the Members of this body, have received hundreds of calls and letters from conducts Majority's efforts, have become con-cerned about the impact of the act. I would like to take this opportunity to set the record straight on exactly what this bill entails.

In general, the Civil Rights Restora-tion Act amends title VI of the 1964 Civil Rights Act, section 504 of the 1983 Rehabilitation Act, title IX of the Education Amendments of 1972, and the Age Discrimination Act, These antidiscrimination measures relate to discrimination only on the basis of race, handicap, sex, and age, respec-tively. As I mentioned earlier, the act clarifies that these antidiscrimination measures apply to all parts of institu-tions that receive Federal assistance for any of their programs or activities.

Mr. President, at this point I would like to address in greater detail some of the important concerns raised by my consitituents

SEXUAL PREFERENCE

The act does not provide protection on the basis of sexual preference. It relates to four antidiscrimination statues based only on race, handicap, sex. ues based only on race, nandicap, sex, and age. Homosexual groups have recognized this and have sought new legislation specifically prohibiting discrimination on the basis of sexual orientation.

ALCOHOL AND DRUG ADDICTS

The act does not require an employer who receives Federal funds to hire or retain in employment all alcoholics and drug addicts. A person who is a current alcoholic or drug addict can be excluded or fired from a particular job if he or she poses a direct threat to the health or safety of others or cannot perform the essential functions of the job and if no reasonable accommodation can be made to remove the safety threat or enable the person to perform the functions of the job. Fedperiorm the functions of the job. Frequent agencies such as the Centers for Disease Control, the Department of Labor, and professional organizations such as the American Academy of Pediatrics, and the American Hospital Association have issued guidelines for ensuring safety in the workplace. These guidelines can be relied on for determining reasonable accommoda

PERSONS WITH CONTACIOUS DISEASES

Again, employers may refuse to hire or to fire any person who poses a direct threat to the health or safety of others or who cannot perform the es-sential functions of the job if no rea-sonable accommodation can remove the safety threat or enable the person to perform the essential functions of

RELIGIOUS ORGANIZATIONS

Complete coverage of a corporation, artnership, or other private organization occurs in only two circumstances: First, the first is where assistance is

extended to the private organization "as a whole." "As a whole" means general assistance that is not designated for a particular purpose. For example, a grant to a religious organization to enable it to extend assistance to refugees would not be assistance to the religious organization as a whole if that is only one among a number of activi-ties of the organization.

Second, the second circumstance second, the second circumstance is where the organization is "principally engaged in the business of providing education, health care, housing, social services, or parks and recreation." The principal occupation of a church, diocese, or synagogue is by definition "re-ligious". ligious."

Other than in these two circumcovered in its entirety. In addition, none of the antidiscrimination statutes amended by the act bars discrimination. nation on the basis of religion. Thus, a religious organization can prefer memreligious organization can prefer mem-bers of its religion for its activities as long as the religious preference is not

long as the religious preference is not a pretext for discrimination on the basis of race, sex, handicap, or age. Finally, I would like to point out the many religious organizations which have found these provisions acceptable and which fully support the Civil Rights Restoration Act: U.S. Catholic Conference of Bishore Welland Counter Conference of Bishops, National Council of Churches, American Jewish Congress, American Baptist Churches, Evangelical Lutheran Church of America, Union of American Hebrew America, Union of American Hebrew Congregations, Anti-Defamation League of B'nai B'rith, American Jewish Committee, Church of the Brethren, Presbyterian Church USA, Church Women United, Network-Na-tional Catholic Justice Lobby, United Methodist Church, and Episcopal Church.

ARORTION

ABORTION

The Civil Rights Restoration Act states that nothing in the legislation "shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to abortion * * *."

SMALL BUSINESSES

The Civil Rights Restoration Act adds a new subsection to the Rehabilitation Act of 1973 that clarifies that small businesses, such as grocery stores and pharmacies, with fewer than 15 employees, are not required to make "significant alterations to their existing facilities to ensure accessibility to hendleanned represe if alterations." ity to handleapped persons if alterna-tive means of providing the services are available"—for example, if there is a larger grocery store with access ramps nearby.

SCOPE OF THE ACT

I would like to emphasize here that this act applies only to entities which receive Federal funds. That leaves a large majority of institutions and businesses outside the scope of this act. Any employer or entity is free to refuse Federal funding should the employer or entity as design.

ployer or entity so desire.

In addition, the act clearly states that its provisions do not extend to "ultimate beneficiaries," which are defined by statute as farmers receiving crop subsidies, food stamp recipients, and welfare and Social Security bene-ficiaries. These groups of "ultimate beneficiaries" are not covered under this legislation.

CONCLUSION

Finally. I have heard from some in-dividuals that this bill will cause a major intrusion by the Government into the lives of private citizens and that many of our institutions will be turned upside down. This simply is not

When title VI was introduced in when title VI was introduced in 1964—more than 20 years ago—opponents made similar claims. It was stated that "virtually every nook and cranny of the private lives of individ-

und Americans would be touched and tainted by the obnoxious proposal."
(118 Cong. Rec. 1619, 1984.) That did Citie Cang. Rec. 1619, 1964.) That did not happen, and it will not happen under the Civil Rights Restoration Act. Instead, I believe this country, which has become a better place since the passage of our final antidiscrimina-tion laws, only with he made better still by the passage of legislation that rig-orously safeguards these laws.

Thus I can see no resson to oppose

Thus, I can see no reason to oppose the passage of this legislation. If we as Americans truly believe in "equality and justice for all," we should support this legislation and guide it into law Thank you

Mr. LEAHY. Mr. President, President Reagan's veto of S. 557, the Civil Rights Restoration Act -the first veto of a civil rights bill to con Congress in 121 years—should be over-ridden. The Senste and the House have debated and passed 8. 557 by overwhelming majorities. I am proud to be an original cosponsor and strong supporter of this historic legislation.

The Supreme Court's 1984 Grove.
City decision greatly narrowed the prohibition against sex discrimination in education and foreshadowed similar restrictions on lowestanting Federal restrictions on longstanding Federal protections against discrimination based on race, age, and handicapped status.

Since that time, we have worked hard to craft a bill that restores civil rights protection to its status before the Court decision. The bill before us today achieves this goal. It restores four important civil rights statutes to their former meaning and impact.

And, in doing so, ensures that our tax dollars are not used to subsidize discrimination.

The Civil Rights Restoration Act goes to the very heart of who we are as a people, and what we can schiere as a nation. I know of no country that has made as much progress as we have made in using the law to end discrimination, and more than that, to redirect the public conscience to ever higher standards of fairness and compassion.
Our laws have changed how we behave—they have also changed how we view each other.

Our efforts to restrict discrimination

et the moral tone for our matunave set the moral tone for our maturity as individuals and our growth as a nation. By overrieing the President's veto, we will reaffirm our commitment to civil rights and shaple justice.

Mr. KASTEN, Mr. President, I rise to speak on S. 557, the Civil Rights Restoration Act.

I voted for S. 557 when it was considered by the Senate carlier this year, and will vote today to override the President's veto of this legislation. I support this legislation because I believe that Congress has a duty to make clear that Federal funds shall not be used to support discrimination

There may be some who believe that discrimination—especially racial dis-crimination—is no longer a problem in our society. There may be some who believe that because of this the Federal Government can afford to refrain from a broad application of our civil rights laws. I do not subscribe to this point of view

The Federal Government cannot leg islate morality. But it does have an obligation to set an example. One way to set such an example is to insist that institutions accepting Federal funds agree not to do certain things-not perform abortions, for example, or in this case, not discriminate on the basis of race, sex, age, or handicap.

This legislation is necessary because of the 1984 Supreme Court decision in Grove City College versus Bell. This decision, while it dealt specifically only with title IX of the Education Amendments of 1972-prohibiting sex discrimination—also effected the ap-plication of the Civil Rights Act of 1964—race discrimination 1964—race discrimination—section 504 of the Rehabilitation Act of 1973—discrimination against the handicappedand section 309 of the Age Discrimina-tion Act. The reason for this is that these four statutes all use substantial ly the same language, so that a deci-sion dealing with one of them impacts on all of them.

In the Grove City decision, the Court effectively ruled that education-al institutions accepting financial aid including indirect aid such as Pell grants and leans provided to students—had only to comply with civil rights laws in the "program or activireceiving such aid. In the example that has been often cited, if a coller enrolled students accepting Pederal fi-nancial aid, only the college's financial aid office would be required to comply with the civil rights laws.

This "narrow construction" of the civil rights laws is not what Congress intended when the laws were passed. The fundamental reason S. 557 is necessary is to restore the appropriate "broad construction" of these laws, thereby effectively sending the message that the Federal Government will not subsidize discrimination.

It is absolutely true that most educa-tional institutions and most other intional institutions and most other institutions have no intention of discriminating. We should be thankful for this. Unfortunately, to ensure that discrimination is not practiced by institutions accepting public funds, some varification of completons with the verification of compliance with the civil rights laws is necessary. This verification can impose an aggravating pa perwork burden on smaller institu-tions especially. I feel strongly that the executive branch has an obligation to limit this paperwork burden as much as possible.

Having stated my support for S. 557. I must also state that I have reserva-tions about his legislation. In the last few days, I have been contacted by hundreds of my constituents con-cerned that the bill as written would impinge on the free exercise of religion or would force churches and reli-giously oriented schools to hire people

who do not share their beliefs and

Mr. President, my reading of this bill that it does not do any of these things. Congress does not intend it to do any of these things. If I thought S. 557 would do any of these things, I would oppose it

would oppose it.

True, I would have preferred more
precise language than is used in this
legislation. I supported two amendments that would have, respectively, specified a narrow construction of the civil rights laws where religious institutions are concerned and that educa-tional institutions "closely identified with" a particular religion or denomiwith a particular rengion or conomination—for example. Manquette Univesity in Milwaukes—would not have to comply with previsions of the civil rights law that violated the basic tenets of their faith. I wated for, and the particular that the Sample admited am pleased that the Senate adopted the Danforth amendment, which makes clear that nothing in this bill would require any hospital or other medical institution to perform abortions against its will.

But I am permaded that the intent and effect of this legislation is not to extend the scope of the civil rights laws any further with respect to reliiaus any initiaer with respect to rein-gion than was the case prior to the Grove City dechies. I want to note one thing by particular that S. 557 clearly does not do. None of the civil rights laws makes any mention of sexual orientation or

preference as a protected group of people. Homosexuals are not protected by reason of proscriptions against discrimination by reason of race, or sex, or age, or handicap. S. 557 makes no mention of any special protection extended to homosexuals.

The charge made by one national organization that this bill would force churches to hire, as one group charged, "an active homosexual drug addict with AIDS as a youth pastor" is wrong. S. 557 simply does not change current haw in this area.

But many of my constituents in Wis-consin, in good faith and sincerity, are concerned about how the executive branch of the Federal Government might interpret this law—or how the might interpret this law-or now the Federal judiciary might interpret it. I have heard the message they have been sending loud and clear.

If the language in this legislation is

being implemented or interpreted by the courts in such a way as to interfere with the free exercise of religion, or impose on farmers, or cost Jobs by forcing businesses to make massive, unjustified changes in their physical plants. I will be in the forefront of those seeking a change in the law:

If the executive branch and the judiclary cannot administer and interpret this law in a responsible manner, Conthis law in a responsible manner, con-gress will have to go back and spell out in very detailed and precise language how the law should be implemented and interpreted. Congress should not have to do this; its role is not to speci-

fy every detail of the implementation of the law. But if the executive branch or the judiciary cannot do their jobs,

that is what Congress will have to do.

President Reagan has proposed a
number of changes to 8. 557 in his
veto message. I have looked at these changes; I think that, if included in the bill, they would probably improve the clarity of this legislation.

However, I am not fully persuaded that they are necessary. Moreover, they are simply being made too late. Had the administration made these proposals while S. 557 was in commithave considered them, either individually or as a package. But under Senate rules, it is simply not in order

I am, frankly, a little mystified as to why the administration, after standing on the sidelines for almost all of the debate on this legislation, chose this moment to propose changes in the bill. would encourage the administration to take a more active and a more useful role in the legislative process in the future

In conclusion, Mr. President, let me restate the need for this bill and the reason I am reluctantly voting to over-ride the President's veto. It is vitally important that Congress make clear that the Federal Government will not tolerate discrimination in any activity with which it is associated. This is important enough that, notwithstanding some of the imprecise language in the bill, I believe S. 557 merits the Senate's support

Mr. HATCH. Over the last few days Mr. HATCH. Over the last few days an amazing thing has happened. There has been an outpouring of calls and telegrams to Capitol Hill that is unprecedented in my memory. In fact at one point 80,000 calls per hour came in to express concern about the Grove City bill. We all know that these Americans overwhelmingly support Americans overwhelmingly support the President's veto. Now some media have suggested that this avalanche of calls has been stimulated by Moral Majority and Jerry Falwell. But, the fact is, no one group can create this kind of activity. It is just plain not true to suggest this legislation is op-

posed by a few evangelicals only.

Mr. President, I would like to read
into the Record, the incredibly broad
list of opponents who are now saying ist of opponents who are now saying to the Congress—stop and rethink this ill-conceived legislation. They range from the U.S. Chamber of Commerce to Citizens for America, to the National Black Coalition for Traditional Values. They include:

MARCH 18 1988 GROUPS IN OPPOSITION TO GROVE CITY Ad Hoc Committee in Defense of Life American Association of Chri Christian

chools.
American Conservative Union
American Pharmaceutical Association.
Apostolic Cosilition.
Assemblys of God.
Association of Christian Schools Interna-

Association of Pro-America.

Bott Broadcasting Company. Catholic League for Religious and Civil Rights.

Christian Action Council. Christian Action Council.
Citizens for America.
Citizens for Educational Precdom.
Citizens for Reagan.
Coalitions for America.
College Republicans.
Committee to Protect the Pamily.
Concerned Women for America.
Conservative Alliance.
Conservative Caucus. Contact America Coral Ridge Ministries.
Council for National Policy.
Eagle Forum. Family Research Council.
Focus on the Family.
Pree Congress.
Heritage Foundation. nertiage Foundation.
Intercessors for America.
International Christian Media.
Lutheran Church-Missouri Synod.
Moral Majority.
National American Wholesale Grocers As-

ociation.

National Apartment Association.

National Association of Evangelicals.

National Association of Homobuliders.

National Association of Manufacturers

National Association of Manufacturers

National Black Coalition for Traditional

National Center for Public Policy Re-

Parch.

National Family Institute.

National Grocers Association.

National Religious Broadcasters. Public Advocate Public Advocate.
Rutherford Institute.
Save Our Schools.
United Pamilies.
United Printeostal Church.
U.S. Business and Industrial Council. U.S. Chamber of Commerce.
Mr. HATCH. Mr. President, I yield 5

minutes to the distinguished Senator from New Hampshire. The PRESIDING OFFICER. The Senator from New Hampshire [Mr. Humpinry] is recognized for 5 min-

Mr. HUMPHREY. I thank

Chair.

Mr. President, once again, Senators confront a difficult choice between succumbing to gilb slogans or coming to grips with the enormous problems posed by a bill that bears the misleading title of Civil Rights Restoration

This bill does not simply restore established protections against discrimi-nation that existed before the Grove City decision—not at all

roponents of S. 557 have seized on the Grove City decision as a conven-ient pretext for a massive expansion of

Federal regulatory power.
As the Wall Street Journal stated inan editorial of March 14, "Seldom has a bill opened the door so widely for courts and Federal bureaucrats to intrude into the decisionmaking processes of employers.

Those of us who have taken the trouble to point out the many pitfalls and excesses of this latest Federal power-grab are falsely portrayed as opponents of civil rights. But invoking the cleare of taking takes. the slogan of "civil rights" can be no substitute for examining what this ex-pansionist legislation will actually do.

The proponents have mocked con-cerns for example, that the bill expands Pederal coercion in the area of panus Federal coercion in the area of homosexual rights and other exotic civil rights theories. Let me quote without any editorializing directly from a recent Federal court decision by Judge Gerhard Gesell in the case of Blackwell versus Department of the Treasury.

Plaintiff has alleged that the position he sought was eliminated because Treasury of-ficials regarded the fact that he is a trans-vestifie as a handicap. This is enough to state a claim under the Rehabilitation Act.

In a subsequent ruling in the same case, the judge said:

It is clear that transvestites are (handicapped persons), because many experience strong social rejection in the work place as a result of their mental ailment made blatantly apparent by their cross-dressing life-style.

So the claims that this bill goes far so the claims that this bill goes far beyond the protection of basic and genuine civil rights are not mere myths or distortions. It is Federal judges who have applied these stat-utes to interfere with valid employer judgments dealing with antisocial behavior and dangerous contagious dis-

The Wall Street Journal once again hit the nail on the head in its March 14 editorial on this bill, when it said, "Because of vague wording, all sorts of new 'rights' could emerge. Feminists, gays and other activist groups will be filing suits to foster new definitions."

So let the record be clear. The opposition to this bill has nothing to do with legitimate legal protections against race or gender discrimination. Those guarantees come from the Con-stitution itself, and from the multitude of existing Federal and State civil rights laws which are fully operative and enforceable irrespective of S. 557.

We are concerned, instead, about un-warranted and intrusive Federal regu-lation that goes far beyond earlier concepts of reasonability in the appli-

cation of civil rights laws.

This bill will subject clergymen to ederal oversight regarding the details of their church programs and facili-ties; it will subject private and public school administrators to Federal inter-ference in the area of contagious discase policy; and it will impose burden-some accessibility and retrofitting re-quirements on small businesses merely because they accept Federal food stamps from their low-income custom-

These are only a few examples of how this bill's primary result will be to expand Federal coercion of society, rather than to simply restore the

status quo ante.

So I urge my colleagues to reject the So I urge my colleagues to reject the argument that opposition to unwarranted and unprecedented Government regulation of society is somehow opposition to legitimate civil rights. As Columnist Edwin Yoder wrote in an article entitled "The Hounding of Grove City College" in Monday's Washington Post, "The key issue here is not civil rights against civil wrongs, but a clash of two valid views of free dom

The regulatory excesses that will arise out of S. 557 are clearly unacceptable. We should sustain the President's veto, and then go about design-ing a reasonable remedy to the prob-lems created by the Grove City decision.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Edwin M. Yoder, Jr., pub-lished in the Washington Post, as well as the Wall Street Journal editorial to

which I referred carlier.

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

[From the Wall Street Journal, Mar. 14, 1988]

CONGRESS ON THE LOOSE

Congress On Tits Loose

President Reagan is expected this week to veto the "Grove City" bill, a document that makes any organization accepting any federal money subject to federal "civil rights" interpretations. Because of vague wording, all sorts of new "rights" could emerge. Peminists, gays and other activist groups will be filing suits to foster new definitions. The bill should be vetoed, but even some Republicans in Congress may vote to override.

It seems that Congress in this election year is helbent to win special-interest votes. Republicans don't want to be left out. Beyond Grove City the vote-buying spreculd have other consequences, some of them expensive. For example:

Child care. Everyone believes in child care but it is by no means clear that it is the responsibility of the nation's taxpayers. Senator Chris Dodd and a flock of interest groups this week will launch a big media hype to try to make it exactly that, at an ultimate minimum price tag estimated by Douglas J. Besharov on this page last Wednesday at \$32 billion a year.

As Mr. Besharov noted, Senator Dodd's bill represents a subsidy for middle-class working mothers, which is why it has such marvelous vote-buying potential. With this new infusion of money and a new set of federal standards to restrict competition, child-care providers will be able to make their fees. They are lending support to the senator's media bash.

Mandated benefits. Senator Kennedy's bill requiring all employers to provide special

tor's media bash.

Mandated benefits. Senator Kennedy's
bill requiring all employers to provide specified health-insurance benefits to employees
working more than 17.5 hours a week has
been reported out of his Labor and Human
Requirems Committee He blief and Human seen reported out of his Labor and Human Resources Committee. He himself puts the price tag for business at \$27.1 billion. The respected Institute for Research on the Eco-nomics of Taxation (IRET) says it actually will cost \$100 billion and \$25 billion in GNP. The senator has found a way to cost the nation thousands of jobs.

nation thousands of Jobs.

Minimum wage. The House Education and Labor Committee is considering a bill to raise the minimum wage to \$5.05 an hour over the next four years from the current \$3.35. After that, youths and marginally productive workers whose work effort is worth less than \$5.05 will while away their time on the welfare roles or in some other unproductive endeavor. IRET estimates a loss of 300,000 to 750,000 Jobs by 1990, the third year of the increases. If the higher minimums push up wage scales generally, yet more Jobs will be lost to foreign competition.

For Grove City the costs are indetermi-

For Grove City the costs are indetermi-tate but seldom has a bill opened the door

so widely for courts and federal bureaucrats to intrude into the decision making process-es of employers. The bill is Congress's re-sponse to the Supreme Court's Grove City

so in the interest of the decision-making processso of employers. The bill is Congress's response to the Supreme Court's Grove City
College decision limiting government influence to the specific areas where its money is
but to use. Under the new law if any federal
money comes in, even if it is to a grocery
store accepting foods stamps, the entire organization is subject to federal interpretations of "fights."

Columnist Patrick J. Buchanan wrote last
week that court judgments already have
perverted the hallowed term civil rights.
Racial discrimination is deplorable and citicanning rights belong to everyone, but
courts and lawyers have shown themselves
capable of creating "rights" that go well
beyond basic constitutional protections.
Yet congressional Republicans are imploring the president not to veto Grove City.
Why, they ask, should we antagonize liberal
political-action groups in this election year?
There is a very good reason to do so.
Taking a clear stand will give voters a real
political swho pile new costs on taxpayers
and those who don't. They will be able to
choose between politicians who do and
those who do not regard any kind of conduct, however obnoxious, as a "civil right."
If no choice is offered, most voters will go
with the incumbents.
Had Republicans offered such a clear
choice in 1986, they still might be in control

with the incumbents.

Had Republicans offered such a clear choice in 1986, they still might be in control of the Senate. As for receiving the votes of the social action lobbies, there is simply no

way Republicans can outbid Democrats on that front. So why even try? Child care for middle-class two income parents is not a public responsibility. Mandated employee benefits are not free goods.
The ones mandated may not even be the ones some employees most desire. Some forms of discrimination are acts of simple prudence and save lives, as when drug or alprudence and save lives, as when drug or account abusers are barred from operating

trains and buses.

But If nobody makes these points, Congress simply will conduct its election-year spree. After the party is over, we again will be presented with the tab.

(From the Washington Post, Mar. 21, 1988)

THE HOUNDING OF GROVE CITY COLLEGE

(By Edwin M. Yoder, Jr.)

The lopsided vote by which Congress reversed the Supreme Court's 1984 Grove City College decision signals that President Reagan's veto probably won't change the outcome. Nor should it, necessarily.

But Congress whooped this legislation through with an unwarranted air of self-

But Congress whooped this legislation through with an unwarranted air of self-congratulation. And the president in his veto message missed a chance to make a useful point about academic freedom, a sizable bit of which has been lost. You might assume, if you didn't know otherwise, that the Grove City decision denied someone his civil rights. In fact, what the court said was merely that the Department of Education might sanction the small Pennsylvania college which chooses, for reasons not now fashionable, to separate boys and girls in its intramural sports program; but the sanctions, said the court, must be limited to the offending department.

Were Grove City one of those institutions whose financial structure is heavily marbled with federal subsidies, the college wouldn't have had a leg to stand on, let alone a federal case. But Grove City is among the few institutions

nave had a leg to stand on, let alone a feder-al case. But Grove City is among the few in-stitutions which, as a matter of principle, shun the outstretched hand of federal aims-giving. The usual basis for federal sanctions was absent.

Yet there was a snall chink in Grove City's armor. The college did not turn away students whose tuition in partly paid by fed-eral grants or loans, administered by the U.S. Department of Education. That was

eral grants or loans, administered by the U.S. Department of Education. That was the camel's nose in the tent.

Under a 1972 law, it seemed clear that sanctions (fund cutoffs) might apply to any college program nourished by federal adpossibly including Grove City's grants office. But was the whole college subject to sanctions—to being second-guessed by federal bureaucrats—because federal grants to individual students happened to be an indirect part of its operating budget?

That was the issue the court addressed. And all the court did was to say no, restricting federal sanctions to the scope of the alleged violation. That is the interpretation of the law that Congress has now shouted down by huge margins. The "Civil Rights Restoration Act" declares, in effect, that a college or university offending federal regulations in any program, however, trivial, may be punished by the withdrawal of federal subsidy from all its programs.

But the president's veto message, with its alarmist imaginings of all sorts of threats to corporations and churches, flagrantly misses the real point: the truncation of academic freedom.

demic freedom.

Por two centuries the courts have made large allowance for the political independence of higher education. It began with the famous Dartmouth College case of 1819, argued by Daniel Webster. ("It is, sir, a small college, but there are those who love it.") The Marshall Court halted an effort by the New Hampshire legislature to revoke the college's original charter and convert Dartmouth into a public institution. The Supreme Court's solicitude for Grove City, another "small college," is in that tradition. So energetic has been the federal hounding of Grove City, in pursuit of unises intramural sports, that Justice Powell, no friend

So energetle has been the federal hounding of Grove City, in pursuit of unisex intramural sports, that Justice Powell, no friend of discrimination, was moved to scold federal authorities. "An unedifying example of overzealousness," he called it—strong words for him, but certainly well warranted.

Zealousness aside, the key issue here is not civil rights against civil wrongs, but a clash of two valid views of freedom. In case upon case, for years and years, the federal judiciary has recognized the special vulnerability of educational institutions to political meddling and pressure—including the kind of pressure that emanates from the righteous causes of the moment.

In the past 20 years, that solicitude has been eroded, often because racial balancing in public or private colleges seemed a greaterimperative than the full freedom of university administrators to make their own educational judgments.

Was the integration of the sexes on the

educational judgments.
Was the integration of the sexes on the playing fields of Orove City so great a cause, then, as to justify this legislation? Perhaps. But the unctuous self-righteousness that attended its passage is inappropriate. You can be super that carefully in the control of the ate. You can be sure that something has been lost as well as gained.

Mr. HUMPHREY, Mr. President, I rield whatever time remains back to the manager

Mr. HATCH, Mr. President, I yield to the Senator from Idaho.
Mr. SYMMS. Mr. President, I will

take just a few minutes today to make one last appeal to my colleagues to vote to sustain the President's veto of S. 557, the Grove City bill. As the distinguished Senator from Nebraska, Senator Karnes, said the other day, this legislation would be more properly titled the "Government Intrusion Act of 1988" for its pervasive coverage of private entities, including churches and synagogues, farms, businesses, and State and local governments.

All of us support Federal laws designed to protect individuals from invidious discrimination and ensure equality of opportunity. That is not the question at issue today. The question today is whether we will override the President's veto and support a bill which would quash fundamental freedoms from governmental intrusion and control, all in the name of civil rights. How long will civil rights endure when the almighty arm of Congress has eliminated basic elements of religious liberty and free enterprise?

Two great principles of government—liberty and equality—exist in tension within the language and spirit of our Constitution. It is a tension which has often set the parameters of debate within this body. It helps establish our character as a people, and it is essential to our system of government. It has made, and will continue to make, the United States a great nation to which people around the world, oppressed by their own governments, are drawn with hope for a new life for themselves and their families. S. 557 would destroy that important tension and tip the balance heavily against the principles of freedom. I believe its long-term impacts on the economy and the activities of private associations of American citizens will be debilitating to liberty and opportunity.

structure of the structure of the provided and the private sector. This expansion goes well beyond the scope of power exercised by the Federal Government before Grove City. I believe such an expansion of Federal power is unwarranted and ill-founded. The President has sent us a substitute bill which increases.

The President has sent us a substitute bill which incorporates many of the provisions included in S. 557, but eliminates the unwarranted Federal intrusion in private activities which was included in the bill we sent to the President's desk. I hope we will vote to sustain the veto, and urge the Judiciary Committee to give the President's substitute proposal expeditions consideration.

Mr. HATCH. I thank the distinguished Senator.

Mr. President, how much time remains to the Senator from Utah?
The PRESIDING OFFICER. The

The PRESIDING OFFICER. The Senator from Utah has 8 minutes and 45 seconds.

Mr. HATCH. Mr. President, I have to clarify a few things. The debate between Senator Kernedy and Senator Gramm, I think, contains some matters that need to be clarified.

For one thing, the Senator from

For one thing, the Senator from Texas is right, and the Senator from Massachusetts was right only insofar as a private religious school that is controlled by the religious institution is exempted by this bill. But not all are private religious schools, and there are only two that qualify in this country out of hundreds, actually thousands. The two are Catholic University and Brigham Young University, which are the only two completely controlled by their respective churches.

are the only two completely controlled by their respective churches. So the distinguished Senator from Texas is absolutely right. All these others are going to come under the onus of this bill and under section 3(b), which basically provides coverage throughout the whole institution if a Federal bureaucrat happens to disagree with the religious institution.

I notice that there is an opinion from Steploe and Johnson with regard to two issues: whether farmers are covered by this bill and whether homosexuals are. I am not going to address the homosexual issue because, to me, that is somewhat irrelevant to this, and there have been some extreme comments made by some people opposed to the bill. Let me address the farm issue.

If we do not want this legislation to cover farms in America,—almost every farm in America, large and small, take subsidies—why do we not say so in the bill? That is all the President is asking. Why should we leave it to the whim of a Federal judge as to whether a farm is or is not covered. The American Farm Bureau Federation thinks they are going to be covered. They presented testimony to that effect to the Senate Committee on Labor and Human Resources on March 19, 1987.

Some people claim that section 7 excludes farmers from coverage. It states that this bill does not "extend the application of the acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this act."

It suggests as much, but is not persuasive. The reason we need language in the bill specifically addressing farmers is that legislative history is not enough to protect farmers.

If we do not want this legislation to cover every farm in America, why didn't we just say so? We should not leave it to the whim of some Federal judge to determine whether a farm is or is not covered. The American Farm Bureau Federation certainly thinks that they are going to be covered. They presented testimony to that effect to the Senate Committee on Labor and Human Resources on March 19, 1987.

Now, some people claim that section 7 excludes farmers from coverage. Section 7 states that this bill does not "extend the application of the Acts famended by this bill] to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act." The Senate Committee Report (pp. 24, 25) suggests as much, but is unpersuasive. An ambiguous colloquy in the Senate, in which one of the participants himself acknowledged that the

issue, was not resolved, is of no real help.

help.

In any case legislative history is not enough to protect farmers. While farmers may have been regarded as "ultimate beneficiaries" under the current statutes, these statutes have been completely rewritten under S. 557. Before, the statutes covered programs or activities receiving Federal aid. Under this bill, private organizations, businesses, partnerships, and sole proprietorships are expressly covered if they receive Federal aid. Parms are obviously businesses.

A provision excluding ultimate beneficiaries at best excludes individuals such as persons on food stamps or Medicaid. Those individual ultimate beneficiaries are not businesses and run no risk of coverage as such. This is not so for a farmer—he or she operates a business.

ates a business.

I am not at all persuaded that legislative history is adequate to retain the pre-Grove City exclusion of farmers. Remember, in 1964, when debating the 1964 Civil Rights Act, its leading sponsor, Senator Hubert Humphrey, said he would eat the pages of the Concressional Record if the bill permitted quotas. We now know the Supreme Court would make Senator Humphrey eat those pages.

Moreover, even if I believed section 7 excluded farmers, it only applies to ultimate beneficiaries so regarded prior to enactment of the Civil Rights Restoration Act. What happens if we enact new farm programs after this bill goes on the books? At best, it is very unclear that farmers will be excluded from coverage under those new programs, and, in fact, I think they will be covered, no matter what we say in legislative beleave.

will be covered, no market while the conin legislative history.

Mr. President, there has been a
tendency to reduce the President's
veto to the short phrase, "If you want
to accept Federal money, you should
not discriminate." No one in this
Chamber supports discrimination. No
one in this Chamber believes that Federal funds should be used to underwrite discrimination. No one in Congress wants to support discrimination
against minorities, the aged, women,
and those who are handicapped.

While it is easy to reduce the debate to this kind of historical simplicity, the problems with the Civil Rights Restoration Act do not arise because people want to discriminate. They arise because people want to exist without total domination by the Federal bureaucracy. All of the operations of the church become subject to Federal bureaucracy, All of the program itself. All operations and activities of the church or synagogue will be covered and regulated.

In my State of Utah, the Farm Assembly of God conducts the Wee Willie Winkle Day Care Program, which is a State-licensed program. Of the 130 children in this program, the tuition for roughly one-third of the

children is covered by Federal assist-

The program is run in the church symnasium and once this bill passes all of the activities of that church will be subject to regulation not just that

particular day care center.

Now, has this day care program been accused of discrimination? No.

Have they discriminated against mi-

norities, the the aged? No. the handlcapped, women or

Do they want to rush out and dis-criminate? No.

They simply want to help the community by providing a desperately needed service, day care for parents who are working or in some other Fed-eral training or education program.

Now the pastor of the church called ae to tell me that if S. 557 becomes me to tell law, he will have to remove all of those federally-assisted children. He does not want to do so, but he feels he would have no choice. He does not want to subject all of the operations of his church to endless Federal regula-

Frankly, Mr. President, he has no idea of what this bill will do to him and to others in similar circumstances. The simple fact is that the Wee Willie Winkle Day Care Center is no more of a discrimination against Grove City College, the institution involved in the Grove City decision. It is sometimes forgotten but that school was never accused of discrimination. In fact the Court goes out of its way to make it clear it did not discriminate. The fact is the debate today is not

over discrimination. It is whether we can have an effective civil rights policy without regulating the activities of the

church or synagogue.

Are we really helpless in our ability to draft legislation that would protect against discrimination while still pro-tecting the rights of religious congregations, prayer rooms and other activities in the church.

Mr. President, if my colleagues want to vote to sustain the President's veto. then I will work with the majority leader and others, Senator Kennedy. and anybody who is interested in com-pleting action on this bill by the end

of the day or this week

The simple fact is we can protect mi-norities, women, the handicapped and aged without regulating churches. We can enforce equality without jeopardizing the religious freedom of synagogues. We can protect freedoms guaranteed all Americans without trampling the first amendment.

I hope my colleagues will join me in supporting the President's veto. The Grove City case should be overturned. But it can be accomplished without destroying rights guaranteed by the Con-

stitution

think this mislabeled bill should not become law in its present form, Again it is not a question of civil rights any more than it is a question of religious rights and freedoms. Frankly, what is involved here, and anybody who reads this bill and reads section 3(b) has to realize, is that any church or congregation that takes any dollar of Federal assistance, becomes wholy liable.

It it is a religious school system and one of the schools makes a mistake, then the whole system becomes covered by this bill.

Frankly, I do not think we should be in the business of regulating churches

in this country.

If you look at the first amendment. the first amendment, the first precious freedom that we have the right, the right to practice our religion the way we want to, freedom of religion.

Mr. President, let me just say this: This is an important bill. I would like to support it. No one feels more dedicated toward civil rights than I do. But cated toward civil rights than 1 do. But I also want to support our religious institutions in this country and their rights to be free, their civil rights, and I do not want the long arm of the Federal Government coming in and inter-

fering with religious rights.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I
yield 2 minutes to the Senator from

Minnesota

PRESIDING OFFICER. The

The PRESIDING OFFICER. The Senator from Minesota (Mr. Boschwitz) is recognized for 2 minutes.

Mr. BOSCHWITZ. Mr. President, if I could ask the Senator from Massachusetts to recognize the Senator from Washington first?

Mr. KENNEDY. The Senator from Washington under the time con-

Washington, under the time constraint, is yielded 90 seconds.
The PRESIDING OFFICER. The Senator from Washington (Mr. Evans)

is recognized for 1% minutes.

Mr. EVANS. Mr. President, during

Mr. EVANS. Mr. President, during the past few weeks I have received from my constituents thousands of phone calls and letters expressing con-cern about the quote, "evils and horcern about the quote, "evils and hor-rendous effects" of the Civil Rights Restoration Act. I am convinced that most of those who have contacted me have done so after being exposed to a gross misinformation campaign by or-ganizations such as the moral majority. And, after listening to the recent round of debate on the Senate floor, I am compelled to respond to the latest attacks on this most important legisla-tion. It is interesting to note that most of the major religious denominations in this country support the legislation this Congress passed.

I have heard everything from, "this

bill will require churches to hire ho-mosexuals affected with the AIDS virus" to "this bill will unduly burden private sector firms with paper work." With regard to the former assertion, nothing in the bill requires directly or nothing in the bill requires directly or indirectly, a firm to hire someone afflicted with the AIDs virus. Whether or not an individual with AIDs will be considered "disabled" within the meaning of section 504 of the Rehabilitation Act is an entirely separate inquiry. That interpretation has been settled by the courts. Addicts and persons with contagious diseases must be treated as handicapped except when they present a danger to the health and safety of others or cannot perform the essential functions of their positions.

S. 557 is concerned only with restoring the scope of coverage under our civil rights statutes. It does not in any way expand the classes of individual protections. The bill does not make sexual preference a protected class. It does not expand the scope of our major civil rights statutes—it merely restores congressional intent. Those statutes clearly prohibit discrimination on the basis of race, sex, age and disability. Thus, the legislation does nothing more than prohibit discrimination by those institutions and entities receiving federal funds.

As for the latter assertion about the compilance burdens on institutions and the private sector, this issue already has been debated at great length. And, the Senate has expressed its will clearly and uncontingently. its will clearly and unequivocally.

Sure, it may be inconvenient for a private entity to fill out the forms necessary and precedent to receiving Federal sid. Yet, does mere inconvenience outweigh the paramount concern of eradicating discrimination? I think

I will vote to override the President's veto. The arguments presented in his message to Congress offer nothing new or revealing—certainly nothing which has not been previously dis-cussed and rejected by the Senate. The Civil Rights Restoration Act has one simple purpose—to make federally supported discrimination illegal once again. It achieves this purpose by carefully defining the terms "program or fully defining the terms "program or activity" in each of the four statutes in a manner which is consistent with judicial interpretations and adminis-trative enforcement prior to Grove City versus Bell. It does not infringe upon first amendment protections for religious entitles. S. 557 preserves the existing law religious tenets exemp-tion. For example, current title IX res ulations provide for a religious exemp-tion where an educational institution finds the statute is inconsistent with its religious tenets. To date, no institution has been denied an exemption.
Furthermore, it is important to keep
in perspective that the goal of our civil
rights statutes is universal compliance. Immunity from such compliance should be granted cautiously and judiciously, as is the current practice of adjudication on a case-by-case basis. The basic question is whether we

will allow Federal funds to be used to condone discrimination. I do not beelleve the majority of Americans want their tax dollars used to subsidize dis-crimination. Congress must finish the Job it started in 1964 by clearly stating that our civil rights laws cannot be effective if too narrowly applied. I urge my colleagues to override the President's veto so that we can reaffirm this Nation's commitment to the vigor-ous protection of the civil rights of American women, minorities, elderly

American women, mimoriles, elderly and disabled citizens.

The PRESIDING OFFICER: The Senator has used his allotted time.

Mr. KENNEDY. Mr. President, I yield to the Senator from Misnesota.

The PRESIDING OFFICER. The Senator from Minnesota (Mr. Bosch-

WITZI is recognized Mr. BOSCHWITZ, Mr. President, I

rise today to voice my support for the Civil Rights Restoration Act and to urge my colleagues to vote for an over-ride of the President's veto of this im-

ride of the President's veto of this important legislation.

In the past week, I have received well over 2,000 calls, many from friends, urging me to support the President's veto. One Republican County Convention adopted a resolution expressing "unified disgust" with my support of the Civil Rights Restoration Act and addited me I broader. ration Act and advised me I should seek other work in the event I vote for

Sometimes, of course, a Senator will have an honest difference of opinion with his constituents. I may disagree with his constituents. I may disagree with some of my constituents about the best way to protect civil rights. At other times, however, our differences will be more a result of misunderstanding than strong disagreement. That is why I have been very disturbed the past week by a campaign of disinformation that some opponents of this bill have waged. Their tactics have misuppresented the bill misers.

have misrepresented this bill, misrepresented its bounds, and misrepresented what it would accomplish. In doing so, they have done a disservice to the people they serve and to the public debate that is taking place.

debate that is taking place.

I was recently given a copy of something called the Moral Majority Alert, and I'm told it was sent a short time ago to thousands of its members across the country. Now I have no axe to grind with Jerry Falwell or the Moral Majority. We've been on the same side on some issues and opposed on others. But I find were obtestion. on others. But I find very objectionable the kind of tactics now being used in opposing this piece of legislation. Listen to this rhetoric:

"Your church or mine could be forced to hire a practicing active homosexual or drug addict as a teacher or youth pastor." The letter also says, "American churches, Christian schools and ministries will be forced to employ a certain number of homosexuals, al-coholics, transvestites and drug ad-

Mr. President, if those things were true, I'd be at the head of the line op-posing this bill. But we know, Mr. President, that Mr. Falwell is not only playing fast and loose with the facts.

playing last and loose with the facts. He's making a hysterical appeal that actually ignores the facts of this bill. This bill clearly does not change the definition and standard for what constitutes discrimination. It does not give special protection on the grounds

of sexual preference. It grants no special rights to homosexuals. The courts have never interpreted the four laws affected by this bill to extend special rights to homosexuals, and this bill will not allow them to do so.

Mr. Falwell goes on to say that ho-mosexuals are protected by the bill because it "declares" that homosexuality is a "disease or handicap." The bill declares no such thing. It does not make any declaration on homosexuality. As far as diseases, it in fact makes clear that coverage does not include individuals who have contagious diseases that uals who have contagious diseases that would threaten the health of others or prevent them from performing the duties of the job.

This bill is not changing the stand-

ard of discrimination, it is simply re-storing what Congress believes to be the proper scope for civil rights laws.
If a particular institution receives assistance in one of its programs, the entire institution must not discriminate on the basis of age, sex, race, or handicapped status.

Mr. Falwell makes this bill sound

like a sinister plot which he says militant homosexual groups have "rail-roaded through Congress." That's absurd. This bill has been considered by Congress for 4 years, and it's over-whelming bipartisan support here in Congress reflects broad support for it throughout the country.

Mr. Falwell certainly has a right to differ with me and others on this bill, But when he distorts the bill to this degree in an effort to generate support for his cause, he has stepped over the

I will not repeat many of the assertations that I have heard made by others on the floor, but I conclude by

saying:

Freedom in this country will not be
threatened by this bill, as Mr. Falwell
would have us believe. But justice is
threatened when public campaigns
bend and distort the truth in the
name of their cause. I fought such a
campaign of distortion when the oppocampaign of distortion when the oppo-nents of Judge Bork sought to misrep-resent his record. They were eventual-ly successful. I will continue to fight those campaigns now and in the future from whatever side of the alsie they come.

they come.

Mr. Falwell can whip up all the hysteria he wants, and alarm as many people as he wants, and raise as much money as he likes. But this Senator is going to continue to support this bill to protect and expand civil rights of all Americans. I'm proud to support this bill and reaffirm the commitment of the U.S. Senate to civil rights for all

mericans. Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY, How much time remains?

PRESIDING OFFICER. Two

minutes and 50 seconds.

Mr. KENNEDY. I yield myself the remaining 2 minutes.

Again and again in this debate, we have heard the arguments of the moral majority and the rightwing against this legislation. Those arguments are full of sound and fury they signify nothing but disinforma-tion about this bill. Never in the histo-ry of civil rights have so many phone calls done so much to distort so many

These are the same reprehensible arguments we have always heard against guments we have always heard against civil rights. The issue is discrimina-tion, pure and simple. Opponents of this measure have left no stone un-turned in their unseemly attempt to carve new loopholes in the law and provide greater leeway for bias and discrimination.

The arguments of the opponents are awash in hypocrisy. They pay lip service to civil rights, but they refuse to practice what they preach. When the chips are down, they never met a civil rights bill they didn't dislike.

We have come too far in civil rights we nave come too lar in civil rights over the past three decades to roll back the clock today. Federal funds should not be used in any way, shape or form to subsidize discrimination be-

cause of race, sex, age, or disability.

It has been 121 years since a President of the United States has vetoed a civil rights bill. Congress overrode Andrew Johnson's veto in 1887, and Congress should override Ronald Rea-

gan's veto today.

I reserve the remainder of my time.
The PRESIDING OFFICER. The
Senator from Utah has 57 seconds remaining

Mr. HATCH, Mr. President, I vield 10 seconds to the distinguished Sena-tor from Colorado.

YOU CAN'T RESTORE WHAT HEVER WAS

Mr. ARMSTRONG. Mr. President, S. 557, the Civil Rights Restoration Act, is misnamed.

I know that its proponents say over and over again that the act does nothing more than restore the law to its pre-Grove City College v. Bell, 465 U.S. 555 (1984), status, but the proponents are wrong. Their own bill demonstrates my point:

Look at section 2, the congressional findings. The second finding reads:

The Congress finds that legislative action is necessary to restore the prior consistent and long-standing executive branch inter-pretation and broad, institution-wide appli-cation of those laws as previously adminis-

What section 2 does not say and cannot honestly say is that S. 557 would restore the law to what it was as would restore the law to what it was as interpreted and construed by the judicial branch. The vast weight of judicial opinion was against institution-wide coverage. The following list shows the major cases that demonstrate that prior to Grove City the civil rights statutes were usually read to be just what their words say they are, viz., program specific:

North Harrs Rd. of Margating v. Rd. 456

North Haven Bd. of Education v. Bell, 456 U.S. 512 (1982).

Hillsdale College v. Dept. of H.E.W. 696 F.2d 418 (6th Cir. 1982), vacated and re-manded in light of Grope City, 104 S.Ct. 1672 (1984).

Brown v. Sibley, 650 F.2d 769 (5th Cir.

Doyle v. Unin. of Alabama at Birminoham, 680 P.2d 1223 (11th Cir. 1982).

Rice v. Pres. & Fellows of Harvard Coll., 663 P.2d 376 (1st Cir. 1981), cert. denied, 456

U.S. 928 (1982). Simpson v. Reynolds Metals Co., 629 F.2d 1228 (7th Cir. 1980).

Simpson v. Reynolds Metals Co., 629 F.2d
1226 (Tin Cir. 1980).

Bd. of Instruction of Taylor Co. v. Finch,
414 F.2d 1058 (5th Cir. 1969) (cited by both
supporters and opponents of the idea that
Title VI is program specific!.

Romeo Community Schools v. Dept. of
H.E.W. 438 F.Supp. 1071 (E.D.Mich. 1977),
aff.d, 609 F.2d 581 (1879).

Othen v. Ann Arbor School Bd., 507
F.Supp. 1276 (E.D. Mich. 1978), aff.d, 699
P.2D 309 (6th Cir. 1983).
Dowyberty Co. School Sys. v. Harris, 622
P.2d 735 (5th Cir. 1983), vacated, 102 S. Cr.,
2264 (1982), on remand, 694 F.2d 78 (1983).

Univ. Richmond v. Bell, 543 F.Supp. 321
(E.D.Va. 1982).

Bachman v. Am. Socy of Clinical Pathologists, 577 F.Supp. 1257 (D.N.J. 1983).

Miller v. Abliene Carlstian Univ. of Dallas,
517 F.Supp. 437 (N.D.Tex. 1981).

Angel v. Pan American World Airnoays, 519
P.Supp. 1173 (D.D.C. 1981) (dicta) ("To hold
that commercial wirines fall within Section
504 merely because of assistance provided to
airports would expand improperly the accepted propostion that Section 504 is limitcd to direct recipients of federal funds." Id.
at 1178).

cd to direct recipients of federal funds." Id. at 1178).

On page 10 of the Committee Report there are cited a number of cases that the committee uses to demonstrate pre-Grove City that was institution wide. The Department of Justice replies that many of those cases do NOT support institution wide coverage. The Department of Justice said of the committee's case law."

"Board of Public Instruction of Taylor County v. Find., 418 P.2d 1063 (5th Cir. 1969) does not assume [] and endows [] institution-wide coverage..." as the Committee Report at 10 ays it does, Indeed, the Supreme Court has cited this case as support for the program-specific reading of these statutes. North Haves Board of Education v. Bell, 456 U.S. 512, 539 (1982). Likewise, a reading of the Finch holding itself does not indicate anything but a Program-specific comclusion.

"Inside States v. Jetterson Co. Board of

does not indicate anything but a program-specific conclusion.

"United States v. Jefferson Co. Board of Education, 372 F.2d 836 (5th Cir. 1966), alf'd en bane, 380 F.2d 335, cert, denied, sub nom Caddo Parish Board of Education v. United States, 389 U.B. 840 (1967) does not support institution-wide coverage under title VI. That case dealt with a public school system wide chescragation remedy where there was a constitutional claim at issue. The acope of title VI was not discussed in the online.

there was a constitutional claim at issue. The scope of title VI was not discussed in the opinion.

"United States v. El Camino Community College District 454 P. Supp. 825 (C.D. Cal. 1978). ecrt. denied, 444 U.S. 1013 (1980). The Committee Report states the holding as '(Title VI investigation of entire College appropriate.)' Committee Report at 10. The court's decision that an agency's investigatory authority—as distinguished from its regulatory authority—is broader than programs covered by thite VI is not inconsistent with the program-specific scope of that statute. An agency has some authority to investigate more broadly than the federally-assisted programs or activities in order to determine whether discrimination is occurring in those assisted programs or activities. The agency,

however, may only regulate—and seek remedial action in—those federally-assisted programs or activities.

The court's decision in Flanagan v. President and Directors of Georytown College, 417 P. Supp. 377 (D.D.C. (1976)), that non-federally assisted financial aid dispensed in a law school built with Pederal assistance is covered by title VI, is fully reflective of the program-specific scope of title VI. That activities occurring within buildings constructed with Federal financial assistance are themselves covered, for a period of time, by virtue of such construction aid, is fully consistent with the program-specific reach of title VI. This case provides no support for a scope of coverage beyond program-specificity. The court's decision in Flanagan v.

I thank the Chair.

Mr. HATCH. Mr. President, I think it is an injustice to say that the sincerc. religiously motivated people across this country really dislike all civil rights bills. I do not agree with that statement. I do not think they agree with that, and I think, again, this is an oversimplification. this is an oversimplification, like saying that this is just a simple over-rule of the Grove City case. It just is not restoring the law as it was 1 day before Grove City.

This is a tremendously broad statute that is going to intrude into many, many entities and organizations, practically all in our society, in four statu-tory ways, and frankly that is the thing I am concerned about more than anything else. I can live with all of that because I, too, want civil rights protected. I cannot live with the way

churches are treated in this bill.
The PRESIDING OFFICER. The

time of the Senator has expired.

The Senator from Massachusetts has I minute.

Mr KENNEDY. Mr. President, I yield to Senator Kasseaum.

Mrs. KASSEBAUM. Mr. President, I

am voting today to override the President's veto of S. 557, the Civil Rights Restoration Act. Like other Members of the Senate, I have received thousands of phone calls in opposition to this legislation and in support of the resident's veto of it.

This outery is of concern to me—not because the callers oppose the position I have taken on this bill—but rather because the calls are based on inaccurate information about what this bill

It really is a disservice to sound policy development when misinforma-tion so clouds the debate that any op-portunity to discuss alternatives is lost. Moreover, it is a disservice to American citizens to scare them out of their wits with distorted representa-tions of legislation before Congress.

Thomas Jefferson spoke eloquently of the critical role which an informed citizenry plays in making our demo-cratic system work. Public debate is enriched by the thoughtful contribu-tions and give-and-take by people who have studied an issue. It is meaning-less when misinformation is presented as fact and when intolerance replaces a respect for opposing views.

With this in mind, I think it is important to set the record straight on some of the statements which have been made about this bill.

The most frequently mentioned concern is that this legislation would force churches and schools to hire homosexual teachers. This is ridiculous.

The bill absolutely does not do this.

The legislation does not change the definition of sex discrimination— which deals with gender, not sexual preference. Current Federal civil rights statutes do not prohibit discrimination on the basis of sexual orientation and do not force anyone to hire homosexuals. The Civil Rights Resto-ration Act does not do so either.

Another statement about this legislation is that it declares that AIDS is a handicap. This legislation does not give any additional rights to persons with AIDS.

AIDS appears to have arisen as an Annual appears to have arisen as an issue in this legislation due to an amendment offered by Senators Humphers and Harkin which addresses issues raised by the Supreme Court decision in the Arline case. In that case, the Court determined that individuals the Court determined that maintained with contagious diseases are "handicapped" for purposes of coverage under section 504 of the Rehabilitation Act. That is the interpretation of tion Act. That is the interpretation of current law. It will continue to be the interpretation of current law, whether or not the Civil Rights Restoration Act is enacted.

The Humphrey-Harkin amendment clarifies that individuals with currently contagious diseases are not handi-capped individuals for purposes of section 504 as it relates to employment if they constitute direct health or safety hazards to others or if they are unable to perform the duties of the job due to their disease. I might point out that the Humphrey-Harkin language is also included in the alternative civil rights bill submitted by the President with veto message.

With respect to the religious free-dom issues which have been raised, I would first point out that a large number of Catholic, Jewish, and would lirst point out that a larke number of Catholic, Jewish, and Protestant groups have endorsed this legislation and have expressed their belief that religious freedom is ade-quately protected under it. The "religious tenets" exemption under title IX is maintained, and no request for such an exemption has ever been denied.
Moreover, churches and synagogues
will continue to be able to give preference to their own members.

Another issue is the statement that farmers who receive price support payments would come under coverage of civil rights laws if this legislation is en-acted. Again, there is nothing in this legislation or its accompanying report which supports this interpretation. To which supports his incorporation crop the contrary, farmers receiving crop subsidies are explicitly cited in the committee report as being "ultimate beneficiaries" who were excluded from coverage prior to the development of

this legislation and who will continue to be excluded after the bill is enacted

to be excluded after the bill is enacted. Others have indicated that grocery stores will be covered because they accept food stamps. As noted in materials prepared by the Department of Justice, the Department of Agriculture never has—and does not now—consider grocery stores which redeem food stamps as being recipients of Federal aid.

Although there is a great deal of misunderstanding about this bill, there is also some honest disagree-ment about what it will mean. The ment about what it will mean. The stated intent of this legislation is not to expand the reach of Federal civil rights laws but rather to restore the broader coverage under these laws which existed prior to the Supreme Court's 1984 decision in the Grove City versus Bell case.

City versus Bell case.

I question, for example, the need to single out for special mention businesses "principally engaged in education, heath care, housing, social services, or parks and recreation." On the whole, however, I believe that the bill meets its stated intent.

It does become frustrating to the test of the state of

meets its stated intent.

It does become frustrating to try to pin down the ins-and-outs of legislative provisions and to see how they might be applied under various regulatory or judicial theories. There is great truth in Alexander Solzhenitzyn's observation that "When the tissue of life is woven of territoria relative to the control of the provision of the control of the contr is woven of legalistic relations, there is an atmosphere of moral mediocrity, paralyzing man's noblest impulses," Nevertheless, we have tried to strike

a sensible balance, and the four civil rights statutes included in this legislation have been in force for many years. Title VI of the Civil Rights Act—which bars discrimination on the Act—which bars discrimination on the basis of race, color, or national origin—has been in effect since 1964. Title IX of the Education Amendments of 1972—which prohibits sex discrimination in education—has been in force for over 15 years. Section 504 of the Rehabilitation Act, which prohibits discrimination against the hibits discrimination against the handicapped, was enacted in 1973. The Age Discrimination Act became law 20

Age Discrimination Act became new 20 years later, in 1975.

In the years prior to the Grove City decision, enforcement of these civil rights laws was based on the broad interpretation of institution-wide coverage. Undoubtedly, it has not been smooth going every step of the way. but we have managed to work things out. In the process, we have made great progress toward establishing a society where equality of opportunity is not merely a slogan, but a tangible roal.

Moreover, we have signaled through Federal civil rights statutes that we have made a commitment to fair treat-ment of individuals as individuals. In many ways, it is this commitment which is most important of all, and I don't think we can afford to back away from it.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a brief from

the law firm of Steptoe and Johnson be printed in the Record. This opinion letter, signed by managing partner Robert E. Jordan III and Susan G. Esserman, concludes that neither farmers receiving crop subsidies nor homo-

sexuals are covered by these laws.

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

MARCH 22, 1988.

MARCH 22, 1988.

Senator Edward M. Kennedt.

Chairman, Senate Committee on Labor and Human Resources, Washington, DC.

Dear Senator Kennedt. This letter is in response to your request for an opinion on two issues relating to S. 557, the Civil Rights Restoration Act of 1897 ("CRRA").

This letter will address: (1) whether farmers receiving crop subsidies, federal price supports, and other similar commodity benefits are covered by the CRRA and the underlying anti-discrimination statutes—Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (1982): ("Title IX"), Title IX of the Education Amendments of 1972, 20 U.S.C. 41681 (a) (1982): ("Title IX"), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 41681 (a) (1982): ("Civil e IX"), Section 504 of the Rehabilitation Act of 1975 ("Age Act"), 42 U.S.C. 4102 (1982): ("The anti-discrimination statutes"); and (2) whether the CRRA and the relevant underlying anti-discrimination statutes afford protection to homosexulas, Our opinion is confined to these two specific issues.

Specific issues.

I. Whether farmers receiving crop subsidies, federal price supports, and other similar commodity benefits are covered by the CRRA and the underlying anti-discrimation

statutes?

Farmers who receive crop subsidies, price support payments, and similar commodity benefits are not covered by the CRRA or any of the underlying anti-discrimination statutes.

statutes.

Section 7 of the CRRA provides that "utimate beneficiaries" that were excluded from coverage underlying anti-discrimination statutes prior to enactment of the CRRA will continue to be excluded from coverage after enactment of the CRRA. Parmers who receive crop subsidies traditionally have been considered to be "ultimate beneficiaries" and therefore excluded from coverage under Title VI, the earliest of the anti-discrimination statutes and the model for the other underlying discrimination statutes. Moreover, the Senate Committee Report accompanying the CRRA, S. tion statutes. Moreover, the Senate com-mittee Report accompanying the CRRA. S. Rep. No. 64, 100th Cong., 1st Sess. (1987), specifically affirms that farmers receiving crop subsidies are an example of ultimate beneficiaries previously excluded from cov-erage of the anti-discrimination laws and thus exempt from coverage after enactment of the CRRA. of the CRRA

of the CREA.

Section 7 of the CRRA establishes the fol-lowing rule of construction: "Nothing in the amendments made by this Act shall be construed to extend the application of the Acta

so amended to ultimate beneficiaries of Ped-

so amended to ultimate beneficiaries of Pederal financial assistance excluded from coverage before the enactment of this Act."

Section 7 thus provides that the CRRA should not be interpreted to expand the application of the anti-discrimination statutes to ultimate beneficiaries of federal financial assistance, if such ultimate beneficiaries traditionally had been excluded from coverage under the statutes. Regulations for the lead agency implementing the anti-discrimination statutes exclude from coverage the "ultimate beneficiaries" of federal assistance. See 45 C.P.R. § 80.2 (1987) (Health and Human Services regulations implementing Title VI); 45 C.P.R. § 83.2(1987) (Health and Human Services regulations implementing Section 504); 86 C.P.R. § 90.4(2) (1987) (Health and Human Services regulations implementing the Age Act. § Parmers receiving crop subsidies and similar federal benefits were specifically identified as ultimate beneficiaries excluded from coverage of Title VI by the legislative history of the bill. For example, Senator John Sherman Cooper introduced into the Congressional Record a letter from Attorney General Robert Kennedy stating that since farmers who are recipients of commodity programs are "ultimate beneficiaries", Title

General Robert Kennedy stating that since farmers who are recipients of commodity programs are "ultimate beneficiaries". Title YI "would not authorize imposition of any requirements on individual farmers participating in various agriculture support and marketing programs." 110 Cong. Rec. 10076 (1964). Senator Hubert Humphrey also unequivocally stated that Tite VI would not subject farmers who receive benefits such as crop subsidies to the requirements of Title VI. "Title VI. will have little."

crop subsidies to the requirements of Tille VI:

"Title VI will have little ... effect on farm programs. It will not affect direct Federal programs, such as CCC price support operations, crop insurance, and acreage allottnent payments. It will not affect loans to farmers, except to make sure that the lending agencies follow nondiscriminatory policies. It will not require any farmer to change his employment policies." 110 Cong. Rec. 6545 (1964) (Emphasis added).

The Department of Agriculture ("DOA") regulations promulgated pursuant to Title VI reflect the congressional intent to exempt farmers receiving crop subsidies or other price support benefits from coverage under Title VI. Section 15.1 of the DOA regulations specifies that the anti-discrimination regulations do not apply to any recipient "who is an utilimate beneficiary under any such program." 7 C.F.R., 15.1 (1987). Section 15.3(AV) offers as an example of those persons to whom the antidiscrimination regulations apply those producer associations or cooperatives that are required to provide specified price support benefits to provide specified price support benefits to producers, i.e. individual farmers. These organizations that administer a federal program are materially different from ultimate beneficiaries of crop sub-

gram are materially different from ultimate beneficiaries, such as farmers who receive and are the actual beneficiaries of crop subsidies or price support payments.

Because farmers receiving crop subsidies and other similar programs are clearly identified as ultimate beneficiaries and excluded from coverage under Title VI. the Senate Report to the CRRA specifically identifies such farmers as ultimate beneficiaries of federal programs excluded from coverage under the CRRA. See S. Rep. No. 64, 100th Cong., 1st Sess. 24 (1987). As the Senate Report states: "So, from the beginning in the legislative history of Title VI, the model for the other three statutes, we have the

^{&#}x27;With respect to the other underlying statutes, Title IX, which applies to federal funds provided to education, has no practical application to this specific issue. Section 564 and the Age Act, which do have application to all federally funded programs, are modeled after and contain the same "uitimate beneficiary" exclusion as Title VI. Thus, while farmers receiving crop subdides are not specifically enumerated as a type of ultimate beneficiary, there is nothing in these statutes, regulations, or case law that would suggest any interpretation of "ultimate beneficiary" in these statutes, as applied to farmers receiving crop subsidies, that would be materially different from the treatment afforded such farmers under the model statute, Title VI.

The regulations implementing Title IX do not contain an express exclusion, but they have been applied in a similar manuer, See H.R. Rep. No. 963, 99th Cong., 2d Sess., pt. 1, 20 (1966).

unequivocal statement that farmers who receive crop subsidies are not covered." S. Rep. No. 64 at 25.

Testimony on an earlier and nearly identi-cal version of the CRRA introduced in the 99th Congress (H.R. 700) confirms that the anti-discrimination statutes have never been anti-discrimination statutes have never been interpreted to reach the sctirities of utilimate beneficiaries of sederally financed programs, such as farment receiving crop subsidies. See H.R. Rep. No. 700, 99th Cong., Ist Sess. (1985). According to the testimony of Daniel Murcus, former General Counsel of the Department of Agriculture, the rationale for such an exclusion was:

In enacting the fault-discrimination statutes! Congress was not concerned with regulating the activities of the tens of millions of Americans who are the ultimate beneficiaries.

of Americans who are the ultimate beneficiaries of the federal financial assistance, but who in no sense operate a federally-financed program or activity. Rather, Congress was concerned with the state agencies, the educational institutions and others who operate programs or conduct activities providing services to others and who are in a position to injure ultimate beneficiaries through discrimination. In other words, ultimate beneficiaries are to a large order the according

services to outins are many as a many services to trainer at the large training the initial descrimination. In other words, ultimate beneficiaries are to a large extent the people intended to be protected by Title VI and the other anti-discrimination statutes, not ... subjected to those statutes. H.R. Rep. No. 700, 99th Cong., 1st Sess. 1182 (1985.)

In summary, under the anti-discrimination statutes and their regulations, those categories of persons deemed to be ultimate beneficiaries of federal financial assistance are not covered by the requirements of the sets. The legibality history of the CRRA and Title VI specifically identity farmers receiving crop subsidies as belonging to the category of ultimate beneficiaries. Section 7 of the CRRA in our opinion ensures that those ultimate beneficiaries excluded before the passage of the Act will continue to be exempt from coverage under the anti-discrimination statutes. Thus, it is our opinion that even farmers receiving crop subsidies or farm support under programs ensected after passage of the CRRA would still be exempt from coverage from the CRRA and the undertwines and discrimination. after passage of the CRRA would still be exempt from coverage from the CRRA and the underlying anti-discrimination laws since such farmers constitute a category excluded prior to enactment of the CRRA.

II. Whether the CRRA and the relevant underlying anti-discrimination statutes afford protection to homoexuals?

In our opinion the CRRA does not expand the external of the category of persons antithet to protect

In our opinion the CRRA does not expand the category of persons entitled to protection under the underlying anti-discrimination statutes and thus does not create any rights or protection against determination for homosexuals. Moreover, the underlying anti-discrimination statutes "have never been interpreted to extend rights or protection against discrimination to homosexuals. Title IX has never been construed to extend protection against discrimination to homosexuals. Title IX provides that "no person in the United States shall, on the basis of sex, be excluded from participation in, be dealed the benefits of, or be subjected to discrimination under any education pro-

in, be desiled the benefits of, or be subjected to discrimination under any education program or activity receiving Pederal financial assistance. ... "19 U.S.C. § 1681. Thus, the language of Title IX refers to discrimination based on gender and does not mention discrimination based on accural preference. Similarly, the legislative history of Title IX and regulations implementing it address and

reflect concern for the protection of women and do not even refer to homosexuals. Moreover, there are no reported cases where the argument that Title IX offers homosex-

and Go But even refer to homosexuals. Moreover, there are no reported cases where the argument that Title IX offers homosexuals protection segaint discrimination is even discussed by a court.

Under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000 (1982) ("Title VII"), which bars ser discrimination in employment in language identical to Title IX. It is well settled that homosexuals are not covered. The courts have uniformly held that Title VII does not prohibit employment discrimination on the basis of sexual preference. The rationale for this position has been that, absent clear legislative expression to the contrary, the word sex should be given its normal interpretation, which means that it applies to a person's gender rather than sexual orientation. Sec. c.p., De Cinitio v. Westchester County Medical Center, 807 F.2d 304 (2d Cir. 1983), err. denied, 108 S. Ct. 89 (1987); Sommers v. Budget Markeling, Inc., 637 F.2d 748, 750 (8th Cir. 1982) (per curiam); De Sentise Precific Telephone & Telepaph Co., 608 F.2d 327 (9th Cir. 1979); Blum v. Gulf Ott Corp., 597 F.2d 326 (5th Cir. 1978); Holloway v. Arthur Andersen & Co., 556 F.2d 659, 652 (9th Cir. 1971); Voyles v. Ralph R. Davies Medical Center, 403 F. Supp. 458, 457 (N.D. Cal. 1935), affd mem., 570 F.2d 354 (9th Cir. 1978); Holloway v. Arthur Andersen & Co., 556 F.2d 659, 662 (9th Cir. 1971); Voyles v. Ralph R. Davies Medical Center, 403 F. Supp. 458, 457 (N.D. Cal. 1935), affd mem., 570 F.2d 354 (9th Cir. 1978); Holloway v. Arthur Andersen & Co., 556 F.2d 659, 662 (9th Cir. 1971); Voyles v. Ralph R. Davies Medical Center, 403 F. Supp. 458, 457 (N.D. Cal. 1935), affd mem., 570 F.2d 354 (9th Cir. 1978); Holloway v. Arthur Andersen & Co., 566 F.2d 659, 662 (9th Cir. 1971); Voyles v. Ralph R. Davies Medical Center, 403 F. Supp. 458, 457 (N.D. Cal. 1935), affd mem., 570 F.2d 354 (9th Cir. 1978); Holloway v. Arthur Andersen & Co., 566 F.2d 659, 662 (9th Cir. 1971); Voyles v. Ralph R. Davies Medical Center, 403 F. Supp. 458, 457 (N.D. Cal. 1935), affd mem., 5

gests that the as well as from its coverage, and calculate homosexuals from its coverage.

The other potentially relevant underlying statute, Section 504, also has not been interpreted to afford homosexuals protection against discrimination. The language of Section 504 protects against handicap discrimination in federally funded programs and does not mention protection for homosexuals. Nor do the heristative history or regulations even refer to the issue of homosexuals. The only reported case that confronts the issue of homosexual coverage under Section 504, Blackvell n. United States Department of the Treasury, 830 F.2d 1183 (D.C. Cir. 1987), affirmed a district court holding that a person's sexual orientation or preference is not protected under Section 504.

In conclusion, our opinion concerning the In conclusion, our opinion concerning the two issues for which you have sought advice is: 1) Parmers who receive crop subsidies, Federal price supports, and similar commodity benefits are not covered by the CRRA or any of the underlying anti-discrimination statutes; and 3) The CRRA does not create any rights or protection against discrimination for homoexcusis, and the underlying anti-discrimination statutes have never been interpreted to afford homoexcusis protection from discrimination.

Sincerely. Sincerely,
ROBERT E. JORDAN III.

Mr. KENNEDY. I yield back the remainder of the time.

The PRESIDING OFFICER, All time is yielded back.

Mr. BYRD. Does the Senator have any time left?

Mr. KENNEDY. Thirty seconds.
The PRESIDING OFFICER. The
Senator has 45 seconds remaining.
Forty-five seconds remain in the debate.
The PRESIDING OFFICER. All

time has expired.
Mr. BYRD. Mr. President, I suggest

the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The bill clerk proceeded to call the

Mr. BYRD. Mr. President, I ask unanimous consent that the order for

the quorum call be rescinded.

The PRESIDING OFFICER, With-

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

The question is, "Shall the bill (S. 557) pass, the objections of the President of the United States to the contrary notwithstanding?" The yeas and nays are mandatory under the Constitution

The clerk will call the roll.

assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. Biden), and the Senator from Mississippi DMr. STRINKE), are absent because of illness.

Mr. SIMPSON. I announce that the

Senator from Kansas [Mr. Dole] is necessarily absent.

The PRESIDING OFFICER, Are there any other Senators in the Cham-

ber desiring to vote?

The yeas and nays resulted—yeas 73, nays 24, as follows:

[Rollcall Vote No. 67 Leg.]

YKAR_73

Adams	Pord	Moynthan
Raucus	Fowler	Murkowski
Bentsen	Glenn	Nunn
Biogaman	Gore	Packwood
Boren	Graham	Pell
Boschwitz	Harkin	Proximire
Bradley	Hatfield	Pryor
Dreaux	Hefita	Reid
Bumpers	Helms	Ricgle
Burdick	Hollings	Rockefeller
Byrd	Inouve	Roth
Chaice	Johnston	Rudman
Chiles	Kamebaum	Sanford
Cohen	Kasten	Sarbance
Conrad	Remnedy	Samer
-Cranston	Kerry	Shelby
D'Amato	Lautenberg	Simon
Daschie	Lenhy	Specter
DeConcint	Levin	Stafford
Dixon	Matsunaga	Stevens
Dodd	McCain	Weicker
Domenici	Melcher	Wilson
Durenberger	Metzenbaum	Wirth
Evans	Mikulski	
Exan	Mitchell	

NAYS-24

Limstrong	Hecht	Pressier	
lond	Belms	Quayle	
ochran	Humphrey	Sumpson	
Danforth	Karnes	Symma	
3arn	Lurar	Thurmon	
ramma :	McClure	Trible	
Fastey	McConnett	Wallop	
latch	Nickles	Warner	

NOT VOTING-3

Diden Dole Stennis

The PRESIDING OFFICER, The Chair will remind the gallery, when we are announcing the vote, not to show approval or disapproval of the Sen-

On this vote, the yeas are 73; the nays are 24. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on recon-sideration, is passed, the objections of the President of the United States notwithstanding.
Mr. HATCH addressed the Chair.

[&]quot;Only two of the underlying anti-discrimination statutes, Title IX and Section 364 need to be exam-ined in reaching this conclusion, Title VI, which protects against discrimination on the basis of race or national origin, and the Age Act, which protects against age discrimination obviously are not rele-vant to this issue.

The PRESIDING OFFICER. The

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, part of beling a Member of this august body is to understand that you win some and sometimes you lose some. That is the nature of our process. nature of our process.

I would like to pay particular tribute the distinguished Senator from Massachusetts, and, I might add, the distinguished Senator from Connecti-cut. Senators Kennery and Weicker, for the distinguished and effective way they conducted themselves during this

I think the debate was basically, in large part, on substantive issues. I be-lieve we were all able to focus upon our common objectives, and that is, provide civil rights for the people throughout this country and protect those rights.

This bill will go a long way toward doing that. I, of course, have stated my viewpoint as to religious rights and freedoms. We have to see what happens. If the other body follows suit, this bill will become law, and the President's veto will be overridden. I hope, if some of the problems I

have been discussing do arise, that my friends who advocate so strongly for this bill will join me to ensure that our civil rights laws are enforced, but not in ways that will impugn or trample upon the rights of the religious free-

oms in this country.

I do not want to see religious schools suffer because of this bill. I do not want to see religious institutions, churches included, suffer as a result of

Frankly, Mr. President, I would like to just say a word about the President. No one in politics wants to be brand-ed as anticivil rights, and certainly I do not think anyone in this body de-serves to be branded that way, regardless of how hard things have been fought, and certainly the President

does not want to be.
I feel the President should be congratulated for having the kind of courage he displayed on this issue. He felt deeply about the seven amendments that he presented, the two foremost of which involve the churches' and synagogues' problem and, of course, the re-

ligious tenets problem.

So I would like to just say that I appreciate what he did. He suffered a defeat today. There are going to be other issues and other battles where he is going to win important victories during the remainder of this administration.

I believe the important thing we can take from this is that we all know that President Reagan is not going to be in-timidated by the fact that he has overwhelming odds against him, as this bill has presented. You can bet on the fact he is going to win more than he loses, even though he has lost here today.

Again, I would like to give my con gratulations to the distinguished Sena-tor from Massachusetts. He has been articulate: he has been effective: he

has mobilized outside and inside forces which I think have allowed this great victory that he and his counterpart from Connecticut, Senator WEICKER, have achieved here today.

This used to be the Weicker-Kennedy bill in the prior Congress. I do not think enough good can be said about Scnator WEICKER at this time and the leadership he has provided and the ef-fective way he has conducted the debate. I have immeasurable respect

for both these gentlemen and both of these dear colleagues.

I want them both to know that, even though we still have disagreements, which we have articulated on the floor. We have lost, and I want to congratulate them on this tremendous victory and let them know I appreciate the way they have treated this particular Senator from the State of Utah.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER (Mr. HARKIN). The Senator from Massachu-

Mr. KENNEDY, Mr. President, I appreciate the kind and generous re-marks of the Senator from Utah. I serve with him not only on the Human Resources Committee, but on the Judiciary Committee, and he is an able lawyer

I think the debate on this bill has focused the issues which are before this body concerning federally subsidized discrimination affecting millions of disabled, elderly, women and minori-ties, in our country. I appreciate the opportunity to work with the Senator from Utah, even though we are adversaries on this particular issue.

The debate of the past 4 years and the debates which we have held in the committee and on the floor this year. have exposed these issues to exhaustive examination, and brought them

into sharp focus.

This victory today is enormously important for millions of Americans who have not had equal opportunity in the period since the Grove City case was decided. I have been in the U.S. Senate now for 25 years, and I was a part of those bipartisan coalitions in the early sixties and seventies, that worked for meaningful progress in the areas of civil rights.

Once again today, this victory, although it is expressed in the 73 votes of the U.S. Senators today, arises from important traditions in both political parties of protecting individual rights and liberties and extending those protections to millions of Americans who did not have protections until the last

24 years.

I have welcomed very much the op portunity to work in this area, as in other areas, with my colleague and friend, the Senator from Connecticut. He is an articulate and forceful spokesman for equal opportunity. We look forward now to seeing a successful outcome in the House of Representatives.

Today, the American people are saying today through their representa-tives in the Senate that this country does not want to retreat on the issue of protection of civil rights for all American people.

America is America because of the progress that has been made, and that progress was reaffirmed today in this very strong vote. I am hopeful that the House will override the veto in a similar manner, and then I think the message will go out to the women in our society, the minorities, the elderly, and the disabled that this country is a country that is not going to let them down and leave them behind. This vote should bring a good deal of satisfaction to people all over this country. I am grateful to the Senator from Utah for his comments and look forto working with him in the future.

PRESIDING OFFICER. The

Senator from Connecticut.
Mr. WEICKER. Mr. President, I thank the distinguished Senator from Utah for his very gracious remarks. I also thank the distinguished Senator from Massachusetts for what truly has been a difficult task from its incep-tion, and not just the vote which everybody can see here on the floor but the work behind the scenes in the

committee to bring about this day.
The distinguished Senator from
Utah was a very important part of this
debate—indeed, the debate on many matters. He brings precision to the argument, integrity to the debate, and any legislation that has gone through the sifting process of the mind of the distinguished Senator from Utah is better legislation, win or lose. As he

says, you win some, you lose some.

Briefly, then, again my thanks to all who participated in this matter. It has who participated in this matter. It has been a battle over years, not just weeks and months. But most importantly I am really happy for my country today. I am really happy in the sense that the commitments of bygone generations have been renewed, whether commitments to the handiwhether commitments to the handicapped, or women, or blacks, or Hispanies, or the elderly. The vote today is not only a renewal of commitments to them but the promise to others who are minorities in this country. That is really what happened here today. We have done so much that grinds out of philosphical debate. It is a very happy renewed, when one again promises is moment when once again promise is held out to a part of America which, indeed, makes us one people. So somewhere out there I am sure there is an individual who is going to look at the result of what happened here and figure "My turn at bat is coming up and I am going to make it." I cannot think of any better thought that would attach to any legislation passed by this body.

Mr. HATCH, Mr. President, I thank

the Senator for the remarks he made about me. It is typically gracious of him and I appreciate that.

Mr. ADAMS addressed the Chair. Mr. SIMPSON addressed the Chair. The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, I will not delay the proceedings but I simply echo the remarks of Senator Kennedy and Senator Harch and Senator Weicher. As a member of that committee, I am grateful this has been done. I am particularly grateful it has been done because I know in the case of the younger generation, particularof the younger generation, particular-ly my daughters, they will see a renew-al of America's faith in treating people in a decent, fair, openhanded fashion, and that there is opportunity for ev-eryone. I think it is an historic moment for the Senate and I am grateful to have been a part of it. I thank the ranking minority leader for the time the time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The acting Republican leader is recognized. Mr. SIMPSON. Mr. President, I thank the floor managers for their exthank the floor managers for their ex-cellent work in a situation which could have been more polarized than it was. I thank Senator Kenneny and Senator Harca for the very civil and profes-sional way they have gone about their business. That makes it easier to legis-late. And, indeed, I am certain all will understand that anyone who would have voted to sustain the veto does not have any lesser commitment to the have any lesser commitment to the lesser in our society. I think that was clear in the debate.

I would like to clarify a statement I

a statement 1 made earlier regarding Senator Dole's position on the Grove City veto override. I think it is very indicative of some of the confusion and polarization and emotionalism on this issue that such a clarification is even necessary or required, but let me do that.

Let there be no doubt that Senator

Bos Dole, our minority leader, sup-ports legislation to overturn the Grove City case. I voted that way. He voted that way. I recall his work on civil rights throughout his entire time in this body. As to those of us who did this body. As to those of us who did vote to sustain the President's veto of the bill, all of us are interested in changing and overturning the Grove City decision. That should not be lost on any citizen of the United States. Senator Doux did, indeed, oppose the administration on many aspects of this issue and has indicated that publicly. And, again, as we saw here in the vote total, there were several persons who, if the vote had been near the figure of 33. which was the amount necessary to sustain, would have been supportive of the cause, and that is the position of Senator Doll. It was a position of mine originally held, that if the vote were required to sustain the veto, there were many of us out of loyalty to the President and as leaders of our party in the U.S. Senate who would be there to vote to sustain. I think that clarification should be made. If I in any way reflected differently Senator Dole's position, I certainly would not

want that to stay on the Record in that form, and thus the intent of mine to enter this correction.

Mr. President, the majority leader is not present and I would never want to act without his approval and knowl-That is an issue of deep trust which I respec

Mr. PRESSLER. Mr. President, could I make a short statement?

Mr. SIMPSON. Indeed.

The PRESIDING OFFICER. The Senator from Wyoming yields the floor?

Mr. SIMPSON. I yield the floor for that purpose. Approximately how long will the Senator from South Dakota

Mr. PRESSLER. About 3 or 4 min-

Mr. SIMPSON. Yes, Indeed, I do yield the floor for that purpose

yield the Hoor for that purpose.
The PRESIDING OFFICER. The
Senator from South Dakota.
Mr. PRESSLER. Mr. President. I
wish to explain my vote on the Civil
Rights Restoration Act.

I voted with the President today.

There was a great deal of discussion about whether or not farmers were affected by the bill we voted on today. The President's substitute bill clearly states that farmers would not be included. There was a colloquy on this floor in which it was suggested that farmers were not included in the bill vetoed by the President. Of course, I did not want farmers to be included. However, some Supreme Court Justices and other Federal Judges do not give much weight to a colloquy in rendering decisions in cases arising from Federal legislation. They want to see black letter law, and that is the usual practice of the Supreme Court. So I felt it was appropriate to support the President's substitute bill which clearly states the bill's application to farmers. There was a disagreement between lawyers here on the Hill and lawyers in the Justice Department as to exactly what the bill passed by Congress said. I think it was overbroad. I think it would give too much authority to judges to determine how it might apply to farmers.

So, although a number of remarks were made here on the Senate floor, it was all colloquy. For that reason, I supported the President. I feel very strongly that as this bill goes down the road it will be interpreted to include farmers. Judges have been given very wide latitude under the bill just passed over the President's veto to apply it quite broadly.

I continue to support strong civil rights legislation. But now that we have what I consider to be a clearer alternative in the President's substitute, I would prefer it to the bill we just

I thank the Chair.

S. 79-AMENDMENTS BY SENATOR HATCH

Mr. SIMPSON, Mr. President, I note the presence of the majority leader. So I feel more comfortable in asking unanimous consent that I may submit several amendments with regard to S. 79, which I understand must be at the desk before 1 o'clock, on behalf of Sen-ator Harch. And I ask unanimous consent that I may do so.

The PRESIDING OFFICER, Without objection, the amendments will be considered amendments of the Sena-

tor from Utah.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask that

morning business be closed.

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

RECESS UNTIL 2 P.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m.
The PRESIDING OFFICER. With-

out objection, it is so ordered.

Thereupon, at 12:43 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAHAM).

HIGH RISK OCCUPATIONAL DIS-EASE NOTIFICATION AND PRE-VENTION ACT

The PRESIDING OFFICER. The clerk will report the unfinished busi-

The bill clerk read as follows:

A bill (S. 79) to notify workers who are at high risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes:

The Senate resumed consideration of the bill.

Mr. METZENBAUM. Mr. President. loday we begin consideration of S. 79, the High Risk Occupational Disease Notification and Prevention Act. This is the most important occupa-

tion health legislation of the past decade. As principal author of the bill I am pleased and proud that it is before the Senate. Last October, the House passed the companion bill. Now our turn to stand up to help save the lives of tens of thousands of Amer ican workers.

I commend the Senate leadership for scheduling this bill. I also thank my colleagues on the Labor Commit-tee, particularly our chairman, Senater, particularly our channian, sens-ter Kennedy, who patiently but firmly helped move this bill through a number of markup sessions. I pay spe-cial tribute to one of the most revered members of this body, Senator Robert Stafford, who joined me in introducing this legislation. His commitment to

this bill is totally consistent with his career as a beacon for common sense and a steady voice for moderation and compassion within the Senate

ver the next several days, unfortunately, there may be less words of moderation heard about this bill. We will hear charges and countercharges; representations and misrepresentations. There will be a number of amendments, some constructive and amendments, some constructive and germane, others designed to disrupt the debate and confuse the issue. There is even talk of a fillbuster. But before we get caught up in intense debate, I want to discuss the simple principle underlying the bill—that a worker has the right to know when he or she is at high risk of disease from

pat workplace exposures.

Millions of Americans put their lives on the line every time they punch a timeclock. These hard-working men and women are exposed to occupational health hazards. Often it will take at neatth aszards. Often it will take years for the hazards to manifest themselves in disease. But if workers know they have been exposed to occupational hazards, they can get medical monitoring and counseling before the disease has reached a critical, untreatable stage.

Getting accurate information Getting accurate information to workers in timely fashion is what this bill is all about. It creates a medical/scientific panel to review existing scientific evidence. Based solely on the scientific evidence, that panel will designate particular worker populations at high risk of occupational disease. Once the scientific designation is made, the National Institute for Occupational Safety and Health will identify and notify as many of the workers in the designated risk population as possible. Workers will be told the nature of the risk, the diseases or con-ditions associated with the risk and their option to seek medical monitoring to detect any symptoms of the disease or condition

It is that simple and it is critically important. Each year, up to 87,000 deaths in the United States are attribdeaths in the United states are attrib-utable to insurdous occupational ex-posures. That is more than the number of people who die on our high-ways each year; that's more than the number of deaths we had in the entire victnam war. The cost in human misery cannot be measured in dollars, but occupational disease does exact a staggering financial toll on the private and public sectors. The Congressional Research Service estimates that occupational disease cost the United States close to \$10 billion in 1985.

There are many strategies to pre-vent the spread of occupational disvent the spread of occupational dis-ease. Obviously, primary prevention is vitally important. That is what OSHA is all about—preventing exposures and abating hazards in the first instance. But secondary prevention also is terribly important. S. 79 promotes medical intervention at the secondary stage after hazardous exposure but prior to the onset of disease. There is broad consensus among medical and scientifto experts that secondary prevention does make a difference. The Centers for Disease Control has already identified over 17 million workers exposed to specific hazardous substances for which medical monitoring is effective. According to the American Cancer So ciety, up to 25,000 occupational cancer deaths per year can be prevented through early detection and medical Intervention.

It costs \$21,000 to care for a cancer patient in the terminal year. By preventing 25,000 cancer deaths per year, we can save over \$500 million annually in health care costs. Given that empercent of American workers, it should be obvious that—in addition to relieving human suffering—this bill can save employers hundreds of millions of

dollars in medical care costs alone.

Opponents of S. 79 never even talk about cost savings, instead, they are touting a number of wild cost estimates as a scare tactic, At the apprepriate time, I am prepared to take on those estimates point-by-point. For now, let me quote an insurance indus-try executive who testified that this bill "not only will not increase work-ers' compensation and liability insurers' compensation and insolity insis-ance costs in the short term, but also will assure a long-term downturn in occupational disease frequency and se-verity, thereby reducing insurance costs for both employers and manufac-turers in the future."

Some may be surprised that I quoted an insurance executive on 8. 79. But the fact is a major segment of the business community supports the islation. In all my years as a legislator, including my days in the Ohio Senate and the Ohio General Assembly. I have never seen such a broad coalition of support for legislation to help workor support for legislation to neip work-ers. On a major bill relating to occupa-tional health, we can expect the sup-port of the AFL-CIO, the American Cancer Society, the American Lung Association, the American Medical Association and the entire public

Association and the churc public health community. You turn around and look at this chart that is behind us, and there you find about 20 separate health and en-vironmental supporters of S. 79, and on the chart to the left you find the business supporters of S. 79, including the Chemical Manufacturers Associa-tion, whose members account for over ercent of the chemicals generated in the United States, the American Electronics Association, with over 3,000 member companies, the National Paint & Coatings Association, with over 1,000 member companies, Crum & Forster Insurance Cos., the second largest property and casualty insurers in the country, Atlantic Richfield, Oc-cidental Petroleum, Olin Corp., Union Carbide, W.R. Grace, Eastman Kodak, IBM, General Electric, and so many more, including the one company that has experienced more than any other company in America the hazards of oc-

cunational ilinobece formerly the Johns-Manville Corp., now known as the Manville Corp.
We have significant support not only

from business organizations but from insurance companies, from the health groups, the environmental groups, and as to the business community, we have tremendous support from those com-panies that will be most directly af-

fected by this bill.

Why are these sophisticated, toughminded businesses supporting S. 797
Because they recognize that this bill furthers their self-interest by keeping their workers healthy and productive thereby reducing costs. And because they had the courage to look at the substance of the bill and not be swayed by political concerns.

Since introducing S. 79 1 year ago, Senator Starroup and I have made science starrown and I have made many changes. Following negotiations with business representatives, and with Senators Quartz and Harce, we have tightened the science provisions in the bill. We have clarified the pro-cedural protections. And we have strengthened the provisions insuring that the bill is liability neutral.

There is nothing in this bill that provides a basis for any worker to see

his or her employer.

I want to say, Mr. President, that we are still willing to improve S. 79. Senshave expressed their concern about the impact of the bill on farmers. We are prepared to discuss and look favorably upon amendments having to do with the agricultural community. Other Senators have indicated the medical transfer provisions of S. 79 could create practical prob-lems for small business, and we are trying to solve those problems.

While we are open to constructive amendments, we will fight efforts to gut this bill. Opponents of S. 79 have vowed to stop it at all costs. They intend to offer any number of amendments to divert our attention from the main issue. Many of these amend-ments may sound harmless. I might ments may sound harmless. I might even be willing to support a number of them in another context but I will not support certain ones of them on this bill, not when they are merely a part of a cynical ploy to subvert S. 79.

I urge my colleagues to pay close at-tention to the debate. Over the course of the debate, I ask you always to keep in mind that by giving workers the right to know we will improve their health and save lives, the lives of tens of thousands of persons.

Mr. President, I yield the floor to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Ohlo has yielded the floor. The Senator from Massachu-

Mr. KENNEDY. Mr. President, I support the High Risk Occupational Disease Notification Act. Our distin-guished colleagues from Ohio and Vermont, Senators METZENBAUM and STAF-rord, have worked tirelessly in the