HOUSE OF REPRESENTATIVES—*Thursday, January 8, 1987*

The House met at 12 noon.

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

We recognize, gracious God, that at a time of new events we celebrate those values and feelings that we hold deep in our hearts. In this moment of prayer, O God, we express our gratitude for the countless blessings that have been our heritage. While we labor for what we believe and we seem to work hard for our ideas, yet we also are aware that much has come to us as a gift from Your benevolent hand and from those who care for us. As we ponder the gifts that have come to us, may we remember to express our feelings of thanksgiving and praise and with a sense of wonder and awe, be ever mindful that so much has come to us, not of our own doing, but as a gift of others. Amen.

THE JOURNAL

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

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that 1-minute speeches will be postponed until later in the day.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, on Tuesday, January 6, 1987, on House Resolution 5, I was inadvertently recorded as not voting. I was present, I voted by electronic device, and I ask that the RECORD reflect that I was present and voted in the affirmative.

The SPEAKER. The gentleman's statement will appear in the RECORD.

SWEARING IN THE MEMBER-ELECT

The SPEAKER. The Chair has been informed that the gentleman from Michigan [Mr. DAVIS] desires to take the oath.

Mr. DAVIS of Michigan appeared at the bar of the House and took the oath of office.

The SPEAKER. Congratulations. You are a Member of the 100th Congress.

PROVIDING FOR CONSIDERATION OF H.R. 1, WATER QUALITY ACT OF 1987

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 27 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 27

Resolved, That upon the adoption of this resolution it shall be in order to consider the bill (H.R. 1) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes, in the House, debate on the bill shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Mississippi [Mr. LOTT], pending which I yield myself such time as I may use.

Mr. Speaker, House Resolution 27 is the rule providing for the consideration of the bill H.R. 1, the Water Quality Act of 1987.

The rule provides for the bill to be considered in the House. The resolution further provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation.

In addition, Mr. Speaker, the rule provides for one motion to recommit.

Mr. Speaker, H.R. 1, the Water Quality Act of 1987, is virtually identical to the conference report, S. 1128 that was adopted in the 99th Congress by votes of 408 to 0 and 96 to 0 in the House and Senate respectively. The conference report was then pocket vetoed by the President on November 6, and since the 99th Congress had adjourned at the time of the veto, there was no opportunity to override the veto.

Mr. Speaker, H.R. 1 would authorize over $18 billion of Federal funds for fiscal years 1986 through 1994, these funds would assist U.S. cities across the Nation in the construction of wastewater treatment plants. Included in the bill is a new State Revolving Loan Program that would provide a transition from Federal to State funding for the construction of wastewater treatment plants. This would allow the Federal Government to eventually turn over the responsibility of funding for the treatment plants to State and local governments.

The bill would also establish a new program for the control of nonpoint source pollution. This kind of pollution is the result of runoff from streets, parking lots, and farmlands. These kinds of pollution, Mr. Speaker, account for almost half of the water pollution in some areas. H.R. 1 would authorize $400 million for 4 years which would allow States to develop and create programs to monitor and control nonpoint source pollution.

Mr. Speaker, other major provisions of the bill include the establishment of a program that would identify toxic hot spots. These are waters that do not meet water quality standards because of toxic pollutants. This also increases civil and criminal penalties for violations of the Clean Water Act, and provides the EPA to assess administrative civil penalties. Also the bill establishes a program to monitor and control the pollution in the Great Lakes, directs the EPA to develop plans for the protection of estuaries, and extends the program to study and restore the water quality of lakes across the country.

Mr. Speaker, I support the rule and the bill, I urge all my colleagues to vote for House Resolution 27 and to pass H.R. 1, the Water Quality Act of 1987, so we can continue to protect our lakes and rivers from untreated domestic waste.

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

Mr. Speaker, this is the first major piece of legislation that will be going through the Congress this year, and I think, as it should be. I think that the American people and the Congress have already expressed themselves in saying that we want strong clean water legislation. In order to clean up the water in this country, it will be costly, and it will take time. This legislation would do that. It provides money—lots of money, probably more money than we should provide at this time—but we understand that there is a need for a significant amount of money to do the job that is necessary over the next 8 years.

We all know the history on this legislation. It was passed overwhelmingly by both bodies last year. It did not receive the President's signature, and that is why we are back here.

There are some problems that I have with this rule in particular. First, it is my understanding that the Public Works and Transportation Committee has not met to consider this legislation. So, a bill has not been reported.

I understand that we need to move this measure, and move it quickly, because a lot of communities need to go forward with this funding. But I think that we should be aware that this is being done in a somewhat unorthodox and at the very least, expedited manner.

Second, it is closed tight as a drum, and the next bill that we are going to have on the floor, the highway bill, is going to be a closed rule, tight as a drum. Now, are we all Members, or not? Should we have some minimum opportunity to offer substitutes or alternatives or amendments, or not, no matter what the circumstances are?

My response is "Absolutely." We were all elected in our own right, and we should not be told by the leadership of the Rules Committee, "You can offer no amendment whatsoever, not even a substitute." I object to that.

Also, an impassioned plea was made in a bipartisan way by our colleagues from Louisiana with regard to one section in this bill which allows for substances to be dumped into the Mississippi River that could cause very serious problems. The State of Louisiana, as I understand it, statistics would show has the highest cancer rate of any State in the Nation. They came in, Republican and Democrat, and said, "Give us an opportunity to knock this particular section out or to offer an amendment, or to do something, for Heaven's sake."

□ 1210

And the Rules Committee, on a tie vote, a bipartisan vote, 4 to 4 said "No, we are not going to give you that opportunity, State of Louisiana."

Now I have always kind of had the attitude around here that when my colleagues, Democrat or Republican, have something that we are bordering on that affects their district, I go with the Member. I also thought it was a tradition around here that when we have a State delegation of both parties that comes and says, "Give us a chance" on something that could mean life or death to us, to be heard; and we say no? I do not understand that. I do not think that is fair.

So I object to this rule; I support the legislation; I do not think it is a way to start this year off, and I would urge my colleagues at the proper time to vote against the previous question, after which if we defeat the previous question the membership will have an opportunity for the Louisiana delegation to offer an amendment to knock out the section they are concerned about; and so a substitute will at least be in order.

Now, I am not going to press the point on a vote on the rule, because I think the key point is the previous question. Give us a chance to make at least a substitute in order, and at least give the Louisiana delegation a chance to make the case. We do not have to accept it; we can reject it, but give them a chance.

So I will ask for a vote on the previous question, and I ask my colleagues to vote against it. I do not intend to ask for one on the rule; some other Member may. I do support the legislation and the concept, and we will have plenty of opportunity to talk about that substance after we vote on the rule.

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

Mr. LOTT. I yield to the gentleman.

Mr. GEKAS. Mr. Speaker, what I wanted to comment on in conjunction with what the gentleman has said is that the last time this bill came up and it received an overwhelming vote, it was based on an open rule that preceded it.

There seems to be no reason why we cannot have the same privilege now, knowing that the outcome is going to be favorable anyway; why not give us the opportunity to modify where and when necessary?

Mr. LOTT. Mr. Speaker, I agree with the gentleman. I do not have an amendment and I do not have a substitute that I would offer; but I do not think we ought to start this year off, this historic 100th Congress, with our first bill being shut down tight as a drum.

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

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

Mr. LIVINGSTON. Mr. Speaker, the gentleman has so very eloquently pointed out the difficulties the Louisiana delegation has with this bill. In fact, we tried to amend it.

We had a problem of which apparently none of the members of the Louisiana delegation were aware when this bill passed the House the first time. Somehow, in the final hours of the final conference during the completion of this bill back in the 99th Congress, a mysterious little provision sneaked into this bill.

It was put in there, and unfortunately not many of us in Louisiana, if any of us, knew that it was there. What that little provision did was to effectively, Mr. Speaker, allow and permit the EPA to grant permits to four specific plants on the Mississippi River to discharge gypsum into the river, whether or not that gypsum may be harmful to the consumers of the water in southeast Louisiana.

Now, that whole issue is a matter of substantial debate. The gypsum might be harmful or it might not be. There are ecologists, and toxicologists, and other experts on both sides, some of whom say that it is harmful, and some of whom say that it is not.

But the issue is not settled, and it seems to me and perhaps to other members of the delegation that until that issue is settled, it is premature to run through what my mayor of New Orleans calls the "Clean Dirty Water Act"; clean water for the rest of the country, and dirty for the city of New Orleans and the surrounding suburbs.

That is exactly what has happened. We have pushed through, in the Clean Water Act, a provision which by virtue of this rule we cannot amend, which mandates the granting of permits to dump this stuff into the river.

Now, the Louisiana delegation and the very able chairman of the Water Resource Subcommittee, BOB ROE, with whom I have had the great pleasure of serving over the last 9½ years I have served in Congress, have worked together over the night to see if we could come together and confect a compromise which would mitigate the onerous provisions of the existing language of section 306(c), the provision to which I have objection.

Mr. LOTT. Mr. Speaker, to accommodate the gentleman, I would be glad to yield him a specified amount of time so he can proceed as he sees fit.

At this point, I would be glad to yield the gentleman another 7 minutes.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding the time to me.

Mr. Speaker, the Louisiana delegation has sat down with representatives of the EPA, with representatives of the environmental community, with representatives of industry, with representatives of the Sewerage and Water Board, which has had very strenuous objections to the existing provision, section 306(c), in the law.

With the help of the able chairman and the subcommittee chairman, ARLAN STANGELAND, and staff, we have confected what appears to be a compromise which would be introduced to amend this bill later on.

Presumably that amendment will be accepted by the other body as well. We do not know that for certain. If in fact they do not adopt the same procedure that we do, and if they do not adopt our amendment, we will lose our rights to amend this provision. I have to tell the Speaker and Members of this body that I am very, very concerned about that; but I hope that if all of the Members in this body prevail on the Members of the other body to accept this provision, they will probably adopt it. If so, the provision, 306(c), will be amended and it will go to the President to accommodate our concerns.

Now basically section 306(c), as it is currently written is totally unacceptable. I have filed a bill yesterday which would delete the provision altogether; and that is my first preference. I would like to see this current provision just knocked out or deleted, be-

cause the quality of the water and health and safety of the people that drink the water is southeast Louisiana is directly impacted by this provision; and that's not my opinion, but the opinion of the attorneys and the ecological experts of the Sewage and Water Board whose responsibility it is to protect the quality of water in southeast Louisiana.

As I said, I would like to delete the provision altogether. Politically, that does not seem to be possible; I do not think that I could get that through this House much less the other body.

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

Mr. LIVINGSTON. I yield to the gentleman.

Mr. LOTT. Have you noted the fact that the administration bill that was introduced did delete this particular segment?

Mr. LIVINGSTON. As a matter of fact, I thank the gentleman for reminding me. We did prevail on the Administrator of EPA and on the administration, and President Reagan, to delete this provision in the administration bill.

Whether or not the administration bill prevails in this House, this provision, section 306(c), is knocked out of it, and we do not have to worry about it; but it is not knocked out of the bill that is most likely to pass this House and which will probably pass the Senate.

So if we cannot politically knock out section 306(c) the next best thing is to amend it; and that's what we seek to do. An amendment will be offered later on by the appropriate Members of Congress.

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

Mr. LIVINGSTON. I yield to the gentleman.

Mr. ROEMER. Mr. Speaker, first of all I want to thank the gentleman from Louisiana [Mr. LIVINGSTON] for his leadership; and I know it is a tough problem.

Our problem, Mr. Speaker, is that Louisiana enjoys—that is the wrong word—a lower life expectancy as a population than almost any State in America. Now that is a combination of a lot of things; it is about 3 years less than the national average.

One of the contributing factors is lack of clean air and water. We are a resource-rich State; and often we have abused our environment. Louisiana would like to change that, and the gentleman from Louisiana is trying to give us a chance to improve the quality of our air and our water; and I agree with the gentleman.

I like the bill; I do not have any problem with the rule, except one provision: the rule does not allow us to take this good bill and delete an onerous provision.

Mr. LIVINGSTON. That is true.

Mr. ROEMER. Given that fact, we are almost forced to vote against the previous question or to vote against the rule; and we do not want to do that.

What we want is a chance to make a good bill better, to take this provision out so that we can clean up our air and water. That is what we want, and I thank the gentleman from Louisiana [Mr. LIVINGSTON] for trying to give us a chance.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for clarifying the situation.

In fact, this bill as written, makes the quality of our water in southeast Louisiana worse. What we're trying to do is not necessarily improve that quality, but simply keep it as good as it is today, and we can do that with this amendment.

The amendment that has been confected by the majority and minority staff and by members on all sides and on the subcommittee, actually retains the rights of all parties as they primarily existed before this issue ever came up.

□ 1220

Before this issue was incorporated in the Clean Water Act of 1986, the whole process was going along in a normal rhythm. It may have been a little bit slow, but at least all parties were being protected, all sides had their opportunities to express their points of view, and nobody was going to be unduly jeopardized. With the passage of this provision, if it were unamended, frankly the possibility of the Sewerage and Water Board of New Orleans and the environmentalists to contest any undue or unjust permits would be adversely affected.

So what we are doing it putting everybody back close to the position in which they effectively found themselves in before all of this controversy arose.

The companies will be able to apply for the permits, the permits may or may not be granted by EPA and by the Louisiana Department of Environmental Quality, those permits may or may not allow the dumping of gypsum, and there must be the determination as to whether or not the dumping of that gypsum is detrimental to the quality of the water or to the people of southeast Louisiana.

If in fact none of those permits are granted, that is fine, and the companies will have to do something else with their gypsum. If it is deemed to be unharmful, that is fine, too, and it goes into the river without jeopardizing the community. But at least the processes will have been adhered to, and the environmental community, plus the Sewerage and Water Board, will have the right to judicially determine whether or not any permits that might be issued are in fact valid or legal. Thus, all rights are preserved under this compromise.

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

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

Mr. ROEMER. I thank the gentleman for yielding, and I thank the gentleman for his explanation. To make it clear from where I stand, the gentleman makes the point that the provision in the bill that is burdensome and onerous is a provision that allows EPA standards to be abrogated. That provision should not be in the bill. No. 2, the gentleman suggests there is a way around that, to allow the process to judge whether or not the gypsum is in fact harmful. I support the position of the gentleman, and I hope we win.

Mr. LIVINGSTON. I would only clarify for the RECORD: I am against this rule. This rule does prevent me from introducing my amendment to delete the provision altogether. I intend to vote against the rule, or at the very least, as the gentleman from Mississippi pointed out, to vote against the motion on the previous question. However, should I lose, and I do not anticipate that, and I hope that I do not, but should I lose on that, I intend to support the Clean Water Act. But I also intend to support this amendment, and I would ask all the Members of the House to support this amendment to section 306(c) as it will be proposed later on, and as it has been agreed to by all the members of the Louisiana delegation, all the members of the environmental community, the Sewerage and Water Board, their attorneys and the representatives of industry as well.

I thank the gentleman for yielding me the time.

Mr. LOTT. Mr. Speaker, I would like to inquire, does the gentleman on this side have requests for time he would like to take?

Mr. MOAKLEY. I yield myself such time as I may consume.

Mr. Speaker, I just want to let the membership know that the members of the Rules Committee were not callous in this matter. We had a long discussion with the members of the Committee on Public Works, the able chairman of the subcommittee, Mr. ROE, who indicated that he thought there would be a solution that he could work on. We have just heard the gentleman from Louisiana talk about the freestanding amendment that will be offered at the same time which I intend to vote for also when it comes up.

Mr. Speaker, I yield 13 minutes to the gentleman from New Jersey [Mr. ROE], chairman of the subcommittee.

Mr. ROE. Mr. Speaker, I do want to pay my high regards to, and appreciate the hard work of, the Rules Committee and the work they have done

on this bill, over the years, particularly JOE MOAKLEY for the work he is doing.

If I may be indulged by the House to give a little rundown on this issue: At the outset I want to compliment the gentleman from Louisiana and all the Representatives from Louisiana for the position they have taken on this particular matter. I think it is out of perspective, however, in some of the understandings which have now to be corrected, which we are now trying to do.

After the presentation was made at the Rules Committee yesterday, and with the indulgence of the Rules Committee as pointed out by Representative MOAKLEY, we went back and we reviewed this entire matter.

We have gone back, let me make this point to those of our Members who are here and those who are listening on the TV who will be here to vote, it is essentially important that this House votes overwhelmingly 100 percent for this rule, because the rule is a good rule.

Now, the Public Works Committee has gone back, and the help we received from the Louisiana delegation, we met almost all night, and we have worked with the environmental community, we have worked with EPA, we have worked with the officials down in Louisiana, and we have come up with an accord to solve the problem.

My father taught me one thing in life, that half of nothing is nothing, and if we just go and argue it out, Louisiana will lose, and the House is going to pass this law or this rule simply because what it does is it brings into focus the Clean Water Act of the country. It is critical to the country.

Now, this House voted 408, and the other body, now you can say the Senate, voted 96 in favor. It is unanimous. Now, the problem that Louisiana has brought up is legitimate. They require the help and the support of the House. After all, if this happened in New Jersey or any other State, we would be back fighting for Texas or Louisiana or anybody else. Now, the problem is how do we solve the problem in a direct way and achieve the goals for Louisiana that it is attempting to achieve. BOB LIVINGSTON set that out very clearly, as has LINDY BOGGS and other members of the delegation.

The solution we have come up with is as follows: We have tried to solve the problem with language in the report that we put into the RECORD yesterday. It does not have the full effect of law. However, we spelled out specifically what the EPA could not do in abrogating the rights of the State of Louisiana, and in effect Louisiana has a veto power in any case.

Now, the people from Louisiana have expressed concern about that because it is not part of the bill and therefore they could be in a dilatory position as far as the legal approach may be concerned.

Now therefore what is our recommendation? Our recommendation: I have joined with the entire Louisiana delegation in drafting up a freestanding resolution that would come back and put into force of law the items that we have agreed to that we wanted to get in there, together with the point of view of repealing the one issue that is in the bill having to do with the national guidelines. The national guidelines will go back into focus. That is a critical point to the State of Louisiana. We support that strongly. I would ask every Member of the House to support that situation. So Mrs. BOGGS and the delegation will be putting into the hopper right now, I believe it has already been posted, a concurrent resolution that would achieve those goals.

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

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

Mr. ROEMER. First of all, I want to say that I appreciate what the gentleman has done for this House for years, and that is tell it just like it is.

No. 2, I want to thank the gentleman for working with Mrs. BOGGS and BOB LIVINGSTON and other members of the Louisiana delegation to make this wrong right again.

No. 3, I want to ask a specific question if the gentleman will let me: Will we have a vote today on the provision that makes the report language law and deletes the provision of the bill that this House does not like, or would that come at a later time?

Mr. ROE. In direct answer to the gentleman, there will not be a vote on it today. It is my understanding from the leadership that this matter will be considered on the 20th of January, when we return under the Suspension Calendar.

Mr. ROEMER. On the Suspension Calendar.

Mr. ROE. However, it is important to add that what we are voting on today, the intent of Congress is in the language—what we vote on the intent of Congress is in there. Simply, this resolution will put it into force of law.

Mr. ROEMER. I thank the gentleman.

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

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

Mr. LIVINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the gentleman telling us when this thing might come up. I am a little bit concerned because of the delays. I was wondering if the gentleman would have any objection to us asking unanimous consent at this time.

Knowing that this matter may be encumbered by the current rule and other provisions and restrictions that are encumbered upon the House over the next few weeks, I was wondering if the gentleman would have any objections to a unanimous-consent request that the provision in the hands of Mrs. BOGGS at this time be substituted for the provision of section 306(c)? Would the gentleman consider this?

Mr. ROE. It is not part of the legislation, as the gentleman knows. If the gentleman wants to make that decision, that is up to him.

Mr. LIVINGSTON. I appreciate that.

At this time, Mr. Speaker, I ask unanimous consent that the provision about to be placed before the desk in the hands of Mrs. BOGGS be made a part.

Mr. MOAKLEY. Mr. Speaker, the gentleman speaking was not yielded time for that purpose.

The SPEAKER pro tempore (Mr. FORD of Tennessee). The gentleman [Mr. MOAKLEY] does not yield for that purpose.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ROE. I yield, of course, to the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the gentleman for yielding.

First, I would like very much to thank the Rules Committee for their consideration of the Louisiana position yesterday, and I would like very much to thank, in the name of the entire Louisiana delegation, the gentleman in the well Mr. ROE, and all the members of his committee and the staff members of the committee and all the other persons involved, in trying to work out what is a very reasonable solution to a very difficult problem, which is Louisiana specific.

I would like very much to thank the members of the Louisiana delegation for recognizing the hard work and the exemplary fashion in which the gentleman in the well and his committee, both sides of the aisle, have worked on this problem and have come up with a solution that can indeed relieve the difficulties which the citizens of Louisiana, particularly those who live in the districts of Mr. LIVINGSTON, Mr. TAUZIN, and myself, are encountering with the provision that is included in the bill.

So I would hope that we would abide by the decision of the gentleman in the well, Mr. ROE. We want to thank him for his cooperation and hard work and his recognition of the serious problem that the people of our State and particularly our districts are confronted with, a very severe environmental problem that they see as a part of their daily life.

We feel that this is an expeditious manner in which to go forward with

the bill as we have today. All of us in the Louisiana delegation applaud the Clean Water Act, and we certainly recognize the benefits that it brings to the entire Nation.

We wish to be in favor of the Clean Water Act, and we are very grateful to the gentleman in the well and all the others concerned for giving us an opportunity to be able to do so without impacting adversely upon the citizens of our area.

Mr. ROE. I thank the gentlewoman.

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

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

Mr. TAUZIN. I thank the gentleman for yielding.

I, too, want to join with my colleagues in thanking the gentleman in the well in particular and in the Rules Committees for its consideration of our particular problem in Louisiana.

As the bill emerged last year and as it is presented this year, the language with reference to the plants in Louisiana gave us in Louisiana in two critical areas in interpreting the language. The first area was whether or not the language in any way mandated EPA or in any way congressionally approved the granting of permits to dump gypsum in the river.

Is it correct that the report language the gentleman has adopted to the bill clearly says that that is not so, that nowhere in that amendment is the EPA mandated or encouraged nor does Congress approve the granting of permits to dump gypsum?

Mr. ROE. The gentleman is totally correct.

Mr. TAUZIN. Second, the big concern was whether or not the amendment in the bill in any way affected Louisiana's right to concur or fail to concur, in other words to veto, any grant of any permit that the EPA might issue or in any way obstructed the Louisiana Environmental Agency in modifying the permit that came out of EPA on this issue.

□ 1235

Mr. ROE. The gentleman is again correct. That is the intent.

Mr. TAUZIN. Finally, Mr. Speaker, it is my understanding from meetings this morning that the concurrent resolution that we are adopting not only contemplates, but it strikes from the bill the language dealing with the exemption from the EPA guidelines. Is that correct?

Mr. ROE. Mr. Speaker, the points that the gentleman has brought up are entirely correct. The purpose of the resolution is to put that into a force of law, as you know.

I think it is important, also, if I may add to the colloquy and the dialog right now, and maybe some of the members of the Louisiana delegation may want to do that further, is that on the basis of the resolution that has been sponsored bipartisanly and with the entire Louisiana delegation, I refer the followup communication from the Sierra Club, who strongly supports this resolution, which was one of our concerns yesterday in the dialog.

As I understand it, the delegation has spoken further to the Water Resources Board down in New Orleans and other officials in New Orleans, I believe on both sides, and they have also concurred. So those entities in Louisiana who are concerned about this overall piece of legislation are in accord with what we are attempting to achieve on this concurrent resolution.

Mr. TAUZIN. Mr. Speaker, if the gentleman will yield further, at the Committee on Rules yesterday, the gentleman in the well, the distinguished chairman of the subcommittee, also made a commitment to our delegation which I wanted to reaffirm here on the floor of the House, and that is that the committee would monitor the EPA's compliance with the provisions of this bill to ensure that the health and safety of the people who live in the parishes and counties affected in Louisiana would be taken into consideration in whatever permanent decisions were made in this matter. Is that also accurate?

Mr. ROE. The gentleman is correct, Mr. Speaker. I discussed that with the gentleman from New Jersey [Mr. HOWARD], the chariman of our full committee, and he is in complete accord.

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

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

Mr. ROEMER. Mr. Speaker, just to cut to the heart of the issue, if we could, for a second, our problem is that we want to tighten the bill, not loosen it. We support clean water; we support this bill, except for the one provision that our colleague has tried to delete.

That being understood, the danger is that we help pass this imperfect bill and do not get a chance to perfect it in regard to Louisiana's well-being.

I would like the gentleman to discuss that danger with us. I believe that the gentleman supports the concurrent resolution. In fact, the gentleman is a sponsor of the concurrent resolution. Am I correct?

Mr. ROE. The gentleman is correct.

Let me use the last minute I have left, with the indulgence of the Committee on Rules, for the benefit of the members of the delegation.

If any committee attempted to use all of its resources, from the chairman, the distinguished gentleman from New Jersey [Mr. HOWARD] on down, to support Louisiana, a State, it is being done now. I am asking the full House to support this issue because it is the right thing to do.

But we also have to say to the good folks in Louisiana that this language is even better than what we thought originally because we put a 180-day limit on to. We are saying to EPA, you have had this since 1974. We are worried about our people being poisoned. Why do you not do something now? This is 1986.

We are saying the EPA has got to respond to Louisiana in the next 180 days. We are saying they have to act now, and if we do not act now, this situation that is affecting the drinking water supply of Louisiana is going to continue.

Mr. LOTT. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. LIVINGSTON] for the purpose of a unanimous-consent request.

Mr. LIVINGSTON. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I have an amendment at the desk and I ask unanimous consent that that amendment be accepted in lieu of the current existing section 306(c).

Mr. MOAKLEY. Mr. Speaker, once again, the gentleman was not yielded to for that purpose.

The SPEAKER pro tempore (Mr. FORD of Tennessee). The gentleman from Massachusetts [Mr. MOAKLEY] has not yielded for that purpose.

Mr. LOTT. Mr. Speaker, I yielded under my time.

Mr. MOAKLEY. Mr. Speaker, the gentleman from Mississippi [Mr. LOTT] was not yielded to for that purpose, either.

The SPEAKER pro tempore. It is the Chair's opinion that only the gentleman from Massachusetts can yield for a unanimous-consent request to amend the rule.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. Mr. Speaker, basically I rise to try to determine where we are in this twilight zone of procedural activity here. It appears to me that we have a bill that came to us from a committee which has not met and another committee which is not constituted, the Committee on Merchant Marine and Fisheries.

It also appears to me that we have a bill which is a totally closed rule, under which the minority is going to be given basically no opportunity to address what is a clearly bipartisan concern, and that is the concern of Louisiana.

Those two factors being true, and since the unanimous-consent requests have unfortunately been turned down to try to straighten out this matter, I certainly hope that the Members on both sides will support the attempt by our side to defeat the previous question so that we can then bring up the issue that Louisiana has raised and

raised so well and has made such a good case for.

Thus, I strongly support the motion which will be made by the Republican whip which will be to defeat the previous question and allow us to proceed on the issue of Louisiana concerns.

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

Mr. GREGG. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to state that the members of the Committee on Public Works and Transportation, under whose jurisdiction this bill passed unanimously in the last Congress, as we all know, totally support the rule and support the bill.

I just wanted to get that on the record.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, one of the biggest issues that will be debated in the 100th Congress is accountability for the size of the national debt and for the annual deficit that we can see on the horizon for years to come.

The Speaker of this House previously has said, this is the Reagan deficit that we now have; the Reagan debt that we now have. It is on that point, and in opposition to this rule, that I want to speak today.

Late last year, I had a member of my staff prepare an analysis reflecting a comparison of the Reagan budget requests for the years 1982 through 1986, the full 5 years for which President Reagan is accountable, and contrast what Congress has done in response to those requests each year. What do you know? Over that 5-year span, Congress has appropriated a little less than the request for defense, a little less than the request for Social Security, a little less than the request for Medicare and a little less than the request for interest on the national debt. But would you believe that when it comes to the social programs, including this meritorious water project program, Congress, over the last 5 years, has appropriated $229 billion more than President Reagan has asked for.

This means that the entire level of Federal spending is roughly $100 billion on an annual basis higher than what it would be had Congress acceded to the leadership of this President in establishing spending priorities for the Government of the United States.

Congress is responsible for this fiscal mess. We in the House are; they in the other body are, but not the President of the United States. This President has made a reputable proposal today suggesting the level of spending for this project and most of us, and this Member from California does support it, should be not in excess of $12 billion.

The bill before us is $16 billion. What is the difference? I will tell you the difference; it is $4 billion. Every billion counts on the deficit.

We do not have an opportunity to even offer an amendment to give the House a chance to vote on the President's request for funding for this purpose. Why? Why do you not give us the chance? You run this shop. You tell us what we can do, when we can do it, where we can do it and how we can do it. Why do you produce a closed rule that precludes us from offering an amendment to reflect what the President of the United States says should be included in this budget process.

It is for this reason that I am in opposition to this rule.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

□ 1245

Mr. WALKER. Mr. Speaker, if the American people want to know by what process deficits are created, all they have to look at is the process we are proceeding by today. The process of this House today is one of those means by which we accumulate massive deficits.

We have before us a bill that was jointly referred to two committees. Obviously it was jointly referred to two committees so that those committees could consider the legislation. The bill that is reported to the floor here today or that is discharged to the floor is reported out of the committee, one committee that never met, and it is reported out of another committee that does not even exist. One committee never met, the other committee does not exist, and yet we have the bill out on the floor.

What about this bill? Well, it is a bill vetoed by the President of the United States on the premise that it was too expensive. Now, we may or may not agree with the President, but at least we ought to consider his viewpoint someplace. It ought to either be considered in the committee or it ought to be considered on this floor. The fact is it was not considered in committee because the one committee never met and the other committee does not exist. It will not be considered on the floor because we have a closed rule and we cannot amend the process. Therefore, the views of the President of the United States about the expensive nature of this bill will never get considered today.

That is wrong. That is how deficits are created. I say to all of the Members who come to this floor and suggest that we are not a part of creating the deficits and that that is all the prerogative of the President that that is just plain nonsense. Today we are creating a deficit. We are doing it right here, and the Members who vote to create it and who vote for the previous question are in fact the big spenders and ought to be regarded by the American people in that way.

Mr. LOTT. Mr. Speaker, I have no further requests for time at this point. I would inquire, does the gentleman from Massachusetts [Mr. MOAKLEY] have additional requests?

Mr. MOAKLEY. I have one request, Mr. Speaker.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume. Let me just conclude and wrap this up and say just briefly that I think it is very wholesome that we have had this discussion on this rule, because the fact is, it is a totally closed rule. In addressing the concerns of the delegation from Louisiana, I think we have helped to make arrangements perhaps for a way to resolve those concerns.

However, I think we ought to defeat the previous question so we would have an opportunity to get an open rule so the Members will have an opportunity to offer this or any other amendment. So, I will request a vote on the previous question at the appropriate time.

Mr. Speaker, if the gentleman from Massachusetts [Mr. MOAKLEY] has only one remaining speaker, then I have no further requests for time.

Mr. MOAKLEY. Mr. Speaker, I just have one request for 2 minutes.

Mr. LOTT. Then, Mr. Speaker, I would yield back the balance of my time, based upon that commitment.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN], who worked very hard with the Rules Committee to get the Louisiana point of view across.

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

Mr. Speaker, we are faced today in Louisiana with a decision to adopt a rule that will exclude our opportunity to amend the bill, which, of course, needs amendment. But the good news is that the chairman of the Committee on Public Works and Transportation and the chairman of the subcommittee involved here have both committed themselves to a measure of support which I think is extraordinary. Not only have the chairmen of those two committees committed themselves to help us with the concurrent resolution that will place into law, with the acceptance of this House, the provisions that Louisiana needs to guarantee our citizens the protections that we would like by an amendment to this bill, they have also agreed to monitor through hearings the process by which EPA will decide this issue in Louisiana on the dumping of gypsum.

Furthermore, the chairman of the subcommittee, the gentleman from

New Jersey [Mr. ROE], made an excellent point in the Rules Committee yesterday, and that is that not to have a provision in this bill would be a mistake for Louisiana, because not having a provision in this bill dealing with the particularly controversial permits would probably mean that more of the plants, especially those that would be in bankruptcy like the Becker facility, would be dumping gypsum without permits. More plants like the Becker facility would be dumping if our chairmen and our committees were not committed to help Louisiana with a mandate from EPA to resolve it.

With that in mind, I will join with all the Members on the Democratic side in supporting the rule, because of the firm commitments that we have with the chairmen and those in leadership positions on the Rules Committee and the leadership of this House to pass this legislation at the appropriate time.

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

Mr. TAUZIN. I am happy to yield to the chairman of the committee.

Mr. HOWARD. Mr. Speaker, I thank the gentleman for yielding, and I thank him and the other Members of the Louisiana delegation on both sides of the aisle for their cooperation.

I wish to assure those Members that the correcting legislation will be brought before this House during the first week when we come back and at the first possible moment.

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

Mr. TAUZIN. I yield to my colleague, the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I appreciate the gentleman's yielding, and I just want to point out that my own reason for voting against the rule and against the previous question is that if this deal falls through for any reason, whether it is by the action of the other body or not, then we will be back with the original language, and that concerns me. But I do appreciate the gentleman's point.

Mr. TAUZIN. Mr. Speaker, I urge my colleagues to adopt the rule.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, the gentleman from Mississippi [Mr. LOTT], I understand, has no further requests for time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. FORD of Tennessee). The question is on ordering the previous question.

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

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

The SPEAKER pro tempore. 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 286, nays 124, not voting 22, as follows:

[Roll No. 7]

YEAS—286

Ackerman	Ford (MI)	Mica
Akaka	Ford (TN)	Miller (CA)
Alexander	Frank	Miller (WA)
Anderson	Frenzel	Mineta
Andrews	Frost	Moakley
Anthony	Gallo	Mollohan
Applegate	Garcia	Montgomery
Aspin	Gaydos	Moody
Atkins	Gejdenson	Morrison (CT)
AuCoin	Gibbons	Mrazek
Barnard	Gilman	Murphy
Bates	Glickman	Murtha
Beilenson	Gonzalez	Nagle
Bennett	Goodling	Natcher
Bentley	Gordon	Neal
Bevill	Gradison	Nelson
Biaggi	Grant	Nichols
Bilbray	Gray (IL)	Nowak
Billey	Gray (PA)	Oakar
Boehlert	Guarini	Oberstar
Boggs	Hall (OH)	Obey
Boland	Hall (TX)	Olin
Bonior (MI)	Hamilton	Owens (NY)
Bonker	Hammerschmidt	Owens (UT)
Borski	Harris	Packard
Bosco	Hatcher	Panetta
Boucher	Hawkins	Pashayan
Boxer	Hayes (IL)	Patterson
Brooks	Hayes (LA)	Pease
Brown (CA)	Hefner	Penny
Bruce	Henry	Pepper
Bryant	Hertel	Perkins
Bustamante	Hochbrueckner	Pickett
Byron	Holloway	Price (IL)
Campbell	Horton	Price (NC)
Cardin	Howard	Rahall
Carper	Hoyer	Rangel
Carr	Hubbard	Ray
Chapman	Huckaby	Regula
Chappell	Hughes	Richardson
Clarke	Hutto	Rinaldo
Clinger	Jenkins	Robinson
Coelho	Johnson (CT)	Rodino
Coleman (TX)	Johnson (SD)	Roe
Collins	Jones (NC)	Roemer
Conyers	Jones (TN)	Rostenkowski
Cooper	Jontz	Roukema
Coughlin	Kanjorski	Rowland (CT)
Courter	Kaptur	Rowland (GA)
Coyne	Kastenmeier	Roybal
Crockett	Kennedy	Russo
Daniel	Kennelly	Sabo
Darden	Kildee	Sawyer
de la Garza	Kleczka	Saxton
DeFazio	Kolter	Scheuer
Dellums	Kostmayer	Schneider
Derrick	LaFalce	Schroeder
Dicks	Lancaster	Schulze
Dingell	Lantos	Schumer
DioGuardi	Leath (TX)	Sharp
Dixon	Lehman (CA)	Shaw
Donnelly	Lehman (FL)	Shuster
Dorgan (ND)	Leland	Sikorski
Dowdy	Levin (MI)	Sisisky
Downey	Levine (CA)	Skaggs
Dreier	Lewis (GA)	Skelton
Duncan	Lightfoot	Slattery
Durbin	Lipinski	Slaughter (NY)
Dwyer	Lloyd	Slaughter (VA)
Dymally	Lowry (WA)	Smith (FL)
Dyson	Luken, Thomas	Smith (IA)
Early	MacKay	Smith (NJ)
Eckart	Manton	Snowe
Edwards (CA)	Markey	Solarz
English	Martinez	Spratt
Erdreich	Matsui	St Germain
Evans	Mavroules	Staggers
Fascell	Mazzoli	Stallings
Fazio	McCloskey	Stangeland
Feighan	McCurdy	Stark
Fields	McDade	Stenholm
Flake	McHugh	Stokes
Flippo	McKinney	Stratton
Florio	McMillan (NC)	Studds
Foglietta	McMillen (MD)	Sundquist
Foley	Mfume	Swift
Synar	Valentine	Williams
Tallon	Vento	Wilson
Tauzin	Visclosky	Wise
Thomas (GA)	Volkmer	Wolpe
Torres	Walgren	Wortley
Torricelli	Watkins	Wyden
Towns	Waxman	Yates
Traficant	Weiss	Yatron
Traxler	Wheat	
Udall	Whitten	

NAYS—124

Archer	Hastert	Parris
Armey	Herger	Petri
Badham	Hiler	Porter
Baker	Hopkins	Pursell
Ballenger	Houghton	Ravenel
Bartlett	Hunter	Rhodes
Barton	Hyde	Ridge
Bateman	Inhofe	Ritter
Bereuter	Ireland	Roberts
Bilirakis	Jacobs	Rogers
Boulter	Jeffords	Roth
Broomfield	Kolbe	Saiki
Brown (CO)	Konnyu	Schaefer
Buechner	Kyl	Schuette
Bunning	Lagomarsino	Sensenbrenner
Burton (IN)	Latta	Shumway
Callahan	Leach (IA)	Skeen
Chandler	Lewis (CA)	Smith (NE)
Coats	Lewis (FL)	Smith (TX)
Coble	Livingston	Smith, Denny (OR)
Coleman (MO)	Lott	Smith, Robert (NH)
Combest	Lowery (CA)	Smith, Robert (OR)
Craig	Lujan	Solomon
Crane	Lukens, Donald	Stump
Dannemeyer	Lungren	Sweeney
Daub	Mack	Swindall
Davis (IL)	Madigan	Tauke
Davis (MI)	Marlenee	Taylor
DeLay	Martin (NY)	Upton
DeWine	McCandless	Vander Jagt
Dickinson	McCollum	Vucanovich
Dornan (CA)	McEwen	Walker
Edwards (OK)	McGrath	Weber
Emerson	Meyers	Weldon
Fawell	Michel	Wolf
Fish	Miller (OH)	Wylie
Gallegly	Molinari	Young (AK)
Gekas	Moorhead	Young (FL)
Gingrich	Morella	
Grandy	Morrison (WA)	
Gregg	Myers	
Gunderson	Nielson	
Hansen	Oxley	

NOT VOTING—22

Annunzio	Gephardt	Pickle
Berman	Green	Quillen
Boner (TN)	Hefley	Rose
Burton (CA)	Kasich	Savage
Cheney	Kemp	Spence
Clay	Lent	Thomas (CA)
Conte	Martin (IL)	
Espy	Ortiz	

□ 1305

Mr. DAVIS of Michigan changed his vote from "yea" to "nay."

Mrs. BENTLEY and Messrs. COURTER, ROWLAND of Connecticut, and CLINGER changed their votes from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FORD of Tennessee). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2, SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-3) on the resolution (H. Res. 38) providing for the consideration of the bill (H.R. 2) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBERS OF CERTAIN STANDING COMMITTEES OF THE HOUSE

Ms. OAKAR. Mr. Speaker, I offer a privileged resolution (H. Res. 39) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 39

Resolved, That the following named Members, be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: E de la Garza, Texas, chairman.

Committee on Banking, Finance and Urban Affairs: Fernand J. St Germain, Rhode Island, chairman.

Committee on District of Columbia: Ronald V. Dellums, California, chairman.

Committee on Education and Labor: Augustus F. Hawkins, California, chairman.

Committee on Energy and Commerce: John D. Dingell, Michigan, chairman.

Committee on Government Operations: Jack Brooks, Texas, chairman.

Committee on House Administration: Frank Annunzio, Illinois, chairman.

Committee on Interior and Insular Affairs: Morris K. Udall, Arizona, chairman.

Committee on Judiciary: Peter W. Rodino, New Jersey, chairman.

Committee on Merchant Marine and Fisheries: Walter B. Jones, North Carolina, chairman.

Committee on Post Office and Civil Service: William D. Ford, Michigan, chairman.

Committee on Science, Space, and Technology: Robert A. Roe, New Jersey, chairman.

Committee on Small Business: John J. LaFalce, New York, chairman.

Committee on Veterans' Affairs: G.V. (Sonny) Montgomery, Mississippi, chairman.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WATER QUALITY ACT OF 1987

Mr. HOWARD. Mr. Speaker, pursuant to House Resolution 27, I call up the bill (H.R. 1) to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 27, the gentleman from New Jersey [Mr. HOWARD] will be recognized for 30 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. HOWARD].

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

□ 1320

Mr. Speaker, the Committee on Public Works and Transportation is bringing the Water Quality Act of 1987 before the House under extraordinary circumstances but we believe there is no reason to delay. This bill is the same bill that most of you voted for on October 15, just 11 weeks ago. As the conference report, it was approved unanimously. We are asking members to vote the same way now as they did on October 15. It was a good bill then. It deserved to be passed by Congress, as it was, and signed into law, which it was not. It deserves to be passed and made law now—whether or not it is signed by the President.

This is not a partisan attempt to embarrass anyone. This bill has been worked on for 4 years by the Subcommittee on Water Resources and the Committee on Public Works and Transportation. Our work was on a bipartisan basis. The same was true of our lengthy and difficult conference with the other body. In no case was anything decided on a partisan basis. Nobody can say this bill is exactly how it would have been written if one Member was working alone. But everybody, on both sides of the aisle, has supported it.

The vote on this bill in October was 408 to 0. There is no reason to change our vote. The situation has not changed, except possibly to become even more urgent for passage of this bill.

When I stood in this well 11 weeks ago during consideration of the conference report, I thanked the many Members who had worked on this bill over the 4-year period, thinking their efforts had concluded with a bill based on a series of compromises that would soon be law. Few of us realized that we would be back here so soon fighting the same battles on the same bill.

My colleague, the gentleman from New Jersey, BOB ROE, the new chairman of the Committee on Science, Space and Technology, was chairman of the Subcommittee on Water Resources when this bill was drafted. He deserves our thanks for the long hours he put in, as does the gentleman from Minnesota [Mr. STANGELAND], the ranking minority member on the subcommittee.

The issue on this bill is whether the Federal Government has a role in cleaning up the environment. It is not a question of exorbitant amounts of money. It is not a question of budget-busting. It is a question of whether the Federal Government will maintain its role in the Federal, State, and local partnership to clean up the Nation's water supplies.

The Sewage Treatment Plant Program is made for a multilevel partnership, and this bill provides the structure to do it. H.R. 1 authorizes $18 billion through fiscal year 1994 for the construction of treatment plants. That is an average of $2.25 billion a year for clean water. Nobody can say that the American public does not want to spend $2.25 billion a year for clean water.

We used to spend $5 billion a year and we used to provide 75 percent Federal funding, but we were told that those levels encouraged unnecessary projects that were rife with porkbarrel. Then we reduced the program to $2.4 billion a year at 55 percent Federal. Now we are being told that level is too much.

This bill reflects those objects. It phases the grant program, which many of us believe has been successful, into a loan program. There is no authorization for grants after fiscal year 1990. Only loans are authorized after 1990. Of the $18 billion that is supposedly budget busting, $8 billion is in the form of loans.

We were told that grants are the traditional approach that must be changed. Loans, we were told, would reflect the new fiscal reality of the 1980's, which is a time of limited Government resources. Revolving loan funds are the wave of the future. This bill moves toward a construction loan program and mandates States to establish revolving loan funds. Yet we are told that the bill is a budget buster.

My conclusion is that the opposition to this bill is based on the premise that there should be no Federal role in protecting the environment. We have cut the funding to a minimum and provided all the innovative procedures and local participation that was requested, but we are still told it is too much.

All this discussion of $2.25 billion a year should be considered against the backdrop of the EPA's 1984 needs survey. In that document, the administration told Congress that $108 billion will be needed by the year 2000 for sewage plant construction. The administration has told us that six times more money is necessary than the amount that was vetoed just 2 months ago.

It is a shortsighted and self-defeating policy to ignore the $108 billion that the administration has documented to us. This is not a partisan issue—it is not partisan to want clean water. It is not partisan to vote for spending a modest amount on sewage treatment plants. That is why this bill was approved with bipartisan support in October.

The grants and loans for sewage treatment plants are not the only issue. H.R. 1 has many other good programs that should be law. It authorizes funds for nonpoint pollution, for pollution in estuaries, for clean lakes. It creates a program to clean up toxic hot spots and sets new deadlines for industry to comply with the pollution-control requirements of the Clean Water Act.

I urge my colleagues to vote for the environment and vote for clean water by suporting this bill. H.R. 1 is not a budget buster. The President made a mistake in vetoing the bill, and it is up to us to give him a second chance.

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

Mr. Speaker, as we approach a second vote on what is essentially the same piece of legislation we approved in mid-October, I believe that we should do so with a full understanding of the history of what has taken place since the enactment of the Federal Water Pollution Control Act Amendments of 1972. This will place in proper perspective the reasoning behind what is certain to be a strong vote by this body in support of the legislation before us, as well as the rationale for the President's continued opposition.

The history of clean water legislation actually reflects very highly on both Congress and the administration. It is unfortunate that we must differ at this juncture and on this particular bill. Yet, we in Congress simply must draw the line somewhere if we expect to reach our goal of clean water for all Americans.

As one of only four sitting members of the Public Works and Transportation Committee—and the only Republican member—who were here in 1972, I can speak from experience both as to what the 1987 Water Quality Act can and cannot be expected to accomplish. In a sense, it presents us with one of those "good news—bad news" scenarios.

The good news is that the bill's funding levels are both environmentally responsive and fiscally responsible. While less than in previous House bills, funding levels are considerably higher than what the administration is recommending.

The bad news is that there still won't be enough money to meet the demand for wastewater treatment. If any Members in this Chamber thinks that a vote for this bill and perhaps a vote to override will solve all of our water pollution problems, then you had better give that notion further thought. To be sure, the heavy hand of Federal enforcement will be out there, but funding for all of the deserving wastewater treatment projects will not be. Members of this and the other body can expect to hear the anguished cries from communities for help in cleaning up their polluted water.

Consider if you will the 1984 needs survey, a joint effort by the Environmental Protection Agency and the States, which estimates that a total investment of $101.7 billion will be required to construct municipal water pollution control facilities eligible for Federal financial assistance under the Clean Water Act through the year 2000.

For those here today who need convincing that we face the prospect of making an enormous financial investment in order to meet our national infrastructure needs, they now have an important look into the very substantial projected needs of just one component of that infrastructure.

To its credit, this administration has championed and been responsible for important reforms in the Clean Water Act. President Reagan has a remarkable record in cutting back on wasteful or unneeded Federal programs, and I share his commitment in that regard. He has also moved forthrightly to place more responsibility for Government programs in the hands of State and local government and the private sector. As it has done in so many other programs, this administration has lowered the Federal exposure in the Clean Water Program, and that is as it should be.

Meeting the clean water needs of communities throughout this Nation should not be wholly a Federal responsibility. The Clean Water Program is a Federal-State-local partnership, and the financial investment in and operational control of the program should reflect that partnership.

While many of us here may disagree with the President on this particular clean water bill, his current position is consistent with that which he has historically taken in support of his goals for this and other Government programs generally.

The 1972 clean water amendments, which represented a complete rewrite or prior water pollution control laws, strengthened the program of grant assistance to municipalities for the construction of sewage treatment facilities to meet the requirements of the act. The Federal share of eligible project costs was raised at that time to 75 percent, and $20.75 billion was authorized for grants, including reimbursement grants, to construct treatment facilities.

Mid-course corrections to the 1972 act were made in the 1977 amendments, which authorized an additional $25.5 billion for the Construction Grants Program.

Then, in 1981, substantial reforms were made. The 1981 Clean Water Act amendments reduced the Federal share of costs under the Construction Grants Program from 75 to 55 percent beginning in fiscal year 1985.

Along with reducing the Federal exposure in the Construction Grants Program, the 1981 act made other important changes. Eligible categories for grant assistance were limited to treatment works, associated interceptor sewers and correction of inflow-infiltration problems, also beginning in fiscal year 1985.

Problems associated with combined overflows and construction and repair of collector sewers were eliminated from grant eligibility, although grants could be made for these otherwise ineligible categories up to 20 percent of a State's allotment if the Governor so decided.

Planning and design grants were also eliminated and replaced by an allowance for planning and design costs were a step three construction grant had been approved.

Thus, the administration has made important progress in increasing the non-Federal participation in Clean Water Act programs. Unfortunately, its stance on the 1987 Water Quality Act fails to recognize just how far we have come in reforming this program so that it is both fiscally responsible and responsive. In short, the administration's current proposals simply go too far in cutting back the valuable programs authorized under the Clean Water Act.

I am afraid that the President received some bad advice when he chose to veto the conference agreement on this legislation. It has certainly been strange advice, considering the enormous support from all corners for this bill. It is supported by all of the involved interest groups. It has the support of the National Governors' Association, the National League of Cities, and the National Conference of State Legislatures.

Perhaps most interesting of all, not one Member of either House of Congress opposed this legislation.

It is also worth noting that when Congress considered the 1977 clean water amendments, we had contemplated funding as high as $7 billion a year for the Construction Grants Program. The problem of a rising Federal deficit forced us to reduce that figure to $2.4 billion annually.

In the area of construction grants funding, even though the President objects to the $18 billion this bill provides the program over 9 years, we are actually phasing out the Federal pro-

gram, and without abandoning the needs of States and municipalities. We end the construction grants in 4 years and the State Revolving Loan Program, which replaces the grant program, in 9 years.

Creation of State revolving loan funds capitalized in part through Federal seed money actually allows the Government to phaseout assistance in a responsible way so that State and local governments are allowed to develop alternative sources of funding for these programs.

While I recognize the administration's concerns over the funding levels of the Construction Grants Program, those levels are in fact significantly lower than the levels of the bill as passed overwhelmingly in by the House last year. After giving the bill the most detailed scrutiny, we made reductions where we felt reductions were possible. We simply do not feel that further reductions are warranted at this time. What this bill calls for are maximum authorization levels that serve as a measure of what we hope to be able to provide in the future to the extent that funds are available. Should it become necessary to reduce funding levels slightly, we would be able to do that through the budget process in cooperation with the administration.

What may be going unnoticed in all of this is the fact that we have not reached the goal of the 1972 Clean Water Act—to achieve, wherever attainable, fishable and swimmable water quality in all of the Nation's rivers, lakes and streams by mid-1983. We did not achieve that goal by 1983 and we may never achieve it unless we make the full financial investment needed.

That is why we have provided in this bill important funding for the orderly phaseout of the Construction Grants Program and creation of the State Revolving Loan Program. And that is why we have provided a new $400 million program for the control of nonpoint source pollution, an expanded program to control toxic hotspots, and provisions to address the particular pollution problems faced in our lakes and estuaries.

This legislation represents a united effort to develop a strong, efficient and balanced approach to ensuring clean water for all Americans.

And the American people support that goal. In a 1984 Harris poll of more than 1,200 voters, 85 percent said they favor strict enforcement of air and water pollution controls as required by the Clean Air and Clean Water Acts. Only 9 percent expressed opposition.

The advice that President Reagan has received thus far need not be the final word on this matter. Just as I urge my colleagues to vote for H.R. 1 today, so, too, do I urge my President to sign this most important piece of legislation.

We have before us today one of the most important environmental laws of the 100th Congress and perhaps of the decade. We must not let this opportunity to secure its enactment pass us by.

Mr. Speaker, allow me to highlight some of the most significant amendments of the bill.

One of H.R. 1's most valuable contributions is its new and comprehensive nonpoint source Pollution Control Program. The Clean Water Act, as written in 1972 and amended in 1977 and 1981, focused on point source discharges of pollution. Over the years, however, new information has indicated that nonpoint sources contribute up to 50 percent of the water pollution in some States. Thus, the conferees establish a new national policy to develop and implement programs for controlling nonpoint sources of pollution. New section 319 of the Clean Water Act will provide for State assessment reports, management programs, optional interstate management conferences, and needed Federal funding. With this new emphasis on nonpoint sources of pollution, we should be able to wage a more comprehensive and complete assault on water pollution throughout the Nation.

A related issue involves stormwater discharge permits. The bill retains important provisions of last year's House bill (H.R. 8) on agricultural discharges and expands upon municipal stormwater provisions addressed inadequately by the House- and Senate-passed bills. The conferees last year retained section 37 of the House bill, specifically excluding agricultural stormwater discharges from the definition of a point source. In addition, the conferees extensively revised the stormwater permit provisions for municipalities and industrial dischargers, recognizing the disasterous consequences that could result if provisions in the House- and Senate-passed bills remained unchanged. For industrial and large municipal discharge—storm sewer systems serving a population of 250,000 or more—not later than 2 years after the date of enactment the Administrator must establish regulations setting forth permit application requirements. Applications for permits must be filed within 3 years after the date of enactment and the Administrator or the State, as the case may be, must issue or deny such permits within 4 years of the date of enactment. These permits must provide for compliance as expeditiously as practicable but in no event later than 3 years after the date of issuance of the permit. For discharges from storm sewers serving a population of 100,000 or more, the Administrator must establish permit application requirements within 4 years of the date of enactment. Applications for permits must be filed no later than 5 years after date of enactment, and the Administrator or the State, as the case may be, must issue or deny the permits within 6 years after the date of enactment. The permits must provide for compliance as expeditiously as practicable but in no event later than 3 years after the date the permit is issued.

The new language will properly reduce the universe of permits required for storm water from millions to thousands without reducing the protection of the environment. We established a mechanism that will require permits only where necessary—rather than in every instance. Without these changes, local, State, and Federal officials would be inundated with an enormous permitting workload even though most of the discharges would not have significant environmental impacts.

In the same section of the bill, the conferees addressed the permitting requirements for industrial stormwater runoff. It is important, however, to clarify that a discharge is "associated with industrial activity" if it is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. Discharges which do not meet this definition include those discharges associated with parking lots and administrative and employee buildings.

Mr. Speaker, there is another issue I would like to address with respect to industrial stormwater discharges. The conferees provided in new subparagraph 402(p)3) that permits for discharges of stormwater associated with industrial activity must meet all applicable provisions of sections 301 and 402 of the act. Congress intended by this provision to make clear that, when permits are issued for industrial stormwater discharges, such permits must comply with applicable provisions of sections 301 and 402. It is the new amendments to section 402, however, that govern when permits must be issued not only with respect to municipal separate storm sewers but also for industrial stormwater discharges. Within 2 years after enactment of the amendments, EPA must promulgate regulations setting forth the permit application requirements. Applications for permits must be filed within 3 years after enactment of the amendments, and permits for such discharges must be issued or denied within 4 years after enactment. This timetable applies both to the large municipal and to industrial dischargers. Thus, stormwater discharges associated with industrial activity that are not already covered by permits on the date of enactment would ordinarily be subject to enforcement actions only if permit applications for such dis-

charges are not filed within 3 years after enactment of the amendments.

The bill also contains an important provision clarifying the regulatory treatment of stormwater runoff from oil, gas, and mining operations. Section 402 of the Clean Water Act is amended to prohibit the Administrator from requiring permits for stormwater runoff from mining operations or oil and gas exploration, production, processing, or treatment operations or transmission facilities except when the runoff is contaminated by contact with the overburden, raw material, or various waste products. With this limitation on the permitting requirements for such stormwater runoff, important oil, gas, and mining operations will be able to continue without unnecessary paperwork restrictions, while protection of the environment remains at a premium.

The bill includes important provisions on clean lakes, research and management of pollution in the Great Lakes, and estuary management conferences. In amending the act's section 314 clean lakes authority, H.R. 1 provides for increased environmental protection with the addition of a new demonstration program. I am particularly pleased to see that Beaver Lake in Arkansas is included as one of the projects in this important $40 million demonstration program. The bill also authorizes EPA to conduct demonstration projects related to restoring the biological integrity of acidified lakes and watersheds through liming. In addition, H.R. 1 establishes a Great Lakes Program Office in EPA and a Great Lakes Research Office in NOAA to develop and implement environmental programs with special emphasis on the control of toxic pollutants. The bill also authorizes EPA to convene estuary management conferences to solve water pollution problems in estuaries throughout the country.

H.R. 1 makes numerous changes to improve dramatically the removal and control of toxic pollutants. Toxics present one of the greatest dangers to this Nation's health and welfare. The conference report addresses this increasing concern in numerous areas. For example, EPA is directed to identify toxic pollutants which may be present in sewage sludge and to promulgate regulations and impose conditions in section 402 permits to protect public health and the environment. H.R. 1 also contains important provisions relating to water pollution control levels to be achieved after the act's technology-based BPT/BCT/BAT standards have been met. States must submit to EPA lists of navigable waters for which applicable water quality standards are not expected to be achieved after implementation of the best available technology and after pretreatment requirements and new source performance standards are met. States must also propose individual control strategies to reduce the discharge of toxic pollutants. In addition, EPA must develop methods for establishing and measuring water quality criteria for toxic pollutants.

The bill allows case-by-case modifications of BAT limits for preexisting discharges from coal remining areas. This is consistent with the concern of the administration and the needs of the coal mining industries. In addition, the amendment ensures careful analysis of environmental concerns by requiring an applicant to demonstate that the coal remining operation would result in the potential for improved water quality. The conferees specifically agreed to retain the phrase "potential for" so that applicants would not face the unreasonable burden of showing actual improvement in every instance.

Another important regulatory issue involves EPA's variance for fundamentally different factors [FDF's]. Under current law, a discharger can apply for and receive modifications from otherwise applicable effluent guidelines upon demonstating that his plant is fundamentally different from the plants which EPA based its effluent guidelines. The Supreme Court recently ratified the FDF variance process in *Chemical Manufacturers Assoc.* v. *National Resources Defense Council, Inc.*, — U.S. —; 105 Sup. Ct. 1102; (1985). Today, Congress gives its full support for this administratively created FDF mechanism and provides further direction to EPA.

While it limits the availability of the FDF modification in some instances, the bill also recognizes the tremendous importance of the variance process to the Clean Water Act's regulatory program. For years, Federal courts have articulated many reasons for retaining FDF variances. By establishing variances from nationally applicable effluent limitations guidelines and standards, the FDF modification provides necessary flexibility to nationwide standards and allows necessary challenges to regulations in a nonrulemaking forum. Courts around the country have upheld nationally applicable effluent limits specifically because of EPA's FDF variance, which provided a needed "safety valve." See for example, *American Frozen Food Institute* v. *Train*, 539 F. 2d 107 (D.C. Cir., 1976) and *Natural Resources Defense Council, Inc.* v. *EPA*, 537 F. 2D 642 (2d Cir., 1976).

In NRDC versus EPA, the court held that the establishment of an FDF variance was a valid exercise of EPA's rulemaking authority pursuant to section 501(A) of the act. The court stated that, in the context of the Clean Water Act, the variance was particularly appropriate:

> The sheer number of point sources potentially subject to regulation and the rapidly approaching statutory deadlines required the EPA to restrict itself in the regulation promulgation process to a representative sampling of plants. It is entirely possible that the resulting regulations will prove ill-suited to some of the unsampled individual plants to which they will be applied in the permit process. Unless the variance clause is established, there is no guarantee that such a defect could be effectively remedied if it occurred. Review of the regulations pursuant to section 509 of the act is not an acceptable substitute. Since the act authorizes informal rulemaking, review of the regulations will tend to be narrowly confined. The petitioner's recommendation that the rulemaking procedure be reopened at the permit-granting stage is unnecessarily cumbersome.— 537 F. 2d at 647.

Finally, the court warned that "Not all of the thousands of plants in operation could be expected to fit into prefabricated molds or templates. By specifying a permit procedure, Congress implicitly conferred on the permit-grantor the privilege of continuing the broader regulations in light of the specific type of plant applying for the permit. Without variance flexibility, the program might well founder on the rocks of illegality." 537 F. 2d at 647.

Recognizing the importance of an FDF variance, the conferees last year refused to limit severely its usefulness or applicability. Thus, the conferees agreed to many of the provisions in the House bill rather than those in the Senate bill. Under new section 301(n), EPA may issue fundamentally different factors [FDF] variances from national effluent limitations guidelines or categorical pretreatment standards. The FDF application must be based on information which the applicant submitted, or did not have a reasonable opportunity to submit, during the relevant rulemaking. An applicant would satisfy the "did not have a reasonable opportunity to submit" test in the following situations:

First, the discharger knew of the rulemaking, but had no reason to know until the final rule was issued that certain data would be relevant to the specific nature of the final rules—that is, the subcategorization as well as the exact numerical limits—as they apply to his facility;

Second, the discharger knew of the rulemaking, but could not submit certain data showing fundamental differences because those data could not be generated until the final rules were issued and tests could be run to assess the expected performance of the facility in complying with the final numerical limits; and

Third, the discharger did not know of the rulemaking, due to lack of actual or constructive notice.

I am pleased that the conferees deleted provisions in each bill related to savings clauses and other statutes. As a result, the Water Quality Act of 1987

does not in any way affect the well-established rulings of Milwaukee I, II, and III involving the Clean Water Act. Taken together, these decisions hold that, in interstate water pollution disputes, a downstream plaintiff State may not apply Federal common law nor the State common or statutory law of the downstream State against an upstream State with EPA-approved water pollution control requirements. In Milwaukee II, the Supreme Court held that the "all encompassing program of water pollution regulation" under the Clean Water Act preempted the Federal common law of nuisance. As stated by the court:

Congress has not left the formulation of appropriate Federal standards to the courts through application of often vague and indeterminate nuisance concepts and maxims of equity jurisprudence, but rather has occupied the field through the establishment of a comprehensive regulatory program supervised by an expert administrative agency.—*City of Milwaukee* v. *Illinois*, 451 U.S. 304 (1981).

Today, Congress leaves this comprehensive regulatory mechanism intact and does not in any way imply that Federal common law remedies are available to supplant or supplement remedies already available under the Clean Water Act. Interstate water pollution should be—and will remain—the subject of uniform Federal law and not the conflicting laws of various States.

I am particularly pleased the conferees deleted section 118—interstate dispute resolution—and section 119—preservation of other rights—of the Senate-passed bill. Both of these provisions were rife with potential mischief for the Clean Water Act's regulatory program. Section 118 established an unnecessary new dispute resolution process, mandating that EPA serve as an arbitrator in interstate disputes. Under current law, EPA can already intervene in such disputes as part of its review of State water quality standards. Section 119 would have fostered State enforcement of State statutory or common law by removing impediments to Federal court jurisdiction established by Milwaukee I, II, and III. Each State would be able to impose its own statutory or common law upon residents of other States and interfere with the regulatory actions of those other States. The result would have been contrary to a rational, orderly, and consistent regulatory scheme.

I do have some concerns about other regulatory provisions in title I. In certain respects, the conference report from last year failed to impose realistic deadlines and requirements or to provide the necessary amount of discretion and flexibility to EPA. As legislators, we must always strive to write laws that are workable and achievable. I am afraid that we did not do this consistently throughout the conference report. Because the bill before us today is the same in all substantive respects with last years conference report, my fears remain unabated.

My greatest concern is over the bill's compliance dates. The Senate bill from the previous Congress extended compliance deadlines for priority, conventional, and nonconventional pollutants to "as expeditiously as practicable" but not more than 3 years after the promulgation of effluent guidelines, with an outside date of July 1, 1988. The conference report adopted the Senate provisions, but modified the outside compliance date to March 31, 1989.

This is not a satisfactory—or sensible—resolution. Subsequent information and comments from EPA indicate that the deadline is unrealistic. It does not allow enough time to achieve compliance. Industrial direct discharges find themselves in an uncompromising situation, since EPA has not yet promulgated final effluent guidelines for various pollutants. Industrial facilities still waiting for guidance from EPA will have very little time to install necessary water treatment facilities. By retaining the March 31, 1989, deadline, I am afraid we are legislating fiction and defying common sense.

I am concerned that the bill's legally enforceable requirements, coupled with the act's citizen suit provisions may untimately harm the program. The cumulative load of deadlines throughout the bill may set up EPA, States, municipalities and industries for failure which will, in turn, breed endless litigation and disrespect for the law. As an example of the unreasonableness of some of the deadlines in the bill, I note that some of the deadlines imposed in the bill have already been missed. We must avoid imposing unrealistic requirements that result in courts—rather than expert agencies—running the Clean Water Act Program. I hope, Mr. Speaker, this new bill will not establish an unhealthy spiral of missed deadlines, lawsuits, congressional distrust, more deadlines, more missed deadlines, more lawsuits to infinity. If it does, then Congress should expect to revisit the whole issue again soon.

The conferees agreed on a new compliance date for achievement of effluent limitations guidelines: As expeditiously as practicable, but no later than 3 years after promulgation of the guidelines, but in no event later than March 31, 1989. During the discussion of this issue in the conference, it was noted that this deadline could pose a significant problem for some plants in the organic chemicals, plastics and synthetic fibers [OCPSF] industry. Our hearings clearly demonstrate that at least 3 years from promulgation is needed for most plants to comply. The guidelines for the OCPSF industry were required, by court order, to be issued by December 1986, a date that has passed without the guidelines having been issued. Even if the guidelines had been issued in December, OCPSF plants would have had only 2 years and 3 months to obtain permits and design, construct, install and operate the equipment necessary to meet the applicable limitations. It, therefore, appears that some OCPSF plants may fail to comply with their guidelines by the time required, not through any fault of their own, but simply because their guidelines were not issued early enough. Congress and EPA are both aware of their problem. Delay in promulgation of guidelines may make it impossible for some plants and industries to comply with the March 31, 1989 deadline. We agreed to address this problem in the conference report.

EPA told us that if presented with a compliance problem due to delay in guidelines promulgation, they would issue an administrative order to establish a reasonable compliance date for the discharger beyond March 31, 1989. The order would not assess a penalty for the discharger's failure to meet the statutory compliance date. EPA stated that it currently issues such orders to dischargers who are unable, because of delays in guidelines promulgation or permit issuance, to meet the July 1, 1984, deadline in existing law. EPA's statement that it would continue to issue these orders was the major reason for our not seeking to reopen and extend the March 31, 1989 outside compliance date. Issuance of such orders by EPA provides a useful method for remedying inequities suffered by specific plants as a result of the delay in guidelines promulgation. When a plant is issued this type of order, the plant should not thereafter be subject to suit—by EPA, a State, or a citizen—on the basis of its failure to adhere to the statutory compliance date. It is our intent that noncompliance which is not the fault of the plant should not be penalized in any way, whether administratively, legally, or in the eyes of the public.

On another issue, the anti-backsliding provision included in the bill, while designed to ensure that reasonable further progress is made in meeting the goals of the act, is not designed to prohibit industrial growth, nor to penalize those who have production-based permits.

Technology-based limits are often based on the level of production at a facility—pounds per ton. Permittees will continue to be able to increase their production or add to or change their manufacturing processes. They would, of course, still be required to maintain the effluent limitation guidelines—pounds per ton—issued by EPA for the appropriate industrial categories or subcategories as well as meet all applicable water quality standards.

The funding levels in H.R. 1 are both environmentally responsive and fiscally responsible. There is no unwarranted drain on the Federal Treasury in this bill. The level of $18 billion over 9 years for the current sewer grant program and the new State revolving loan fund represents a reasonable compromise and a worthy investment. The wastewater treatment needs of this Nation are steadily increasing. The creative financing in H.R. 1 will address these needs, but at the same time initiate the final phase of the transition to State and local self-sufficiency as soon as reasonably possible. Mr. Speaker, this bill signals a movement from the current level of Federal financial involvement to a program focused on increased State and local self-sufficiency; it does not, however, abandon the crucial Federal-State-local partnership that has developed over the years.

One of the bill's most innovative proposals is its revolving fund program through which a State will be able to provide financing assistance to its policial subdivisions and, upon repayment, be able to use that money again to construct needed pollution control facilities. These funds can be used for loans, guarantees, interest subsidies, and other nongrant purposes. Under this new authority, many more communities will receive funding for construction of needed wastewater treatment facilities. Countless communities have waited in vain for Federal funding, because they were too low on State priority lists. This new revolving fund program will help those communities meet their requirements under the act.

The bill will also remove current obstacles to the use of funding provided by Farmers Home Administration for Clean Water Act construction grant projects. Many rural communities would not be able to finance the substantial cost of meeting the act's requirements without use of FmHA funds.

Another important issue which the bill addresses is the problem of insuring that our ground water resources are adequately protected. Communities around the country face problems caused by pollution of the Nation's aquifers. Accordingly, the bill before us today calls upon EPA to undertake a study of the measures needed to adequately protect water resources at seven specified aquifers, including the Sparta aquifer in Arkansas. Because of the growing threat to ground water posed by point sources and nonpoint sources, it is appropriate that we dedicate our efforts to examining how we can best protect this important supply of water for millions of Americans.

Another provision of this bill with which I am particularly pleased is an increase in the rural set-aside program. Under the current law a Governor may set aside 4 percent of the State's construction grant funds to address water pollution problems in rural areas. This is an important provision which insures that our rural communities are not forgotten under the Clean Water Program. The conference report expands the rural set-aside program by requiring that at least 4 percent and not more than 7½ percent of a State's allotment shall be made available for rural problems.

Mr. Speaker, H.R. 1 provides vital funding to States and municipalities and makes farsighted changes to the Clean Water Act's regulatory program. It coordinates governmental and private actions in pursuit of one common goal: making our waters fishable and swimmable. The bill addresses the needs of municipalities and State governments, but at the same time recognizes the importance of increasing non-Federal self-sufficiency and decreasing Federal expenditures. In spite of today's budgetary constraints, H.R. 1 represents a worthy investment in our Nation's water quality. It is one of the most important environmental laws of the 100th Congress and perhaps of this decade. I urge my colleagues to support it fully. Furthermore, I urge the President to reconsider his objections to the bill and allow for it to become law.

Let me take a moment to congratulate the many Members who made such valuable contributions throughout this lengthy and arduous process. I want to thank the gentleman from New Jersey [Mr. HOWARD], who serves so ably as the chairman of the Committee on Public Works and Transportation, for his leadership and good judgment on this bill. I also want to congratulate the chairman last year and the ranking minority member of the Water Resources Subcommittee, the gentleman from New Jersey [Mr. ROE] and the gentleman from Minnesota [Mr. STANGELAND] for their tireless efforts, their spirit of cooperation, and especially for their comprehensive understanding of the issues. I especially want to thank the former ranking Republican member on the House Public Works Committee, the gentleman from Kentucky, Mr. Snyder, who so ably helped to mold this bill. And of course, I would be remiss if I did not thank the able leadership of the Environment and Public Works Committee in the other body for its guidance and cooperation.

Finally, Mr. Speaker, I would be remiss if I did not take this opportunity to thank all of the staff who worked so tirelessly over the years toward passage of clean water legislation. In particular, I would like to thank—and to congratulate—Gabe Rozsa, Ben Grumbles, Kathy Guilfoy, Errol Tyler, Ken Kopocis, Randy Deitz, and Charlotte Miles of the Water Resources Subcommittee. I would like to give a special note of appreciation to John Doyle. John served the members of the committee and, indeed, all of the Members of the House over the past 8 years as minority counsel to the Water Resources Subcommittee. He recently left the committee staff to assume new responsibilities as the principal Deputy Assistant Secretary of the Army for Civil Works. During the past few years he helped craft this bill in many ways and my colleagues and I are deeply indebted to him for all his help. I would also like to thank the Senate staff, including Bob Hurley, Phil Cummings, Jeff Peterson, Jimmy Powell, Ron Outen, and Steve Shimberg. All of these people worked practically nonstop for months, dedicating countless nights and weekends to make this moment happen. Some individuals endured this lengthy process for over 4 years. Because of their efforts, we have a bill that everyone can be proud of.

□ 1330

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

Mr. HAMMERSCHMIDT. I yield to the gentleman from Texas.

Mr. FIELDS. Mr. Speaker, as a cosponsor of H.R. 1, I rise to express my strong and enthusiastic support for the passage of this critically important legislation.

This bill, which is the product of several years of hard work, is virtually identical to a proposal which unanimously passed both bodies of Congress last year.

The fundamental purpose of this legislation is to reauthorize the landmark and historic Federal Water Pollution Control Act.

This law, better known as the Clean Water Act, is one of our most important and prominent environmental statutes. Since its enactment in 1972, impressive strides have been made in cleaning up thousands of lakes, rivers, and streams throughout this Nation.

Mr. Speaker, today we have an opportunity to renew our commitment to the national goal of making all of our waters fishable and swimmable for the benefit of every American.

While there are a number of key provisions contained within this legislation, including an extension of the Federal Wastewater Treatment Program, I will confine my remarks to the specific portion of this bill dealing with the Federal Clean Lakes Program.

Incorporated within section 315 is important language to improve water quality in Lake Houston, which is located in my congressional district.

Mr. Speaker, Lake Houston is a 12,000-acre manmade lake located within Harris County, TX. Owned by the city of Houston, it was created to

provide residents with an alternative source of drinking water to replace the area's rapidly depleting ground water supply.

Based on current needs and projections, it is expected that the Lake will continue to provide drinking water to some 40 percent of the city's population.

As the Members of Congress who proudly represents the Lake Houston area, I have long recognized the importance of this vital watershed in providing both safe drinking water and recreational opportunities for thousands of my constitutents.

For these reasons, I have viewed with alarm the periodic increases of fecal coliform bacteria in the lake. In fact, at one point the Houston Water Department found that 12 out of its 14 sampling locations around the lake exceeded the pollution standards for water used for contact recreation.

While water quality in the lake has fluctuated in recent months, the problem of fecal coliform bacteria remains a serious and unresolved matter.

In response to this problem, I introduced legislation in the last two Congresses to improve the water quality in Lake Houston. In addition, I have worked closely with the members of the House Public Works and Transportation Committee.

Mr. Speaker, I am extremely grateful that my efforts on behalf of Lake Houston have been included within H.R. 1, and I want to particularly thank our distinguished colleagues, Congressman JIM HOWARD, BOB ROE, JOHN PAUL HAMMERSCHMIDT, and ARLAN STANGELAND, for their invaluable assistance. I am convinced that this legislation will have a very positive and significant impact on water quality in this vital watershed.

Mr. Speaker, as currently written, Lake Houston has been selected as 1 of 11 major nationwide projects which will participate in a new and innovative lake water quality demonstration program.

The purpose of this multifaceted program will be to: First, develop cost-effective technologies for the control of pollutants in order to preserve or enhance lake water quality; second, control nonpoint sources of pollution; third, demonstrate environmentally preferred techniques for the removal and disposal of contaminated lake sediments; fourth, develop improved methods for the removal of silt, stumps, aquatic growth, and other obstructions which impair the quality of lakes; and fifth, construct and evaluate the use of silt traps or other devices to prevent or abate the deposit of sediments in our lakes.

In addition, it will evaluate the feasibility of implementing consolidated pollution control strategies such as regional wastewater treatment plants.

While I do not intend to prejudge the findings of this program, it is clear that the more than 200 wastewater treatment plants that are located in and around Lake Houston have had a tremendous impact on this watershed. It is these plants, or at least some of them, which have been identified as the source of the pollution problem.

In order to carry out this important demonstration program, H.R. 1 authorizes an appropriation of $40 million which will be available until expended.

Mr. Speaker, with the enactment of my Lake Houston Project, we will not only guarantee an improvement in the water quality of this lake but we will prevent the development of a hysteria that Lake Houston is a dirty, polluted body of water.

Mr. Speaker, Congress made a commitment to the American people through the Clean Water Act that our Government would improve and maintain the highest quality of our precious water resources.

Passage of the Water Quality Act of 1987, H.R. 1, will continue that vital commitment to both our Nation and to the people of the Eighth Congressional District. We must ensure that in the years ahead our rivers, lakes, and streams are safe and pure for all Americans.

I would urge my colleagues to strongly support the immediate passage of this most important legislation and to join with me in encouraging the President to sign this vital measure into law.

Mr. HAMMERSCHMIDT. Mr. Speaker, I reserve the balance of my time.

Mr. HOWARD. Mr. Speaker, I yield 4 minutes to the new chairman of our Subcommittee on Water Resources, the gentleman from New York [Mr. NOWAK].

Mr. NOWAK. Mr. Speaker, I am pleased to speak in support of H.R. 1, the Water Quality Act of 1987. This bill is the result of 4 years of work by the Congress and months of negotiation with the Senate. It is the same legislation which passed this House unanimously by a vote of 408–0 and passed the Senate by 96–0, this past October. Despite this overwhelming support, the President pocket-vetoed the legislation. We now must reapprove this legislation with the same overwhelming support as in the 99th Congress to assure that this bill becomes law.

H.R. 1 is a continuation of our commitment to the cleanup and maintenance of our Nation's waters. The bill reauthorizes the construction grants program to provide $9.6 billion over 5 years through 1990 for much-needed aid to localities for the construction of sewage treatment facilities. In addition, $8.4 billion is provided over the 6 years from 1989 through 1994 to establish State revolving loan funds. These State revolving funds, together with the construction grant authorizations, will enable municipal water pollution control needs to be met within a reasonable time.

Mr. Speaker, at this time I would like to engage in a colloquy with the gentleman from New Jersey to clarify the funding provisions of the Great Lakes amendment, that have been incorporated into this legislation.

First, I would like to thank the gentleman for his support of the amendment, which for the first time establishes a coordinated cleanup program for Great Lakes. This is a small part of the bill, but a big step forward for the Great Lakes, and I think the gentleman can be proud of his role in helping to make it happen.

As I explained earlier, the amendment provides $11 million per year from fiscal 1987 through fiscal 1991 to be subdivided as follows: $4.4 million for demonstration cleanups of toxic-contaminated sediments; $3.3 million for a NOAA research program; and $770,000 for nutrient monitoring. I just want to clarify that these funds are to be provided in addition to the existing appropriation for the Great Lakes National Program Office.

Mr. ROE. Mr. Speaker, if the gentleman will yield, the gentleman's understanding is correct. The purpose of the amendment is to build on the agency's existing resources, not to displace them.

Mr. NOWAK. Mr. Speaker, if we viewed the amendment any other way, our goals would be thwarted. The Great Lakes National Program Office currently has an operating budget of $5 million per year. That money is used to support vital projects such as studies of atmospheric deposition in the lakes, and toxic contamination in nearshore areas. These ongoing activities are required by the United States-Canada Water Quality Agreement. If this amendment were to be seen as displacing the existing GLNPO appropriation we would actually be reducing funding for these activities to $2.5 million per year. I just want to make clear that the committee does not intend such an illogical result.

Mr. ROE. That is right. The point of this amendment is to reverse a decade of neglect of the lakes, not to add chaos to EPA's existing programs. A recent National Academy of Sciences' report found that the population of the Great Lakes is exposed to appreciable more toxic substances than those in other parts of the United States. This amendment will provide the EPA with resources to help reverse that trend.

The bill also contains a provision establishing a procedure for the Environmental Protection Agency to address the problem of toxic hot spots.

These toxic hot spots occur in areas where water quality fails to meet applicable standards, notwithstanding the dischargers being in compliance with applicable permits. EPA will require pollution controls beyond those associated with installation of best available technology, to reduce and eliminate these toxic hot spots.

Other important provisions of the bill, and of particular importance to me, relate to the monitoring and control of pollution in the Great Lakes. These provisions would designate EPA's Great Lakes Program Office as the lead agency responsible for United States compliance with the United States-Canada Water Quality Agreement. It would require EPA to establish a toxics monitoring and surveillance network for the Great Lakes and develop a multiagency program for cleanup. The legislation would begin the cleanup of the Buffalo River as a demonstration of ways to address removal of sediments contaminated by toxic pollutants.

To implement these Great Lakes provisions, the bill contains an authorization of $11 million per year for fiscal years 1987 through 1991 to be divided as follows: $4.4 million for demonstration cleanups of toxic-contaminated sediments; $3.3 million for a National Oceanic and Atmospheric Administration Research Program; and, $770,000 for nutrient-monitoring. These amounts are in addition to existing appropriations for the Great Lakes National Program Office and are not meant to displace current resources.

The bill establishes a national policy that programs for the control of nonpoint sources of pollution be developed and implemented in an expeditious manner. The bill provides $400 million over 4 years to States or combinations of adjacent States to implement nonpoint source management programs. Since as much as 50 percent of the pollution in our waters, is estimated, to be caused by nonpoint sources it is imperative that this pollution be addressed promptly.

Our efforts toward clean water are further strengthened by the strong antibacksliding section in the bill. That section prohibits, except in certain narrow circumstances, the ability of a permitted discharger to increase the amount of pollutants discharged, when permits are renewed or modified. This will aid in the effort to obtain continually cleaner water in our Nation.

The legislation provides for increases in civil and criminal penalties for violations of the act. It also provides for the addition of new authority for EPA to impose administrative penalties to add to EPA's enforcement capabilities under the act. Hopefully the increases in penalty amounts and the addition of administrative penalties will reduce violations of the act and discourage those parties who would choose to violate the act with little fear of punishment.

There are numerous other provisions in the bill which continue our efforts to cleanup and maintain our Nation's waters. The passage of the bill will once again send a strong message to the administration on the urgency of addressing the nation's need for responsible and effective measures, to achieve and preserve the quality or our waters. I urge my colleagues to give unanimous support to the legislation, as this House did only a few weeks ago.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield one minute to the gentleman from Minnesota [Mr. STANGELAND], the ranking member of the Water Resources Subcommittee, and hard working member of our committee.

Mr. STANGELAND. Mr. Speaker, I rise to address provisions in H.R. 1, the Water Quality Act of 1987. This legislation is the result of conference discussions in the 99th Congress spanning over 6 months and work, by House and Senate committees spanning over 4 years. Weeks of hearings, thousands of pages of testimony, and countless hours of analysis, discussion and debate led to development of this vitally important environmental legislation.

H.R. 1 should look strikingly familiar to each of us. This legislation—like its counterpart S. 1—is virtually identical to the conference report on S. 1128, which passed the House and Senate unanimously—by combined votes of 504 to 0—less than 3 months ago but was pocket vetoed by the President on November 6. As a matter of fact, H.R. 1 is the same as S. 1128 except for a few purely technical changes, such as replacing 1986 with 1987 in the act's name to reflect the new year.

I should also point out that despite its immediate consideratoin in the 100th Congress, H.R. 1 has a complete legislative history in the form of documents from the 99th Congress. To determine congressional intent in H.R. 1, one should first consult the conference report on S. 1128 and then, if necessary, committee reports and floor statements for the 99th Congress' House- and Senate-passed bills (H.R. 8 and S. 1128). These documents, particularly S. 1128's conference report, provide a detailed legislative history for H.R. 1 even though the new legislation introduced just 2 days ago has no committee report, conference report, or statement of managers from the 100th Congress.

From the outset, let me thank and congratulate all the key players in the 99th Congress responsible for his legislation. In particular, I would like to commend the chairman of our Public Works Committee, Mr. HOWARD, the full committee's ranking Republican member, Mr. SNYDER, and the subcommittee chairman who presided over the conference, Mr. ROE. Chairman ROE worked tirelessly for the past two Congresses holding hearings, researching the issues, and perfecting the bill's language. He devoted entire weekends and worked constantly around the clock to bring this legislation to us today. I also want to congratulate last year's Senate conferees, particularly Senators CHAFEE, STAFFORD, BENTSEN, MITCHELL, and MOYNIHAN. They deserve our thanks, not only for their hard work and dedication, but also their patience and willingness to find balanced and acceptable solutions to the myriad of water quality problems facing this Nation. Special thanks are also due to Members of the 100th Congress—particularly the new ranking minority member of the House Public Works Committee, JOHN PAUL HAMMERSCHMIDT, and the new chairman of the Water Resources Subcommittee, HENRY NOWAK, for their contributions and bipartisan cooperation.

Mr. Speaker, months ago very few in this Chamber, or in Washington for that matter, would have predicted the House and Senate could reach agreement in the Clean Water Act Conference. The issues were seen as being too complex and time consuming. Most people felt the clean water bill would simply be lost in the rush to adjourn. Yet, the conferees were able to achieve compromise in the form of a carefully crafted, well reasoned bill that earned the unanimous support of Congress. Our success was due not only to the dedication of all involved in last year's conference, but, more importantly, to the commitment of Congress and the American people to the goals of the Clean Water Act.

H.R. 1, which is virtually identical to the conference report on S. 1128, represents a balance of House and Senate interests and, quite honestly, is a better product than either of its two predecessor bills, H.R. 8 in the House and S. 1128 in the Senate. The resulting legislation ensures full protection of the environment in a way that adequately protects those who bear the cost of the required protective measures.

Under the conference substitute embodied in H.R. 1, the Construction Grant Program continues at the current annual authorization level of $2.4 billion through fiscal year 1988. Thereafter, the program authorization level is reduced to $1.2 billion per year until the program is eliminated, beginning in fiscal year 1991. This adopts the funding level in the Senate bill and represents a responsible approach to a total phase-out of the construction grant program.

Mr. Speaker, we cannot just walk away from communities that have not received grant funding because, quite frankly, they have polluted less. If we did nothing more than discontinue the construction grants program sometime in the future, this improper result would occur. The conferees' solution to this problem was to provide the same type of transitional financing mechanism contained in both House and Senate bills. That mechanism, now commonly referred to as State revolving fund capitalization grants, originated in the 98th Congress in the House-passed version of this legislation. After a year-long study by EPA, the Agency endorsed the idea, and in the 99th Congress our counterparts in the Senate included authorization for State revolving fund grants in their bill, improving on some of the orignial House concepts. H.R. 1's provisions are the end product of this evolutionary process, and the new State revolving fund authorities we bring to you today will possibly put the States in a position a few years hence to adequately fill the financial assistance void that would otherwise be created by phasing out the construction grants program.

To assist in the phase-out of the Construction Grant Program, we are calling for funding for a new revolving loan program. Revolving loan funds have been tried in a number of States, including my State of Minnesota, and found to be an extremely effective way to spend scarce resources in a way that broadens our ability to achieve the act's purposes. Under this program, the Federal Government will help provide seed money to establish State revolving funds which local communities will use to help finance needed wastewater treatment facilities. Federal moneys made available for these funds would be subject to certain restrictions on their use, as are moneys provided through the Construction Grant Program. As these moneys are repaid into the fund, the restriction on how the funds can be used would be eliminated, thereby allowing the States greater flexibility and freedom in financing municipal wastewater treatment programs.

Mr. Speaker, the allotment formula was another central issue in the conference. The House bill continued the existing formula for distributing the grant funds to individual States. The Senate bill, however, contained a new formula that was totally unacceptable to the House and that would have had States represented by a majority of the Members of the House receiving reduced shares of Construction Grant Program appropriations. My State of Minnesota stood to lose 15 percent of its annual allotment in the first 3 years and 20 percent in the last 2 years of the program under the Senate formula.

I was extremely pleased the conferees agreed to adopt an allotment formula substantially different from that in the Senate bill, under which funding for the overwhelming majority of States stays at or near the level of funding under current law. Where there are changes up or down, they are generally slight. For example, my State of Minnesota will get a slightly lower allotment than under current law, but by only $350,000—a change of less than 1 percent of the State's annual allotment of almost $45 million. This is a major victory not only for my home State, which would have lost $9 million per year under the Senate formula, assuming an appropriation of $2.4 billion, but also for the House's position on this issue.

I am also pleased H.R. 1 retains section 202(e) of last year's conference report on S. 1128. This provision recognizes the importance of the activated biofilter feature of the treatment works project for Little Falls, MN. The subsection provides that the city's activated biofilter component is deemed to be an innovative waste water process and technique and is eligible for increased grants, which the act makes available for innovative technology projects.

Mr. Speaker, H.R. 1 also calls for a major new program to address the serious problems posed by nonpoint source pollution. This initiative recognizes the growing problem of nonpoint source pollution, which contributes as much as one-half of all pollution affecting our waters. Under the program, States must establish nonpoint source programs which identify waters contaminated in whole or in part by nonpoint sources and develop management plans to deal with such pollution.

Under these management plans, the States would develop best management practices [BMP's] which are intended to be the primary water quality improvement and water quality compliance mechanism. Water quality standards established under section 303 of the act would be used to determine where nonpoint source management programs are necessary and assess the overall effectiveness of the nonpoint source management program, including BMP's, in achieving the goals of the act. Where water quality standards are not achieved, the BMP's may need to be reviewed and updated in the State Water Quality Management Program.

The bill authorizes a total of $400 million to assist States in setting up their nonpoint programs. In addition, 1 percent of a State's allotment under the Construction Grant Program or $100,000, whichever is more, would be set aside to be used for nonpoint source pollution management. Furthermore, States with greater needs in the area of controlling this kind of pollution could use up to 20 percent of the State's construction grant funds for nonpoint source problems. This increased flexibility will allow States to better target Federal funding to where it will do the most good.

Mr. Speaker, H.R. 1 provides for a strengthened and improved Clean Lakes Program under section 314 at an annual funding level of $30 million. In addition, $15 million is authorized for cleanup of acidified lakes and a $40 million special demonstration program is established for cleanup of seven specified lakes. I am particularly pleased the conferees were able to agree with me about the pressing need for this new lake cleanup program. I am also gratified that Sauk Lake at Sauk Centre, MN, is one of the lakes named in the bill. Funding under this demonstration program will allow EPA to implement measures to restore this important water body to its once pristine condition.

Mr. Speaker, another significant issue addressed in H.R. 1 relates to exemptions contained in the House and Senate bills for stormwater discharges. Under current judicial and administrative interpretations of the law, businesses and municipalities that channel and discharge ordinary stormwater into a navigable water must obtain NPDES permits.

The House and Senate crafted differing exemptions from this requirement to allow EPA and the States to focus their attention on the most serious problems. The conference substitute—now H.R. 1—adopts a new approach, incorporating and building upon the elements of both bills. With respect to municipal separate storm sewers, the bill provides that larger systems—those serving populations of over 100,000—would be subject to a permit requirement, phased in over the next few years. The conference report streamlines and phases in the permit requirements in a way to ensure that the largest systems are dealt with first and at a realistic pace. The compromise represents a balanced and targeted approach to dealing with municipal stormwater discharge problems, while at the same time establishing useful mechanisms for addressing less serious stormwater discharge pollution situations after the highest priority environmental problems are solved. The provision is meant to provide relief where it is appropriate, to cities without serious stormwater pollution problems, while providing EPA and the States with the time they need to properly address this major national water quality need.

H.R. 1 does not provide a specific permit exemption for stormwater discharges associated with industrial activity, although it does provide a new timetable for regulating such discharges. A discharge is "associated

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with industrial activity" if it is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. Discharges which do not meet this definition include those discharges associated with parking lots and administrative and employee buildings.

Mr. Speaker, H.R. 1 also contains a number of other significant improvements to the Clean Water Act. We have included dynamic initiatives for addressing toxic hot spot problems and the increasing problem of ground water contamination. Another provision expands the existing exemption for return flows from irrigated agriculture to include agricultural stormwater discharges.

One of H.R. 1's most significant provisions combines concepts in both the House and Senate bills passed in the 99th Congress limiting the authority of the Administrator to issue "fundamentally different factor" modifications. The conferees agreed to place certain limitations on EPA's FDF authority in an effort to encourage dischargers to be forthcoming with necessary information when EPA is in the process of establishing applicable effluent guideline regulations. The conferees also devised the restrictions contained in the conference report on this issue in order to expedite decisionmaking with respect to FDF applications that are filed. We took these actions in an effort to narrow the FDF modification opportunity in such a way as to avoid rewarding recalcitrant or otherwise uncooperative FDF applicants.

A few additional points of clarification are necessary on this matter. First, the fear of recalcitrant or uncooperative FDF applicants was more theoretical than actual. I cannot recall any specific example presented of an FDF modification application being used for the sole purpose of avoiding or postponing compliance with properly established effluent guidelines. Second, the conferees recognized the extremely important role over the past 15 years of Clean Water Act regulations that the availability of receiving an FDF modification has played in various courts, including the U.S. Supreme Court's, decisions to uphold effluent guidelines being challenged for constitutional or other reasons. We expect EPA to continue to utilize FDF modifications, where appropriate, to protect the rights of unique or improperly considered dischargers, while not delaying promulgation of needed effluent guidelines.

Thirdly, we expect to continue to allow applicants who have not had a reasonable opportunity to submit necessary information to receive FDF modifications. This concept, added to the conference report from the House-passed bill, is meant to protect the rights of reasonable applicants to be considered for FDF modifications. Examples might include a discharger who, while knowing of an applicable relevant rule making, had no reason to know until the final rule was issued that certain data would be relevant to the specific nature of the final regulations. It might also include a discharger who knew of a pending rule making but could not submit needed data showing a fundamental difference because that data could not be generated until after the final rules were promulgated.

As with fundamentally different factor modifications, the conferees agreed to place new limits on EPA's authority to issue section 301(g) nonconventional pollutant variances. There are, in addition to conventional and toxic pollutants, a large number of pollutants which the scientific community may not have sufficient data to determine their effects on human health and the environment. The 1977 amendments to the Clean Water Act recognized this and established a third category known as nonconventionals, section 301(g), in order to deal with those unknown pollutants. Such substances are to be treated at the bat level of treatment. However, the provision acts as a safety value and if, after further investigation it is determined that a lesser level of treatment will not cause the substance to interfere with water quality, the Administrator is authorized to consider such a substance for a waiver from the bat requirements.

In regard to 301(g) variances, H.R. 1 provides that when he is satisfied as to the availability of data and test methods regarding such a substance, the Administrator should be able to determine if such a substance is toxic, in which case he is required to add it to the 307(a) list. Alternatively, he may determine that, in certain circumstances or in certain trace amounts, the substance could qualify for consideration for a waiver from the bat level of treatment as a nonconventional pollutant. In order to grant a section 301(g) variance, however, the Administrator must always follow the new procedural rules set forth in the conference substitute.

Mr. Speaker, I would be remiss if I didn't take a moment to thank the dedicated and capable congressional staff who have been instrumental in crafting this legislation. On our side of the aisle, I want to thank John Doyle, Gabe Rozsa, Ben Grumbles, and Kathy Guilfoy for all of their hard work and assistance. I also want to express my appreciation to Errol Tyler, Dave Smallen, Ken Kopocis, Randy Deitz, and Charlotte Miles, staff on the majority side of the aisle. Special thanks should be given to Dave Mendelsohn and Bob Bergman with the Office of Legislative Counsel. I also want to thank the Senate staff who helped develop this excellent bill, in particular, Bob Hurley, Ron Outen, Phil Cummings, Jeff Peterson, Jimmy Powell, and Steve Shimberg. I also want to thank all of the people at EPA who were so responsive to our requests for information and so dedicated to helping us work out strong and fair compromises in the conference report and ultimately, H.R. 1.

One other person deserves special recognition on this special day, a person who, because of his untimely death earlier last year, is not physically with us today but whose presence is and will continue to be reflected in all of the better provisions of this legislation. I am referring to Peter Perez to whom the conference report was dedicated by the conferees. With his incredible knowledge of the Nation's clean water program and his tireless commitment to its improvement, Peter was a tremendously valuable asset to those of us in Congress who have responsibility for writing our Nation's water quality laws.

Whether Democrat or Republican, liberal or conservative, we felt totally able to seek information and analytical work from Peter. We did this knowing that regardless of what Peter may personally have felt about the specifics of any given issue, he would respond in a way that was as reliable, accurate, thorough, and objective as he was personally capable of responding. The level of trust was such that Peter was often asked to leave his home phone number in case problems requiring his assistance arose after normal working hours at night or over the weekend. Very few public servants earn that kind of professional reputation in the course of their careers. Only the best do, and Peter was one of the very best. There could be no more appropriate tribute to Peter and the work he did so well and cared so much about than for us today to unanimously endorse the legislation which so unmistakably bears his mark.

Mr. Speaker, this is an excellent bill. It is one that continues the commitment made by this country to clean water. It is balanced and fair, responsible and sensitive. It phases out the Construction Grants Program in a way that still allows us to finish the job we began in 1972. Just as its predecessor, S. 1128, H.R. 1 deserves the Congress' unanimous support, the President's signature, and the public's overwhelming approval.

Mr. Speaker, I know some people will question our decision to reintroduce the conference report the President pocket vetoed in November, to resist any substantive amendments, and to pass the legislation in early January. I also know, however, H.R. 1 represents a finely tuned and delicately balanced compromise that should be enacted as soon as possible. Never

before has such an important environmental bill received unanimous votes of approval in the House and Senate and support from such a broad coalition of citizen, governmental, and interest groups. While I understand the administration's concerns, I also understand how crucial this legislation is to millions of Americans and their future generations. H.R. 1 is not perfect, but it is certainly a tremendous improvement over current law. The nation has waited far too long for such comprehensive, sensible, and environmentally sensitive amendments to the Clean Water Act. Therefore, I urge each of my colleagues to join once again in a unanimous effort to support this legislation and do whatever necessary to ensure its enactment into public law.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ANDERSON], a member of the committee.

Mr. ANDERSON. Mr. Speaker, I rise in strong support of H.R. 1, the Clean Water Act Reauthorization of 1987.

As you know, last year the Congress, by a combined House and Senate vote of 504 to 0, approved this important environmental protection legislation. Much to our surprise and dismay, however, the President pocket vetoed this bill 2 days after last November's elections.

As some will recall, this is not the first time the Congress and a President have disagreed over water pollution control legislation. Back in 1972, when the Congress passed the original Clean Water Act, which I was proud to be a coauthor of, President Nixon vetoed the bill. We, of course, overrode the veto and that 1972 law is now considered one of the great success stories in cleaning up our Nation's rivers, lakes, and streams.

The bill before us today is identical to that legislation, which was vetoed by the President last November. It authorizes funds over the next 8 years to build and improve sewage treatment plants and continues strict water quality control standards.

This measure is strongly endorsed by the environmental community, industry, and State and local government organizations. And it deserves the support of each Member of this House.

I commend the leadership of our Public Works and Transportation Committee for swiftly moving this bill onto the House floor for a vote so that we can eliminate all pollution discharges into the Nation's rivers, lakes, and streams and achieve our goal of fishable, swimmable waters.

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Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. CLINGER], a member of the committee.

Mr. CLINGER. I thank the gentleman for yielding.

Mr. Speaker, one of the major contributors to the pollution of our streams and rivers and ground water is what is known as acid mine drainage. As a Representative of a district that has heavy deposits of high-sulfur coal and has been in the coal mining business for many, many years, I am particularly sensitive to this contributor to the pollution problems that we are having in our water supply. We have addressed this problem in part with programs such as the Rural Abandoned Mine Program, but really we are only touching the surface, the tip of the iceberg. We need a much greater effort, I think, to address this particular contributor to the pollution problems of our water.

I think that this bill provides an incentive, a creative new incentive to begin to go about the work of cleaning up these abandoned mines which are contributing so much to pollution.

What this bill does is encourage remining of these abandoned sites. Under present law if you are a producer, if you go into an abandoned mine and do any re-mining, you become liable for cleaning up all of the discharge from that entire site. As a result, no one is willing to go in and undertake that kind of responsibility. What this bill provides is that you will not be responsible for the entire cleanup, for reducing the pollution in that mine to zero, but you will be required to maintain the water quality at the same level. But the result will be, I am convinced, a massive amount of cleanup which otherwise will not occur in these old sites. Without this, none of these mines will be touched, they will sit there year after year, continuing to drain into the streams and rivers. This bill will provide the kind of incentive to get producers to go in and start cleaning them up. I think it will result in a tremendous improvement in water quality.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MINETA], a member of the committee.

Mr. MINETA. Mr. Speaker, I rise in strong support of this important clean water legislation. The people of this country expect us to pass this legislation quickly and without delay, and I am delighted that we are acting expeditiously.

I want to congratulate the gentleman from New Jersey [Mr. ROE] under whose leadership of the Subcommittee on Water Resources this bill was written; the gentleman from Minnesota [Mr. STANGELAND], the ranking Republican of the Subcommittee on Water Resources; and also the chairman of the Public Works and Transportation Committee, JIM HOWARD, for his leadership and guidance on this effort.

The administration believes that $18 billion is too much to spend for cleaning up our rivers, lakes, and streams over an 8-year period. Yet, the defense expenditures proposed for just 1 year—1988—are more than 17 times as great as what we want to spend on clean water in 8 years.

A veto of this legislation will demonstrate what many of us have known for some time, that this administration's commitment to the environment is vague and meager.

I urge my colleagues to overwhelmingly pass this bill, and I hope our President has the wisdom and the understanding to sign this bill without delay.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the distinguished, gentleman from New Jersey [Mr. GALLO], a member of the committee.

Mr. GALLO. I thank the gentleman. Mr. Speaker, today I rise to support the Clean Water Act Amendments of 1987. Mr. Speaker, this measure is absolutely critical to the future economic growth of New Jersey and the Nation.

In the State of New Jersey alone, we have more than 250 communities that are under the gun to meet Federal standards on a tight timetable. More than 100 of these communities are currently unable to grow, because they cannot meet the sewage treatment requirements set by the Federal Government. We cannot continue to create jobs in a strong economy without this legislation.

Economic growth is the lifeblood of our economy because it provides jobs for our people. We must enhance, not hinder, economic development. The passage of this legislation into law will not only protect our water resources, but will enhance our Nation's economic growth.

I would also like to praise timely action by the House to reauthorize the Clean Water Act today, bringing this important environmental protection legislation forward as H.R. 1—the first bill of the 100th Congress. Mr. Speaker, this legislation creates an innovative program that protects our valuable sources of clean water from further deterioration.

I would also like to mention that I joined with my colleagues on the Public Works and Transportation Committee as an original cosponsor of H.R. 1, the Clean Water Act reauthorization, when the bill was officially introduced on the opening day of the 100th Congress on Tuesday January 6.

As a sponsor of the Clean Water Act reauthorization in the 99th Congress, I was very pleased by the unanimous support given to this bill in the House. I hope the 100th Congress is as unified

in the belief that this legislation deserves our unanimous support.

This legislation represents a united effort to fashion a strong, efficient and balanced approach to ensuring cleaner water for all Americans. As a member of the Public Works and Transportation Committee which drafted the bill, and as a sponsor of H.R. 1 in the 100th Congress, I feel that this measure is a sensible solution to our waste water treatment problems.

Mr. Speaker, I would like to mention that in addition to existing programs, the bill creates a new revolving fund program to help States construct needed pollution control facilities and a new nonpoint source pollution control program.

Under the bill, the grant program for sewage treatment plant construction would continue at the current level of $2.4 billion through fiscal year 1988. From that point on, the program would be phased out and replaced with a low interest loan program, beginning in fiscal year 1991.

Funding for the new revolving loan program will begin next year to build a 5-year reserve fund. The Federal Government will use the money from this fund to provide seed money to set up state funds which will be used to help local communities to meet water quality standards.

Mr. Speaker, this innovative revolving fund is similar to the Infrastructure Bank legislation that I sponsored in 1983 as Republican leader in the New Jersey Assembly. The Federal Revolving Fund Program would be authorized at $1.2 billion for each of fiscal years 1989 and 1990 and thereafter at $2.4 billion in 1991; $1.8 billion in 1992; $1.2 billion in 1993; and, $600 million in 1994.

In addition to funding local sewer projects, the Clean Water Act authorizes $400 millon for a major new grant assistance program, under which States will be asked to establish programs to control nonprofit sources of pollution such as agricultural, urban stormwater, construction and mine runoff.

Another $15 million would be authorized to enable EPA to finance needed wastewater treatment facilities. The funds can be used for loans, guarantees, interest subsidies, and other nongrant purposes.

The bill also provides an initiative for addressing so-called toxic hot spots—waters that cannot meet applicable water conduct demonstration projects related to restoring the biological integrity of acidified lakes.

The EPA would also be permitted to make grants to help States carry out ground water quality protection activities with annual authorization of up to $7.5 million for 5 years to be derived from funds appropriated to the nonprofit source program.

This landmark legislation was the result of a great deal of hard work. It is a good bill and I urge your support. I would also like to join with the other members of the Public Works and Transportation Committee to strongly urge President Reagan to sign this important environmental legislation.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I thank the gentleman for yielding.

Mr. Speaker, I take this time to enter into a brief colloquy with the chairman of the subcommittee, Mr. ROE, with reference to section 317 of the bill.

Mr. Speaker, that section provides a national estuaries program which in effect allows the States of the Nation to request conferences in order to establish with EPA a management plan for those enormously important estuarine systems of our country.

While some of the States' estuarine systems are actually named for priority treatment under this section, the question is, is every State entitled to participate under this program and would a State like Louisiana, which has enormous estuarine systems, applying under this program be entitled to a conference and to full recognition under this section 317?

Mr. ROE. If the gentleman will yield.

Mr. TAUZIN. I yield to the chairman of the subcommittee.

Mr. ROE. I thank the gentleman for yielding.

Mr. Speaker, the interpretation of the gentleman is correct. There were some States, some estuaries that were put in there more descriptively, but all States have the same provisions, are eligible under the same provisions of the bill as far as the estuaries are concerned.

Mr. TAUZIN. I thank the gentleman.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I represent a sprawling district in the western part of Washington State. The First Congressional District straddles three counties, two military installations, one Indian reservation, the largest city in the Pacific Northwest, a small farm community, and the fastest growing suburban area in the region. There is one thing, however, that unites this sprawling, disparate congressional district. Our great unifier, Mr. Speaker, is Puget Sound. They say that if you can see the Sound, you are in the First District. The people of the First District work, play, travel and live on the Sound. The waters and tributaries of Puget Sound are the life blood of the First District. The quality of life in the First District depends a great deal on the water quality of Puget Sound. So I have a very parochial interest in supporting the bill before us today.

But Mr. Speaker, the First District is not unique in its dependence on water resources, like Puget Sound. There are cities, towns, and neighborhoods across America which share this dependence on their local waterways. The quality of our water resources is basic to the quality of life in this Nation. We continue to endanger these resources at our peril. That is why we must pass the Clean Water Act today. This bill is effective, it is fiscally responsible, it is responsive to the needs of local communities. The need is great and our time is short, Mr. Speaker.

Finally, Mr. Speaker, I urge the President to support this bill. Congressional support has been unanimous. We will enact this bill with or without the administration's support. I hope the administration will join with us in working to preserve and protect one of our most precious resources.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. ROWLAND], a distinguished member of the committee.

Mr. ROWLAND of Georgia. I thank the distinguished chairman for yielding this time and thank the gentleman for all the work he has done on this bill. I particularly want to commend the gentleman from New Jersey [Mr. ROE] for his skill and ability and all that he has done in bringing this to fruition.

Also, the gentleman from Kentucky, Mr. Snyder, who is now retired, Mr. STANGELAND, all of the Members on the minority side and the majority side and their staffs for all of the hard work that they have done.

Mr. Speaker, I wish to engage in a colloquy with the gentleman from New Jersey, a short colloquy about the storm water runoff provision. The provisions in this bill require permitting for all of those systems, not points of runoff but systems, of population above 250,000 within certain time limit constraints. It also provides for permitting of those between 100,000 and 250,000, of those systems. We did not make any provisions for those that would require permitting of less than 100,000 unless there was some problem with the pollution source from those runoffs. Is that correct?

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

Mr. ROWLAND of Georgia. I yield to the gentleman from New Jersey.

Mr. ROE. I thank the gentleman for yielding.

The gentleman's observation is absolutely correct.

Mr. ROWLAND of Georgia. I just wanted to establish that, I wanted it to be part of the language so that

there would not be any confusion about that in the final analysis, and I thank the gentleman very much for his confirmation.

Mr. ROE. I thank the gentleman.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, as an original cosponsor of H.R. 1, I rise to express my continued strong support for swift passage of the Clean Water Act reauthorization bill. I think this is a good bill, and one worthy of the President's support. Toward this end, I will again urge the President to sign this legislation into law should it successfully pass both Houses in its present form.

H.R. 1 will authorize appropriations through 1994 for local sewage treatment construction, including money to establish State revolving loan funds. The revolving loan fund concept is a major reform and innovation of this legislation. These revolving funds will provide low-interest loans to communities in need of sewage treatment systems. Repayments of these loans will later be used to make new loans, providing a self-sustaining source of money for States to finance local water treatment construction.

This Federal funding is critical, since the Environmental Protection Agency has reliably estimated that $100 billion will have to be spent on sewage treatment to achieve clean water nationwide by the year 2000. There are presently 3,330 treatment plants nationwide which violate existing Clean Water Act requirements by providing little or no sewage treatment. This situation is intolerable. It does no good for Congress to mandate necessary water quality goals if there are no funds available to assist hard-pressed municipalities in meeting these standards. The only responsible course, therefore, is for Congress to appropriate Federal funds in the short term to keep water treatment projects on track, while setting up a self-sustaining loan fund which States can use in the future to meet waste water standards on their own.

The difficulties facing localities in meeting clean water standards are illustrated by the plight of my constituents in Wanaque, NJ. The people of Wanaque are facing exorbitant increases in local sewer costs because their local tax base is inadequate to underwrite the sewer treatment facilities needed to meet Federal standards. Although there are additional circumstances which compound Wanaque's dilemma, Wanaque remains a prime example of the problems facing hundreds of communities across the Nation.

The President's pocket veto of this same legislation at the end of the last session was especially disappointing when you consider that this bill is the culmination of 4 years of legislative negotiation and compromise. H.R. 1 is a consensus bill which passed unanimously in both the House and Senate last fall. It was supported last year by a diverse range of interests, including environmental, State, municipal, industry, and labor organizations. I believe that it is time for the administration to accept this bipartisan effort at making our Nation's waters safe for fishing, recreation, and drinking. I, therefore, urge my colleagues to pass H.R. 1 without delay, and I again call on the President to sign this important legislation.

□ 1355

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I take this time in order to engage in a colloquy with the gentleman from New Jersey [Mr. ROE].

Mr. Speaker, section 306 of the bill addresses the circumstances under which the Administrator of the EPA may establish alternative requirements under subsection 301(b)(2) of the Clean Water Act with respect to "best available technology" [BAT] requirements and under subsection 307 with respect to toxic pollutants. The language of the act is silent, however, with respect to the Administrator's authority to consider such variances from the "best practicable control technology" [BPT] requirements of subsection 301(b)(1). EPA currently has regulations in place which set forth the requirements for BPT variances on the basis of fundamentally different factors. These regulations allow the Administrator to address two important situations where consideration of alternatives to national BPT requirements may be appropriate. The first situation involves information and data that was not available for the Administrator to consider when the BPT requirement was adopted. The second situation involves a facility that was not subject to the BPT requirement when that requirement was adopted—for example, where the requirements of a permit have been established pursuant to a consent decree entered prior to enactment of the Water Pollution Control Act Amendments of 1972. Will the provisions of section 306 of the bill allow the Administrator to consider requests for alternatives to BPT requirements on the basis of fundamentally different factors in these two cases?

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

Mr. WISE. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Speaker, the answer to the gentleman's question is "Yes." Section 306 does not alter in any way the Administrator's authority to consider requests for alternative BPT requirements on the basis of fundmentally different factors in the two situations you have identified.

Mr. WISE. Mr. Speaker, I thank the Chairman.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, today we in the historic 100th Congress have the opportunity to complete some very important unfinished business from the 99th Congress. We once again have the chance to vote affirmatively and pass the Clean Water Act.

I commend the continued leadership of the Committee on Public Works and Transportation for working to have this important legislation to the House for consideration. During the 99th Congress, I had the opportunity to work as a member of the Committee on Public Works and Transportation in preparation of the Clean Water Act.

Enactment of the Clean Water Act will continue to assist the work ongoing by individual States. Maryland has joined with Pennsylvania, Virginia, and the District of Columbia in an effort to restore the Chesapeake Bay. The natural estuary is of major significance to these Mid-Atlantic States. Working together we can make a difference.

Measures are included in the Clean Water Act requiring States to develop plans for combating nonpoint source pollution, such as polluted runoff from city streets and farmlands. The Mid-Atlantic States have been working for the last decade to implement effective legislation needed to restore the bay.

Included in the legislation we have before us today is amending language which I successfully offered in committee during the previous Congress. The intent of the Bentley amendment was retained in the conference agreement. This language ensures that local and regional planning organizations would receive a portion of 40 percent of the State's funds necessary to implement the policy of controlling nonpoint source pollution.

In my home State of Maryland, some 50 percent of the pollution entering the upper Chesapeake Bay is a result of nonpoint source pollution. Enforcement of the Clean Water Act will play a vital role in significantly reducing half of the pollution entering our Nation's largest natural estuary.

The restoration of the water quality of our Nation's water supplies is of importance to all. This legislation takes into account efforts made by State and local governments.

Federal construction grant assistance is the cornerstone of each State achieving an effective environmental

initiative needed to reduce water pollution. In Annapolis, MD, the Chesapeake Bay Program Office has contributed to much of the success of controlling water pollution. This program, under the direction of the EPA, has worked to coordinate Federal and State efforts in restoration of the Chesapeake Bay.

Studies have been conducted by the Chesapeake Bay Office to determine the impact natural and man-induced environmental changes have on the living resources of bay. Such studies are essential to cleaning up pollutants which are a result of nutrients, chlorine, acid rain, toxic waste, and heavy metals present in our water supply. A continuation of EPA programs such as this one will help us to achieve a cleaner envoronment. We need a dependable water supply to meet our water needs.

Enactment of the Clean Water Act will afford the Chesapeake Bay Office the opportunity to continue its important work.

Regional planning councils and local and State governments will play a more active role in development and implementation of water quality maintenance. Federal funds, distributed to States, will be passed on to local governments and those directly involved in water quality planning. Because of this provision, the Baltimore Regional Planning Council anticipates greater success in their work to reduce water pollution.

The Clean Water Act reauthorizes Federal funding for construction of local sewage treatment systems. These funds are necessary if we are to continue to clean up the environment.

Located in my home congressional district is Maryland's largest sewage treatment plant, the Back River Wastewater Treatment Plant. Currently there is a $400 million construction effort underway at Back River. The State of Maryland is doing its part to help make the necessary improvements at this wastewater treatment facility.

I am proud to say that private industries in the Second Congressional District of Maryland are also contributing to the effort to help restore our water supply. A new program will be established under this bill for cleaning up toxic "hot spots"—waters that will not meet water quality goals even after industrial dischargers have installed the best available cleanup technologies. Private industry working with government will succeed in eliminating pollutants which impose a threat to the environment.

Mr. Speaker, I urge my colleagues to join me and vote to pass H.R. 1, the reauthorization of the Clean Water Act.

Mr. HOWARD. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I rise today in support of H.R. 1, the Clean Water Act Amendments. I would like to commend Chairman HOWARD and Mr. ROE for their leadership and the members of the committee for their dedication and work on this vital legislation.

Sixteen years ago, with the adoption of the Federal Water Pollution Control Act, the Congress embarked upon an ambitious program to protect and, in many cases, reclaim our most precious natural resource—clean water.

This program has been tremendously successful. The Willamette River, which begins in my district and flows through the heart of western Oregon, is a notable example of the effectiveness of this program. In the midsixties, the Willamette was nearly devoid of aquatic life because of pollution.

Today, the Willamette provides more than 100 miles of prime recreational activity, abundant aquatic life and drinking water for thousands of Oregonians. Federal dollars could not be better spent than to duplicate the success of the rebirth of the Willa mette 1,000 times across the Nation.

Despite the fact that many of the severe pollution problems of the 1960's and 1970's have abated, the job is not yet finished. Water contamination problems continue to plague the Nation: Sewage treatment, nonpoint pollution, and toxic pollution are particular problems. I believe that H.R. 1 responsibly addresses these issues.

All across the country, State, and local governments are anxious to enter into partnerships with the Federal Government to resolve local wastewater problems and meet the compliance deadline of July 1, 1988.

In my district, at least nine communities are in immediate threat of noncompliance, which will mean stiff penalties from EPA. The ability of communities like Coos Bay, North Bend, Drain, and Youncala to meet this deadline is dependent upon the legislation we are considering today.

As we all know, the Clean Water Act was unanimously approved by both Houses. This bill also received the support of industrial and environmental groups. State and local governments have expressed their need for such legislation. And the American people have made it clear that clean water programs should be a Federal priority.

However, the President disagreed. It is incomprehensible to me that this administration, in a misguided, pennywise pound-foolish attempt at budget cutting, would reject one of the Federal programs that has been proven to be so effective and necessary.

Mr. Speaker, we must send a strong message to the administration that environmental protection and public health are priorities of this Congress. I urge each of my colleagues to repeat the vote of last October and support the Clean Water Act.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

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

Mr. DANNEMEYER. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, I join my colleagues on both sides of the aisle to urge another unanimous vote by this House to pass H.R. 1, the Clean Water Act Amendments. And while we're at it, let's resolve in the new year to complete amendments to the Clean Air Act.

There's no point in making H.R. 1 a political football. The President's veto of this legislation last October was ill advised, and an "aye" vote now is a fiscally responsible vote for cleaner waterways—nothing more, nothing less.

H.R. 1 is the product of at least 4 years of hard work. It enjoys support from business, from labor, environmentalists, and State and local governments. It is fiscally prudent, without avoiding our responsibilities to lakes and rivers, or the State and local governments we have charged to protect them.

So let's pass the clean water amendments and get on to the greatest unanswered environmental challenge—amendments to the Clean Air Act.

With at least 4 years of hard work, we reached agreement on clean water and Superfund. We've already spent 4 years on clean air. Can we finish the bipartisan work in the 100th Congress, which we began in the 98th, and built upon in the 99th?

Because let's face it—there aren't many things we can leave to our children when we're gone. But a clean environment—as good or better than the one we were given—is something we can leave them. That's a dream that everyone can suppport. That's a dream that's moved toward reality in this legislation. Let's all vote "yes" on clean water and move on to clean air.

Mr. DANNEMEYER. Mr. Speaker, I rise in reluctant opposition to this bill. I would have preferred to have voted for an amendment that would reflect the spending level that the President of the United States asked be accorded for this program, but unfortunately, such a rule was not made in order, and reluctantly, I intend to vote against the bill.

Milton Friedman has eloquently written about the conflict that we find presented to all of us in this legislation. Namely, in Democracy in America today, how do we reconcile the different claims between the special interests of the country that clamor for this spending and the taxpayers who pay the bill?

Up until now, and I suspect today, the people who will get the money, the representatives of local government who yearn for this money, who hire the lobbyists who come here to Capitol Hill to lobby the Members of Con-

gress to approve this spending proposal, are going to win. The taxpayers of the country, the disorganized group that really want the budget balanced by cutting spending, not raising taxes, are the ones who are going to lose.

Let me observe to you what happens when we pass authorization bills in excess of what the President asked be done. Over the last 5 years of this Reagan Presidency, Congress has appropriated $10 billion more collectively for the category in which this program is located, category 300, than what the President has asked be done.

What happens when the authorization gets into law is the claim is made that it has been authorized, therefore, it must be in the public interest to adopt and the appropriations bill comes along and appropriations are passed in excess of what the President asked for, and we have the result of ever-growing deficits and ever-growing national debt.

Mr. HOWARD. Mr. Speaker, I yield 2 mintues to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, as a freshman, I would like to take this opportunity to compliment my chairmen, the gentleman from New Jersey [Mr. HOWARD], the gentleman from New Jersey [Mr. ROE], and the leadership for bringing to the House floor at this time this critical piece of legislation.

The 99th Congress is to be congratulated for this fine reauthorization work. Thanks to the leadership, I and so many other Members of the freshman class will be able to go on record now in favor of this most important piece of legislation.

Communities throughout the Nation await the passage to move ahead with efforts to clean up their water.

In Maryland, we have just seen how important the original Clean Water Act was. The degradation of the Chesapeake Bay and its tributaries has begun to be reversed.

Saving the Chesapeake Bay as a vital national resource is a project dear to Marylanders, but one which can only proceed with close regional intergovernmental cooperation.

This act provides $13 million per year specifically to continue the work of the EPA and the States surrounding the bay.

I am particularly pleased to see that in this legislation, the success that we have realized in coordinating all levels of government in Maryland, Virginia, Pennsylvania, and the District of Columbia with efforts of the Federal Government and the private sector to clean up the Chesapeake Bay will be used as a model for work nationwide.

I look forward to the speedy passage of this legislation and the reauthorization of funds critical to the future of our Nation's waters.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to reaffirm my strong support of the Clean Water Act and H.R. 1, the Water Quality Act pending before us today. I commend the gentlemen from New Jersey [Mr. HOWARD and Mr. ROE] the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the Committee on Public Works and Transportation, for reintroducing this measure and ensuring its immediate consideration in the 100th Congress.

As an initial cosponsor of H.R. 1, and a strong supporter of last years measure, I have continually supported every effort to make our Nation's waters potable, swimmable, and fishable once again. My district in the mid-Hudson Valley region of New York State is an area abounding with many beautiful lakes and rivers, in particular Greenwood Lake, the upper Delaware, the Ramapo, and the Hudson Rivers. Consequently, I am especially concerned about the protection of these irreplaceable natural resources. Nor am I alone in my concern.

Just these months during the district work period, I spoke with many constituents who expressed concern about the condition of our lakes and rivers and specifically what Congress is doing to reauthorize and strengthen the Clean Water Act, upon which the future of our lakes, rivers, and waterways rests.

Some of the fine provisions of H.R. 1 are that it authorizes $2.4 billion per fiscal year for fiscal years 1986–88, and $1.2 billion per year for fiscal years 1989–90, for local sewage treatment construction grants. Additionally, H.R. 1 authorizes annually through fiscal year 1990: $22.8 million for research activities and investigations on the causes and effects of water pollution, $75 million for grants to State and interstate agencies to assist in administering water-pollution-control programs, such sums as may be necessary for grants for developing and operating areawide waste-treatment management planning processes, $30 million for restoration of lakewater quality, and $135 million for general administration by the Environmental Protection Agency [EPA]. This legislation also reauthorizes much-needed construction-grant funds through fiscal year 1990, adopting a new formula for distributing funds among the States. H.R. 1 also requires each State to establish a water-pollution-control revolving fund for providing construction assistance to municipalities and intermunicipal and interstate agencies for public treatment works. A new program to control nonpoint sources of pollution would gain an allocation of $400 million.

H.R. 1 extends the compliance dates to require dischargers to achieve the best available technology [BAT] and best conventional technology [BCT] for all toxic, conventional, and other pollutants as expeditiously as practicable, but no later than 3 years after the date applicable effluent limitations are established, and in no case later than March 31, 1989. Importantly, EPA is required to issue final regulations establishing effluent limitations for direct dischargers and limitations requiring pretreatment for the remaining toxic pollutants: Pesticides, organic chemicals, plastics, and synthetic fibers. This legislation also elevates the penalties for dischargers or individuals who knowingly violate or cause violation of certain requirements, setting penalties of up to $50,000 per day of violation and/or imprisonment for up to 3 years.

For clean lakes, H.R. 1 requires States to submit biennial reports and EPA to prepare a national report on lakewater quality. Additionally, it would authorize $15 million for acid mitigation and $40 million for lakewater demonstration projects. Two of these demonstration projects would be conducted at Greenwood Lake, in my district, which serves the tristate area.

During my travels across my district, apprehensions about the lack of moneys to continue the Clean Water Act were expressed across the board by both environmentalists and industrialists. I feel it is of utmost importance that we all realize that this is not an issue of environmentalists versus industrialists and that this act is not merely a proposal to perpetuate beautiful scenery and holiday vacation resorts; this measure provides for the protection of a resource which is a human necessity and beneficial to all our citizenry.

As all Members already know, this legislation was adopted by both Chambers during the 99th Congress and sent for approval to the President. At that time I joined my colleagues in writing a letter urging the President to please accept this legislation. However, he denied his approval, allowing the bill to die while Congress was adjourned. The President stated that the act was unnecessarily expensive. What will we pay to restore our lakes, rivers, and waterways when it is too late? I urge you now, as I have in the past, to support this legislation when it is brought to a vote. As we begin this historical 100th Congress we must reaffirm the idea of service for the citizens of these United States and adopt this resolution which will not only benefit all the inhabitants of this land but will also perpetuate the great beauty of the United States as we know it today.

□ 1405

Mr. HOWARD. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. AKAKA].

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

Mr. Speaker, I would like to engage the chairman of the Subcommittee on Water Resources, who presided over the conference in the last session, in a discussion about a provision in the conference report for the Water Quality Act of 1986 intended to help three cane sugar processing mills along the Hamakua coast of Hawaii. The conference report provision I have in mind appears on page 124 of House Report 99-1004.

The sugar mills to which this conference report language applies are located on the Hamakua coastline of the Island of Hawaii. No other sugar processing plants in Hawaii or the continental United States are similarly positioned. As a result of their location, these cane sugar mills must incur unusually high costs to comply with the total suspended solids effluent limitations set by the Environmental Protection Agency.

Mr. Speaker, I believe that Congress has a responsibility to recognize the unique station of these sugar mills and to require EPA to reconsider their effluent limitations requirements in light of the extenuating circumstances.

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

Mr. AKAKA. I yield to the subcommittee chairman.

Mr. ROE. I thank the gentleman for yielding.

Mr. Speaker, I agree with the gentleman from Hawaii. The conference report provision to which Mr. AKAKA refers, which I authored, recognizes the plight of these sugar mills and expresses Congress' strong expectation that EPA will provide environmentally sound administrative relief to the Hamakua coast sugar companies based on the opportunity created by the conference report language.

The intent of the language is to authorize and direct EPA to reassess the reasonableness of the effluent limitations imposed on the three sugar mills in light of their unique circumstances. In particular, the conference report authorizes EPA to withdraw temporarily the effluent limitations currently imposed on the three Hamakua coast sugar mills, issue a best professional judgment NPDES permit to the mills, and then promulgate new effluent limitations for the Hamakua coast cane sugar mills which provide for complete suspension of the total suspended solids limitations.

Mr. AKAKA. Mr. Speaker, I would appreciate it if the gentleman from New Jersey would explain in greater detail how Congress intends EPA to proceed to provide the necessary relief for the Hamakua coast mills.

Mr. ROE. Mr. Speaker, if the gentleman would yield, I would be happy to do so. The committee continues to expect that EPA will reassess the reasonableness of the effluent limitations imposed on the three Hamakua coast cane mills in light of their unique circumstances. The committee feels that a more pragmatic standard for effluent limitations than has been applied in the past is appropriate and expects EPA to consider the unique geographical location of these mills and the relationship between the costs of attaining a reduction in effluents and any effluent reduction benefits derived, including a comparison of the costs of effluent reduction with any benefits of the reduction to the receiving waters. Such an analysis should result in a standard where no total suspended solids effluent limitation is imposed.

Mr. AKAKA. I appreciate the chairman's response. For the record, I would like to provide additional background to explain this situation. All Hawaiian cane sugar processing mills use water to wash field dirt from sugar cane after the cane is harvested, and before the cane is processed. The amount of soil collected in the washwater, referred to as total suspended solids, depends to a great extent on the geographic location of the sugar cane fields because the amount of soil which must be washed from the sugar cane increases with greater rainfall.

The Hamakua coast cane sugar mills are located in an area that experiences unusually heavy annual rainfall and are situated on the coast at a much lower elevation than their sugar cane fields. As a result, it is not feasible for the mills to use the washwater, which contains a relatively high concentration of total suspended solids, for field irrigation. Rather, the washwater must be filtered by hydroseparators and run through settling ponds before discharge to the Pacific Ocean. The costs associated with this effluent control technology have crippled the companies economically, threatening to completely shut them down.

Environmental studies on the effects of sugar cane washwater discharges to the Pacific Ocean show that the environmental benefit of limiting the amount of total suspended solids is minimal because the ocean area affected is largely dependent on tidal stage, wind, and the settling velocities of total suspended solids contained in the washwater, rather than on the amount of total suspended solids in the washwater discharge. In fact, since EPA imposed effluent limitations for total suspended solids on the mills, the zones of measurable impact from their washwater discharges have not changed significantly, despite a decrease in total suspended solids discharge on the part of the mills by a factor of 10. Similar zones of impact, or brown spots, are created naturally along the Hamakua coast from over 50 streams.

For over 4 years, the two sugar companies have requested EPA, without success, to reconsider the application of total suspended solids effluent limitations to the companies' wastewater discharges to the Pacific Ocean. Despite clear evidence that, in this case, the relationship between the costs of attaining a reduction in total suspended solids and the environmental benefits derived is not reasonable, EPA has denied the companies' requests for a waiver from total suspended solids effluent limitations because, among other things, EPA believes it lacks authority to consider the effect of a discharge on the receiving waters.

Mr. Speaker, I thank the chairman for his assistance on this matter, and I yield back the balance of my time.

Mr. HOWARD. Mr. Speaker, may I inquire as to how much time the gentleman consumed?

The SPEAKER pro tempore (Mr. FORD of Tennessee). The gentleman from New Jersey [Mr. HOWARD] has consumed 25 minutes of his 30 minutes. There are 5 minutes remaining.

Mr. HOWARD. And do I understand, Mr. Speaker, that the gentleman from Hawaii [Mr. AKAKA] consumed 2 minutes?

The SPEAKER pro tempore. The gentleman is correct.

The gentleman from Arkansas [Mr. HAMMERSCHMIDT] has 10 minutes remaining.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I appreciate the gentleman from Arkansas [Mr. HAMMERSCHMIDT] yielding time to me.

Mr. Speaker, we all know that this is an issue of overwhelming importance to the environment of our great land. The Clean Water Act amendments represent 4 hard years of consensus achieved in the areas of water pollution and sewage treatment. This consensus was demonstrated by a unanimous vote at the close of the last Congress.

There have been questions raised as to cost, and the role of the States in meeting nationwide standards. The Washington Times printed a column in December outlining these concerns. Charges have been made that grants are given on political, rather than environmental grounds. The performance of pollution treatment facilities under Federal permits has also been brought into question. I am sensitive to these considerations, however, it is high time that we translate our concern into action by supporting H.R. 1. This does not mean that we must be any less vigilant, or unyielding in up-

holding the standards of the program. The future of our environment, and our well being, depends on it.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. SHUSTER], a distinguished member of our committee.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, may I say to the Members of the House that I do not suppose there are very many Members of this body who have a more fiscally conservative voting record than this Member. Yet, I rise in strong support of this legislation because I believe it is one of the most meritorious programs we will be dealing with in this Congress. In fact, clean water is not an expenditure of Federal funds; clean water is an investment in the future of our country and an investment in the communities which we represent.

For those reasons, Mr. Speaker, I urge my colleagues on both sides of the aisle to vigorously support this legislation.

Mr. HOWARD. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Speaker, I again would like to applaud the gentleman from New Jersey [Mr. HOWARD], the gentleman from New Jersey [Mr. ROE], the gentleman from Arkansas [Mr. HAMMERSCHMIDT], and the gentleman from Minnesota [Mr. STANGELAND] for their efforts in bringing this Clean Water Act to the floor once again. I, too, urge my colleagues to support the bill today.

I believe, because of their efforts and the help we have received from the Appropriations Committee, that our Chesapeake Bay is improving. Our bay grasses and the rockfish are coming back, and I think the $52 million contained in this bill will go a long way in helping us restore the Chesapeake Bay.

I wish to express my unwavering support of this vital piece of legislation and urge my colleagues, not only my good friends from the 99th Congress but also my new friends in the 100th Congress, to add their votes of support to this vital legislation.

This legislation will benefit every State in the Union and it will have a great impact on each and every district. Our overwhelming vote of support on this act during the last Congress, along with that of our colleagues in the other Chamber, left no doubt that we are committed to passing this bill to end the threat to our citizens health from the pollution that is choking our rivers and waterways and destroying the valuable resources they contain.

Mr. Speaker, this legislation also contains a crucial section that is of paramount importance in the Federal, State, and local efforts to clean up and restore America's greatest estuary, the Chesapeake Bay. On January 3, 1985, I introduced legislation which would provide $52 million over the next 4 years to revitalize this important and historical bay. That legislation has been incorporated into Clean Water Act in front of us today and I wish to thank my distinguished colleagues for supporting the Chesapeake Bay initiative which will reverse decades of neglect and decline.

I know that many of my colleagues have enjoyed afternoons on the bay sailing, fishing, exploring the wetlands and hunting in the fall. This money will permit us to further restore the water and the blue crabs, oysters, striped bass, and waterfowl that use the bay as their spawning grounds or natural habitats. This legislation will help ensure that future generations will be able to enjoy the bay and its many resources as much as we have enjoyed them.

Last year's Clean Water Act was vetoed because the President objected to the spending level we set for sewage treatment plant construction. I have no doubt that veto would have been overridden had we not adjourned. Construction and upgrading of sewage treatment plants is one of the most important portions of this bill. We must use the $18 billion sought by this legislation to guarantee our continued success in achieving our goals of fishable and swimmable waters and the elimination of pollution discharge into our waters.

The sewage treatment plant construction fund will permit us to keep future pollution out of our rivers, lakes, streams, and bays. We cannot authorize money to clean up our waterways with one hand and take away money to keep them clean with the other. It is imperative that we pass this bill and that we stand ready to override a veto if necessary.

Once again, it is time to tell America that we care about water pollution and its danger to human health and to the environment. We must support H.R. 1, the Clean Water Act, as reported to this body by the Committee on Public Works and Transportation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Speaker, I appreciate the gentleman's yielding time to me.

In the Western United States there is tremendous sensitivity to anything affecting water rights. Concerns have been expressed as to the implications of the provisions of this Clean Water Act as they relate to Indian tribes and water quality and quantity.

My colleague, the gentleman from Washington [Mr. FOLEY], and I have raised these questions and find answers in the form of a memorandum addressed to MORRIS K. UDALL, chairman of the Committee on Interior and Insular Affairs. This memorandum includes the following conclusions:

There is nothing in the existing law nor in the proposed amendments in H.R. 1 which in any way expands the substantive rights of an Indian tribe to a quantity or quality of water. In fact, section 101(g) of the existing law which is specifically made applicable to Indian tribes by the proposed Indian provisions of H.R. 1 specifically preserves the allocation or quantification of water rights which are otherwise legal under State law.

Mr. Speaker, under my request to include extraneous matter, I submit the following memorandum entitled "Indian Provisions of the Clean Water Bill," as follows:

MEMORANDUM

To: Morris K. Udall, chairman, Committee on Interior and Insular Affairs.

From: Ducheneaux/Broken Rope.

Subject: Indian provisions of the clean water bill.

You have directed us to address the objections raised by constituents of Mr. Foley and Mr. Morrison to the Indian provisions, of H.R. 1, legislation to amend the Clean Water Act. As you know, you strongly supported the inclusion of those provisions in the bill passed and vetoed by the President in the 99th Congress.

It appears that the objections being raised to the Indian provisions assert that these provisions either—

(1) expand the substance of existing Indian water rights;

(2) expand the mechanism available to Indian tribes to enforce those rights both within and without their reservation boundaries; or

(3) both.

CLEAN WATER ACT

I. Substance of Indian water rights

There is nothing in the existing law nor in the proposed amendments in H.R. 1 which in anyway expands the substantive rights of an Indian tribe to a quantity or quality of water. In fact, section 101 (g) of the existing law which is specifically made applicable to Indian tribes by the proposed Indian provisions of H.R. 1, specifically preserves the allocation or quantification of water rights which are otherwise legal under state law.

In like manner, there is nothing in the existing law or in the proposed amendments which impairs or is intended to impair any way existing substantive water rights of any Indian tribe.

Many Indian tribes have certain water rights deriving from treaties or other Federal law wholly apart from the Clean Water Act. These rights, often undetermined, include rights to certain quantities of water and rights to a certain quality of water. it is beyond question that Indian water rights include a right to some quantity of water.

There seems to be some doubt that this right extends to a right to a certain quality of water and the case law on this is somewhat sparse.

However, in the 1980 decision of the Federal district court in *U.S.* v. *Washington*, 506 F. Supp. 187, this very issue was addressed. The tribes asserted that their treaty fishing right included the right to environmental protection.

". . . It is well established that the scope of an impliedly-reserved right may not be

broader than the minimal need which gives rise to the implied right . . . Thus, the scope of the State's environmental duty must be ascertained by examining the treaty-secured fishing right rather than by selecting a desirable standard that has been imposed by Congress in a different context . . . . The treaties reserve to the tribes a sufficient quantity of fish to satisfy their moderate living needs . . . . That is the minimal need which gives rise to an implied right to environmental protection of the fish habitat. Therefore, the correlative duty imposed upon the State (as well as the United States and third parties) is to refrain from degrading the fish habitat to an extent that would deprive the tribes of their moderate living needs."

While the Circuit Court subsequently vacated the lower court's summary judgment on the environmental issue and remanded the case, it did so solely on the grounds of the proof necessary to show that the State had violated the tribes' fishing right through environmental degradation.

See also *U.S.* v. *Anderson* (1979), where the federal court held that the reserved water right included a minimum stream flow to preserve native trout. It also addressed a water quality issue, holding that this right required that the water temperature be maintained at 68 degrees F. or less for fishing purposes.

As noted, these water rights, whether asserted as to quantity or quality or both, exist separate and apart from the Clean Water Act. Either the tribes or the United States or both can have recourse to the Federal courts to enforce those rights.

Enactment of H.R. 1, with the Indian provisions will not expand or diminish any water rights Indian tribes may have nor will it expand or diminish any liability the United States, states, or third parties may have for impairing those rights.

II. Enforcement conflict resolution mechanisms.

There seems to be a concern that enactment of H.R. 1 with the Indian provisions will somehow expand or strengthen the power of an Indian tribe to act to protect its water rights, whether as to quantity or quality. That is not accurate.

A. Indian tribes are self-governing, exercising limited powers of inherent sovereignty within their reservations.

B. In the exercise of that power, Indian tribes have the right to regulate lands and other natural resources within the reservation, including non-Indian owned fee lands or resources.

C. States have no power to assert its laws within an Indian reservation to regulate lands or other resources unless Congress has specifically so provided. In fact, in *Washington* v. *EPA*, the Circuit Court upheld a decision of EPA denying the State environmental regulatory jurisdiction under the Resource Conservation and Recovery Act, over Indian lands. The court said, "States are generaly precluded from exercising jurisdiction over Indian Country unless Congress has clearly expressed an intention to permit it.".

D. Conversely, Indian tribes, except in extremely limited cases, have no power to project their regulatory authority beyond the boundaries of the reservations.

E. The Clean Water Act establishes Federal standards for water quality. States are empowered to assume primacy for water quality regulation within the state by developing and having approved by EPA a Plan establishing State water quality standards which are no less stringent than those adopted by EPA. States may then issue State permits permitting certain water pollution activities which meet that State's water quality standards.

F. Where two or more states, sharing a common water body, have plans approved by EPA with differing standards of water quality, the Act does provide mechanisms for resolving inter-state conflicts. However, there is nothing in the existing Act or in the proposed amendments which gives EPA the power to force one state to changes its approved water quality standards or those valid activities done in accordance with its plan in order to accommodate the water quality needs of another state or states. The aggrieved state or states might have recourse against the offending state through litigation under other applicable law.

G. Recognizing the existing right of Indian tribes to regulate their environment within their reservation boundaries, the Indian provisions in H.R. 1 would permit those Indian tribes who have met certain exacting standards, to assume primacy for water quality regulation within their reservations. The provisions provide that tribes, for limited purposes of the Act, would be treated as a State.

H. The Indian provisions of H.R. 1 require the Administrator of EPA to promulgate regulations to specify how Indian tribes will be treated as States for purposes of the Act. In doing so, he is required to consult with affected States sharing common water bodies with tribes and to provide a mechanism for the resolution of unreasonable consequences that may arise as a result of differing water quality standards that may be set by States and tribes. However, just as in inter-state conflicts, nothing in that requirement, in the existing Clean Water Act, or in any other provision of H.R. 1 gives the EPA administrator or the tribes the power to force states to alter their approved water quality standards or their operations under an approved Plan in order to accommodate higher tribal water quality standards. Nor is there anything in the existing law or proposed amendments which would permit Indian tribes to project their internal regulations beyond the boundaries of their reservation.

We can find nothing in the Clean Water Act, as proposed to be amended by H.R. 1 which would in any way expand substantive Indian water rights or which would expand or enhance the power of Indian tribes to affect off-reservation activity which might degrade or despoil on-reservation water quality.

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Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the gentleman for yielding me this time.

Mr. Speaker, I first want to extend my thanks to the chairman of the full committee, the chairman of the subcommittee, the ranking minority members of the full committee and subcommittee, Mr. HOWARD, Mr. ROE, Mr. HAMMERSCHMIDT, and Mr. STANGELAND, respectively, for their help in effecting this compromise which, hopefully, will go forward and protect the interests of all parties who were concerned about the dumping of gypsum in the Mississippi River and the potentially hazardous effects of that dumping.

The question I have of the gentleman from New Jersey [Mr. ROE] is, Is it your understanding, sir, that this agreement will go forward in the next couple of weeks and that you will lend all of your good graces and efforts to helping effect this compromise, push it through the House of Representatives, and the Senate, and that we will attempt to remedy the situation that confronts us now?

Mr. ROE. If the gentleman will yield, I will say the gentleman is absolutely correct. We have joined with him in the fullest support of achieving this goal. Mr. HOWARD has already spoken to the leadership and they are talking about the week of the 20th.

Mr. LIVINGSTON. I appreciate the gentleman's cooperation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to engage the gentleman from Arkansas in a colloquy at this time concerning section 203 of H.R. 1, the Water Quality Act of 1987.

In my district, the Las Virgenes Municipal Water District received a construction grant after its plans, specifications, and estimates were approved on several occasions by EPA and the State of California. Several years later and after final completion of the construction project, a review of the project has resulted in a recommendation to disallow some of the project's cost because the total amount of expected sludge generation has not been realized. By EPA's own program staff admission, there is no evidence of waste, fraud, or abuse. Nonetheless, the Las Virgenes district has been forced to enter into the expensive process of refuting this disallowal.

Has the committee run into problems similar to this in any other areas of the country with respect to EPA Construction Grants Program decisions?

Mr. HAMMERSCHMIDT. If the gentleman will yield, yes we have and that is why the committee included in our House-passed version of this legislation and why the conferees included in the conference report and H.R. 1 the language of section 203. This section provides that, before taking final action on certain plans and specifications, the Administrator shall enter into a written agreement establishing which items of a proposed wastewater treatment project are eligible for Federal grant assistance. The section also provides that the administrator may not later modify his eligibility determinations unless they are found to

have been made in violation of Federal law.

Mr. GALLEGLY. Would the distinguished gentleman from Arkansas [Mr. HAMMERSCHMIDT] agree to work with me and with the chairman of the Water Resources Subcommittee to conduct oversight on the extent to which problems such as those experienced in my district concerning the Las Virgenes Municipal Water District may need to be addressed further by congressional action?

Mr. HAMMERSCHMIDT. Yes, I would certainly be pleased to lend my support to the request of my esteemed California colleague. I am sure the gentleman will receive the cooperation of our distinguished new chairman of the Water Resources Subcommittee, [Mr. NOWAK] and I am sure the gentleman from Minnesota [Mr. STANGELAND] as well.

Mr. GALLEGLY. I thank the gentleman for this clarification and also for his willing assistance.

Mr. BIAGGI. Mr. Speaker, I rise in full support of H.R. 1, a bill to reauthorize the Clean Water Act.

Like so many of my colleagues I was deeply distressed last year when identical legislation to the measure before us today was vetoed after Congress had adjourned. This bill is absolutely vital if our Nation is to effectively address the very serious water pollution problems that our Nation faces. I am extremely pleased that this legislation is being acted on at the earliest possible moment during the 100th Congress and I want to commend Speaker WRIGHT for his strong and responsible leadership in this matter, along with the two distinguished gentlemen from New Jersey, Messrs. HOWARD and ROE.

This measure authorizes $18 billion over an 8-year period for sewage treatment; $400 million over 4 years to control nonpoint sources of pollution; generally prohibits lessening of pollution standards in existing pollution control permits; establishes a plan to issue permits for storm water discharges; extends certain compliance deadlines; provides greater controls for toxic pollutants; and establishes programs to monitor and control pollution in the Great Lakes, in estuaries, and in lakes.

Mr. Speaker, we have an obligation not only to ourselves but also to future generations to protect our Nation's environment from pollution. This bill is totally consistent with that vital objective and I strongly urge my colleagues to join me in supporting it.

Mr. TOWNS. Mr. Speaker, I want to offer my support for H.R. 1, the Clean Water Act. As a member of the House-Senate conference committee on this legislation in the 99th Congress, I am very pleased to see that the chairman of Public Works has acted so quickly in bringing this measure to the floor in the 100th Congress.

There is no question that this reauthorization measure is needed. States and localities have unanimously urged passage of this legislation to save the Nation's water and sewerage systems. For example, in the State of New York, the question of support for the cleanup of acidified lakes and coverage for utility relocation costs are at issue. I would hope that my colleagues will continue to demonstrate their overwhelmingly support for the Clean Water Act. In the 99th Congress, we were able to muster enough votes to clearly override a Presidential veto. I hope that we will again demonstrate our strong support for this much needed legislation.

Mr. JONES of North Carolina. Mr. Speaker, I rise today in strong support of H.R. 1, the Water Quality Act of 1987, and urge its prompt passage. Mr. Speaker, as we all know, this is the second time that the House has convened to express its support for this conference report on the Clean Water Act. It is only through the hard work and persistence of the public works leadership, particularly Chairman HOWARD and Chairman ROE, that we are here today to demonstrate once again our commitment to improving our Nation's water quality, and for their diligence they are to be commended.

Mr. Speaker, as my colleagues may note, H.R. 1 was referred both to the Public Works Committee and the Merchant Marine Committee, reflecting the jurisdiction of the Merchant Marine Committee over coastal and marine pollution generally and over fish and wildlife, wetlands and habitat. This referral recognizes the intrinsic relationship between water quality matters and living resource matters and will, in my own view, enable the House to fashion legislative recommendations that will closely integrate Federal programs for improved water quality, productive living resources and habitat and cost-effective pollution control. In particular, this referral recognizes our jurisdiction over the following sections of the conference report:

Section 103, the Chesapeake Bay Program;

Section 104, the Great Lakes Program;

Section 105, research on the effects of pollutants;

Section 303, discharges into marine waters;

Section 311, marine sanitation devices;

Section 317, the National Estuaries Program;

Section 406, sewage sludge;

Section 508, special provisions regarding certain dumpsites;

Section 509, ocean discharge research project; and

Section 510, San Diego, CA.

Many of the provisions of this legislation are of key interest to my committee, such as the Estuaries Program and the provisions on ocean disposal of sewage sludge, the Great Lakes and the Chesapeake Bay. These provisions, and the Federal Water Pollution Control Program in general, represent what may be one of the most important programs for ensuring the long-term health and integrity of our coastlines and marine resources. Because of their continued contributions to this program, Chairman HOWARD and Chairman ROE deserve our praise.

Mr. Speaker, I want to take one moment to express my strong support for section 317, the estuarine provisions in the bill. Only recently has attention come to focus on the importance of the variety of goods and services to society provided by estuarine systems. We use their waters to cool our factories, accommodate our waterborne traffic, shelter our coastal populations, and serve as sinks for our pollution. By 1990, the Council on Environmental Quality estimates that over 75 percent of our population will live within 50 miles of our coasts.

The Committee on Merchant Marine and Fisheries believes that the long-term integrity of our Nation's estuaries and near shore areas are vital to our commercial and recreational fisheries and to good coastal resource management. In my district alone, for instance, virtually the entire shoreline area is a major estuary, upon which the coastal fishing and recreation economy sorely depends. Its continued health and wise management is a fundamental long-term interest to our citizens. Only by careful planning can we avoid the fate that otherwise awaits these special areas. Only with great care can we ensure that our stocks of fisheries and our habitats remain vigorous. And only by timely action can we fashion development policies that avoid unnecessary degradation before it occurs. As chairman of the Merchant Marine Committee and as a Congressman with a great interest in estuaries, I applaud the inclusion of these estuarine provisions and I intend to exercise vigorous oversight of their implementation.

I would like to comment briefly on several aspects of section 317 as it pertains to the National Oceanic and Atmospheric Administration [NOAA]. First, NOAA's broad coastal and marine mandates argue persuasively for a close partnership between it and EPA in fulfilling the objectives of section 317. I intend to follow closely the implementation of the program to ensure that both agencies integrate their existing capabilities to promote the success of the program and to maximize the effectiveness of the overall Federal effort. In identifying troubled estuaries and in fashioning and implementing research programs and management plans, I expect NOAA to step forward in a cooperative, constructive effort to contribute its own extensive capabilities to the program. The creation of an estuarine programs office within NOAA, which our committee established in S. 991 in the last Congress, is a constructive first step toward this end.

Second, I would expect a significant effort is devoted to the implementation aspects of the program. The success of a program turns not only on the genius of its objectives but the strength of its implementation. The success of the National Estuaries Program will turn not only on the quality of its planning products but the commitment of its participants. Several implementation systems are already in place that should be utilized fully, including State coastal zone programs. These programs provide a well-suited administrative and legal infrastructure at the State and Federal level to implement the comprehensive management plans developed pursuant to section 317. These programs should be used to the fullest in the implementation phase of the program.

Mr. Speaker, I believe that this conference report represents a firm commitment to improved environmental quality that deserves our full support. I pledge the efforts of my committee to exercise continuous, constructive oversight of the elements of the program within our jurisdiction. I urge the prompt passage of H.R. 1.

Mr. ECKART. Mr. Speaker, today the House wilL consider H.R. 1, the Clean Water Act, one of the most important pieces of legislation this body will take up during this session. Unanimous passage of this bill for the second time will assure the American people that the battle against water pollution is one of our top legislative priorities. Americans across the Nation will benefit from the public law resulting from this legislation, with or without the President's cooperation.

Included in the Clean Water Act, are provisions of the Great Lakes Management and Research Act which I introduced in June of 1985. My legislation sets specific guidelines to address the pollution problems plaguing the Great Lakes, and coordinates Federal efforts in locating toxics, defining their sources, and conducting demonstration projects to clean them up.

The Great Lakes provide 95 percent of our fresh surface water—equivalent to about 20 percent of the entire world's freshwater. Fifteen years ago, these waters were dying. Their grave condition sparked unprecedented levels of cooperation between the United States and Canada. With this legislation, we have a real chance of seeing a clean, safe and economically viable Great Lakes region.

Mr. RAHALL. Mr. Speaker, after several years of intensive effort, as well as one Presidential veto, it gives me great pleasure to rise in support of H.R. 1, legislation to reauthorize the Clean Water Act. Among the many provisions of this bill is one which seeks to provide an incentive to the coal industry to remine abandoned coal mine lands.

It is rare we are able to enact legislation such as this provision which so clearly dovetails efforts to develop our coal resources with those aimed at mitigating environmental damage. Throughout the Appalachian region abandoned coal mine lands exist which, due to erosion and acidic discharges, pose a serious threat to water quality.

While the 1977 surface mining law created an Abandoned Mine Reclamation Program to address this situation, the funds raised from industry to implement reclamation projects will never be sufficient to address more than 10 to 20 percent of the Nation's abandoned coal mine sites. Because many of these abandoned coal lands still contain valuable coal deposits, industry has made an effort to remine them, and as such, reclaim the sites.

However, in many instances, coal remining is not economically and technically feasible because industry becomes liable for treating the preexisting water discharges under stringent national effluent guidelines. This coal remining provision will enable industry to enter abandoned coal mine sites and engage in mining under modified water quality standards established on a case-by-case basis. The end result of this effort will be the reclamation of the site and as such, as improvement in water quality over that which existed at the site prior to remining.

As the author of this coal remining provision, I would note that a rather detailed legislative history has been established to assist in its implementation. In this regard, interested parties should refer to the CONGRESSIONAL RECORD of July 23, 1985, at which time I provided a full explanation of the provision during the debate on H.R. 8, the House-passed version of S. 1128 during the 99th Congress, as well as to the colloquy between the chairman of the committee with jurisdiction over the Surface Mining Control and Reclamation Act of 1977, MORRIS UDALL, and myself conducted during the 98th Congress, which can be found in the RECORD of June 26, 1984, when a similar version of this provision passed the House as part of H.R. 3282.

This legislation also reauthorizes the EPA construction grants program for sewage treatment facilities through fiscal year 1990. Under the allocation formula for these funds, this bill would provide West Virginia with almost $40 million on an annual basis, placing the State among the top 20 State recipients under this program. The importance of this assistance cannot be underestimated as there remains many communities in West Virginia still in need of adequate wastewater treatment facilities.

Mr. GEPHARDT. Mr. Speaker, I rise in strong support of H.R. 1, the Water Quality Act of 1987. This legislation, a compromise that won the unanimous support of both Houses of Congress last year, deserves swift enactment.

As we approach this century's final decade, it is clear that our environmental remains hard-pressed. Since Congress passed the Federal Water Pollution Control Act of 1972, we have abated some of the worst dangers. Nevertheless, new growth continues. Protection still lags. The pressures we put on our surroundings escalate.

While we have made much progress, we have learned also where we need to make more. We have controlled many but not all of our discharges. Urban and agricultural runoff still put poisons in our waters. States report increased levels of highly toxic compounds in rivers and streams. Many of our bays and waterways are still unacceptably dirty.

This legislation will continue the essential control programs, while gradually turning over responsibility for sewage plant construction to local governments. And it takes new action on problems like nonpoint source pollution and toxics.

This legislation is a sensible compromise. It will enable us to treat our waterways less as extensions of our sewer systems and more as the treasures that they are and that should be passed on to the next generation intact.

We should not allow a false economy to prevent the cleanups that need to be made. We can avoid the damages that may prove costly or impossible to clean up later. The funding levels in this bill are minimal when compared with the need.

I commend so many of my colleagues who have worked so hard on this legislation and urge the President to work with the Congress.

Mr. STUDDS. Mr. Speaker, I rise in strong support of the bill. Late last year, the House of Representatives approved this legislation by a unanimous vote, and we should do so again today.

The 100th Congress is only a couple of days old, but the Clean Water Act Amendments of 1986, now known as the Clean Water Act Amendments of 1987, will be among the most significant environmental and public health related bills we will consider during this term.

The original Clean Water Act, approved 15 years ago, embodied a commitment on the part of a generation of Americans to turn over to its children and grandchildren a nation whose lakes, streams, and coastal waterways would sustain, rather than threaten, human health and marine life. That job is not yet done. The President would have us give up now, because the cost is great and progress is slow, but his weariness is not shared by the American people or by their Representatives from either political party in the Congress.

As a member of the House Committee on Merchant Marine and Fisheries, I have a particular interest in the many sections of this bill that fall partly or wholly within the committee's jurisdiction. Of primary interest is section 317, which will create a National Estuaries Program within the EPA. This program recognizes the importance of estuaries to fish and wildlife resources of vast commercial, recreational, and esthetic importance. Serious water quality problems have arisen in past years in major estuaries including Buzzards Bay, Narragansett Bay, Long Island Sound, and Chesapeake Bay.

Under the legislation, the Administrator will be authorized to spend up to $48 million over 4 years in matching grants to State governments for the purpose of encouraging necessary research, planning, and cleanup activities in estuarine areas. Funds allocated under the program shall be used in accordance with plans developed by specially appointed management conferences that will include appropriate Federal, State, and local officials, and interested private parties.

Other sections of the bill of interest to our committee include those dealing specifically with pollution in Chesapeake Bay and the effects of that pollution on striped bass; the creation of Great Lakes National Program offices within both EPA and NOAA; directed research into the problem of bioaccumulation of toxics in fisheries; the management of sewage sludge; and other marine pollution related matters.

As a New Englander, I am also pleased by the inclusion of funding to help mitigate the effects of pollution, including acid rain, on inland lakes.

I also want to draw particular attention to the $100 million authorized to assist the Massachusetts Water Resources Authority in the construction of sewage treatment facilities that are desperately needed to halt the pollution of Boston Harbor and nearby waterways.

The legislation we will approve today includes $2.4 billion annually in proposed funding nationwide for sewage treatment construction grants through the year 1991. Former EPA Administrator William Ruckelshaus gave the Congress a firm commitment that this level of funding would be supported by the administration. Given the President's veto, it is obvious that this commitment has been broken.

But if there is any lesson we ought to have learned from the problems now experienced by Boston, and by many other cities with inadequate or antiquated sewage treatment facilities, it is that delay in responding to this prob-

lem is precisely the wrong course to take. The challenge of providing for the safe treatment and disposal of sewage sludge will not go away, and it will not get any easier over time. It is a problem that cannot be avoided, and for which delay produces only grave environmental harm and a higher ultimate cost.

In closing, I want to congratulate the leadership of the House Committee on Public Works and Transportation, both the majority and the minority, for their excellent work on this legislation and for continuing the commitment to improving the quality of our Nation's waterways.

Mr. McMILLEN of Maryland. Mr. Speaker, I rise in strong support of H.R. 1, the Clean Water Act. As a newly-elected Member of Congress, I am proud to have H.R. 1 as the first bill that I have cosponsored.

Representing the Fourth District of Maryland makes the Clean Water Act even more important to me than to most Members. Bordering my district are the Chesapeake Bay and Potomac River, both national treasures and both victims of man's shameful lack of appreciation and disregard for the environment.

We all are aware of the background of H.R. 1, Mr. Speaker. Passed unanimously by both Houses of Congress in October, the Clean Water Act was vetoed by President Reagan on November 6. This pocket veto by the President prevented Congress from acting sooner on the bill as the 99th had already adjourned. However, this pocket veto now allows me the great pleasure of voting for the Clean Water Act and working to ensure that it becomes law. I can think of no other task on which I would rather initiate my duties as a Member of Congress representing the Fourth District of Maryland.

The Chesapeake Bay is important and special to me, as a Congressman and a proud citizen of Maryland. Many of us in these Chambers have enjoyed the pleasures that the great State of Maryland has to offer and the bay is certainly one of our crown jewels. Yet for decades the Chesapeake Bay has served as a dumping pool for over 5,000 factories, military bases, and sewage treatment plants from Virginia to New York. The signing of the Chesapeake Bay Agreement in December 1983 recognized the work that had to be done to save the bay. Since this agreement, the State of Maryland has allocated $80 million to bay restoration. The recently elected Governor of Maryland, the Honorable William Donald Schaefer, has rightfully focused his attentions on the crucial matter of revitalizing the Chesapeake Bay. To coordinate State and Federal efforts such as these, the Clean Water Act opens a Chesapeake Bay office at the Environmental Protection Agency.

Recognition of the Chesapeake Bay's special status by Congress is long overdue. H.R. 1 is an important step in the right direction to protecting not only the Chesapeake Bay, but bodies of water throughout the United States. Mr. Speaker, too often we take for granted the bounties which this great land of ours has been blessed. We can no longer afford to neglect and abuse the environment as we have in the past. The Clean Water Act is a step toward rectifying these wrongs and I lend to it my wholehearted support.

Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 1, the Clean Water Act, a bill whose provisions are the same as the measure vetoed by President Reagan on November 6, 1986, and which was passed by a sweeping majority of 340–83 on July 23, 1985, in the 99th Congress. The Senate passed this bill on May 14, 1985, with an historic affirmation of 94–0. It is the conference report which was approved by an overwhelming vote in the House of 408–0 and the same historic vote in the Senate of 96–0 which establishes the unquestionably high priority all the U.S. Congress placed upon the Clean Water Act. It is this conference report legislation which comes before us today as H.R. 1.

This legislation established new frontiers in clean water management throughout our Nation at a time when pollution of every sort and inadequate clean water provisions and coordination at local and State levels combine to rob present and future generations of man and animal of the life-giving necessity of safe, clean water. The details of this bill, which are familiar to all of us through the long, hard work done on it in the 99th Congress, demonstrates a carefully considered and comprehensive approach providing much needed regulatory revisions and program safeguards.

While the President vetoed this legislation just after the Congress adjourned for the 99th Congress, therefore making it impossible for the 99th Congress to override his veto, we must express our will in the 100th Congress in passing this important legislation.

I urge my colleagues in the House and the Senate to vote this bill, identical as it is to the conference report adopted by both Houses in the 99th Congress, into law as the first, most significant act of the 100th Congress.

Mr. JONTZ. Mr. Speaker, it is with great pleasure that one of the first votes I will cast in the House of Representatives is a vote in support of H.R. 1, the Clean Water Act.

There are a number of important provisions in this legislation, but I would like to offer some brief comments about just two.

Of special importance to the citizens of Indiana are the programs to be established under H.R. 1 to deal with the pollution problems facing the Great Lakes. These provisions will give the U.S. Environmental Protection Agency a legislative mandate to focus on the unique water quality problems which threaten our beautiful Great Lakes. The legislaiion will be an important step toward implementation of the Great Lakes Water Quality Agreement which our Nation has with Canada, recognizing the international aspect of the lakes and the need for international cooperation in addressing the problems the lakes face.

In addition, H.R. 1 authorizes establishment of two important offices within the Federal Government to address Great Lakes water problems: one within the EPA, and one within the National Oceanic and Atmospheric Administration. The EPA will conduct a multiyear study of means which can be used to reduce the level of toxic chemicals and nutrients entering the lakes. NOAA will undertake a study of further research which is needed to address Great Lakes' problems.

A demonstration project seeking the most effective methods of treating contaminated sediments in the Grand Calumet-Indiana Harbor Ship Canal will provide experience and information in dealing with similar problems in other waterways in our Nation's urban areas.

These provisions are long overdue acknowledgement that the unique interstate and international nature of the Great Lakes requires special attention by our Federal Government. The programs which H.R. 1 authorizes will be a wise investment in protecting the priceless economic, recreational, and environmental resources of our Great Lakes.

A second portion of H.R. 1 which I would like to address just briefly pertains to the problem of nonpoint sources of pollution of our Nation's waters. H.R. 1 authorizes $400 million to be used to assist the States in the development of programs to control nonpoint sources of pollution. This pollution has been particularly difficult to reduce, even though it can contribute up to 90 percent of suspended solids in some waterways and between 50 and 90 percent of other pollutants, because of the fact that nonpoint-source pollution results from various agricultural and urban land use practices.

In my home countries, we have seen the adverse effects of nonpoint-source pollution in the accumulation of sediment in Lake Shafer and Like Freeman. This sediment is not simply a cosmetic problem; it is a serious threat to the economy of the Monticello area to the extent that continued accumulation of sediment many limit the recreational use of our lakes. The sort of programs which may be established by our State, and others, as a result of the provisions of H.R. 1 pertaining to nonpoints-source pollution could be very helpful in addressing this sort of problem.

In conclusion, the Clean Water Act is an important legislative step toward protecting the waters of our Nation for our use and enjoyment, and the use and enjoyment of future generations. I am happy to be able to join my colleagues in supporting H.R. 1.

Mr. McDADE. Mr. Speaker, there is nothing more fundamental or necessary for the existence of quality life on this planet than the availability of clean and potable water. Moreover, it is very sobering to realize that since the beginning of the world no new water has been created—water is only recycled. In other words, the water that we have on this planet is a finite resource of which we will receive no more or less that we already possess. Therefore, a grave responsibility is placed upon this body to act responsibly and to prudently preserve this most precious national asset from pollution and degradation.

Congress has realized this historical reality and has acted accordingly by passing the Clean Water Act of 1986 during the 99th Congress. However, as the 100th Congress commences its legislative agenda, we are once again confronted with the challenge to continue our vigilance in the defense of the health and welfare of future Americans by passing H.R. 1, the Clean Water Act of 1987. This measure will assure that our cities and industries will be assisted in improving and protecting the quality of our water resources.

Mr. Speaker, as a consponsor of H.R. 1, I rise in support of this most important and impactful measure. Clean water is clearly not a partisan issue, and the time for it's bipartisan

support has come. H.R. 1 is a strong bill. It is a reasonable bill. It is an acceptable compromise. Clearly, it is legislation vitally needed by our Nation, and particularly needed by States like Pennsylvania which are blessed with large water resources and the resultant responsibilities for their preservation.

As we are all aware, it is time to reestablish our intentions and adjust our long-term direction, in this drive to purify and protect our water. And while the steps necessary to ensure its safekeeping are not inexpensive, to not spend the needed funds is to risk losing this vital resource forever. Therefore, let us support H.R. 1, a bill designed to fund the construction of badly needed public water treatment works, extend deadlines for industrial compliance and create a balanced program for the control of rainwater runoff. Additionally, this measure takes a balanced approach to gradually allowing the States to take more responsibility for the funding and maintenance of future projects by establishing State revolving loan funds.

Finally, the Federal Water Pollution Control Act of 1972, envisioned an America with abundant and clean rivers and streams. This should not be an unobtainable goal. While we have made significant progress in this direction, there is still much to be done. The legacy of our stewardship over our most precious water assets will be judged by the decisions that we make in these Chambers this very day. Let us not squander our national water treasures when the means are at hand to preserve them. I urge my colleagues to join me in supporting this vital legislation.

Mr. TRAFICANT. Mr. Speaker, today, we are voting on an issue, that as my good friend and chairman of the House Public Works and Transportation Committee, JIM HOWARD has said, will play a great role in determining the direction of the Nation's policy on environment and the infrastructure.

As many of you, I was disappointed in the lack of commitment by this President and the administration in its efforts to clean up America's water systems. Unlike many of the bills considered by the Congress, this one has the support from all sectors of our society—business, industry, labor, environmentalists, and State and local government officials. All recognize, as we do here in the Congress, of the great need for the improvement of our Nation's water quality through essential new constraints on toxic water pollutants and improved program development for the construction of sewage treatment plants.

It is encouraging to see such unprecedented cooperation, and it is my hope that this will send a clear and strong signal to the President of our unabashed commitment to clean water and further, that this cooperation will extend to the implementation of these programs so as to achieve our objectives of a clean water supply for all U.S. citizens.

I urge my colleagues to join me in voting in favor of H.R. 1.

Mr. ROTH. Mr. Speaker, today I rise in support of H.R. 1. This measure strengthens our Nation's commitment to safeguarding the environment for future generations.

One of the most important new features of the bill is a coordinated environmental management program for the Great Lakes. The Great Lakes constitute the largest single system of fresh water in the world and represents the Midwest's most precious and important natural resource.

H.R. 1 provides formal recognition of the Great Lakes Water Quality Agreement of 1978 and designates the EPA's Great Lakes National Program Office as the lead agency responsible for coordinating U.S. efforts to achieve the goals outlined in the agreement. A new Great Lakes Research Office will be created under the auspices of the National Oceanic and Atmospheric Administration to formulate a central environmental research data base for the lakes.

Past efforts to manage the water quality of the Great Lakes were split among several Federal agencies, each operating independently. The designation of the EPA as the coordinating Federal agency will succeed in improving management.

The comprehensive Great Lakes Program includes a 5-year authorization to establish a toxic monitoring and surveillance network for the lakes and coordinate priority cleanups of "toxic hotspots" on the lakes. The International Joint Commission identified 42 areas of concern for toxic pollutants on the lakes and five sites have been mentioned specifically for demonstration cleanups of toxic sediments. Contaminated sediments are a prime source of the toxics infesting Great Lakes fish.

The Great Lakes are a delicate balanced ecosystem and it is vital to the States in the Great Lakes basin that the balance is maintained. The implementation of a coordinated toxic monitoring and cleanup porgam will do much to preserve the Great Lakes as a dependable water supply for residential and industrial consumption.

Ensuring the quality of our Nation's water resources is of paramount importance. I commend the efforts of individuals who worked to bring the Clean Water Act Amendments to the floor. I share their firm commitment and applaud the important steps the Water Quality Act of 1987 makes to further protect this Nation's vital resource.

Mr. TAUZIN. Mr. Speaker, section 317 of H.R. 1, the Clean Water Act, establishes a National Estuary Program. The purpose of the program is to first identify nationally significant estuaries that are threatened by pollution, development, or overuse. Second, this program is designed to promote the planning for, and the conservation and management of nationally significant estuaries.

Mr. Speaker, this provision provides that the Governor of any State may nominate to the Administrator an estuary of national significance in his State for consideration of a National Management Program. The Administrator is directed to give priority to particular estuaries around the country. Unfortunately, none of those named in the bill are in Louisiana.

Mr. Speaker, Louisiana has far more estuarine area than any other State in its vast delta bays and marshes. In fact, 40 percent of the Nation's coastal wetlands are located there. As a result of extensive human activities resulting from flood protection, navigation waterways, oil and gas extraction and transportation, and waste disposal, these coastal wetlands are disappearing at a staggering rate of approximately 50 square miles per year, comprising fully 80 percent of the national coastal wetland loss rate. Some of the most serious land loss has been caused by Federal projects that the entire Nation has benefited from. This is very much a national problem which has major consequences to the Nation's No. 1 source of fish and wildlife resources.

The erosion of our coastline presents a particular threat to the survival of two very large estuaries in Louisiana—the Barataria Basin and the Terrebonne Basin. Both are rich in fish, wildlife, and minerals. However, their lifespan has been seriously shortened by the increasing saltwater intrusion. It is my hope that the Environmental Protection Agency will give serious consideration to these two estuaries when the State of Louisiana nominates them for the National Estuary Program.

Mr. Speaker, while most of the several hundred estuaries in the United States have water quality problems, it is my hope that EPA will make every effort to focus on those estuaries that have the most serious and pressing problems. The EPA, in consultation with the States and other Federal agencies, should use objective and quantitative criteria in the allocation of resources for the protection of the Nation's estuaries. At a minumum, these criteria should include the following:

First, the geographic prominence of the estuaries, including their size and regional significance.

Second, the importance of the estuaries in supporting fish and wildlife resources, particularly in terms of the significance of estuarine-dependent commercial and recreational fisheries and populations of migratory waterfowl.

Third, the degree to which the estuaries are contaminated by toxic substances or have the potential to be so contaminated. This potential may be assessed based on the amount and nature of toxic materials produced in the estuarine drainage basin in comparison with the estuary's flushing rate and other natural characteristics. The prevalence of hazardous waste disposal sites in the proximity of the estuary should also be a criterion.

Fourth, the degree to which the estuaries have suffered and are suffering loss and modification of critical habitats, such as wetlands and seagrass beds, and the extent of Federal regulatory activities influencing these modifications.

Fifth, the degree to which the estuaries are overenriched with nutrients and experience resultant oxygen depletion or have the potential for such eutrophication. This potential may be assessed based on loadings from sewage disposal and other point sources and agricultural and urban runoff in comparison with the estuary's flushing rate and other natural characteristics.

Sixth, the degree to which there are public health risks resulting from contamination of important shellfish grounds and recreational waters by human disease microorganisms.

Seventh, the importance of Federal activities in degrading environmental quality or mitigating such degradation, including Federal navigation, flood protection and other water projects; wildlife refuges; Outer Continental Shelf energy and minerals development; and

regulation of interstate water quality. In the latter case, estuaries in which water quality is degraded as a result of riverine drainage from multiple States should receive emphasis.

Eighth, the net economic and long-term benefits potentially realized by increased efforts in protection and restoration of estuarine environments and the timeliness and urgency of these actions.

Mr. ANDREWS. Mr. Speaker, as a cosponsor of H.R. 1, the Water Quality Act of 1987, I am pleased to speak in support of this important legislation.

The Clean Water Act, as this bill is familiarly known, is perhaps our Nation's most important pollution control law. It builds on the Federal Water Pollution Control Act of 1972, the goal of which was to ensure fishable, swimmable waters by 1983, and achieve the total elimination of pollutant discharges into our streams, rivers, and lakes by 1985. While we have fallen short of these worthy goals, we have made great strides in cleaning up America's waters. The bill before the House today will ensure continued progress in this effort.

H.R. 1 is identical to the bill which unanimously passed both the House and Senate last October. This legislation is the product of 4 years of careful, concerted effort by both Houses of Congress. It is supported by virtually all interested parties, including environmental groups, the construction industry, the building trade unions, and state and local government organizations such as the National Governors' Association, the National League of Cities, and the National Conference of State Legislatures.

H.R. 1, while maintaining the Federal Government's commitment to cleaning up our Nation's waterways, redefines the future role of the Federal Government in financing the cleanups. Under the bill, States will receive about $2.25 billion annually in Federal grants for construction of sewage treatment systems. After 1990, the grants program will be replaced by State revolving loan funds. The State funds would be used to make low-interest loans to communities in need of sewage treatment systems. Loan repayments would later be used to make new loans. This arrangement will provide a self-sustaining source of money for States to finance construction in the absence of Federal grants. To ease the transition to State financing, Federal grants are provided to establish the State revolving loan funds.

By 1995, then, all Federal construction financing will have been phased out in an orderly and responsible manner. Certainly we need to make every effort to curb Federal expenditures where possible in these times of budget austerity. At the same time, we must maintain our commitment to a clean environment. This bill embodies an innovative approach which moves us closer to both important goals.

Another well crafted provision of the bill addresses for the first time the problem of "nonpoint-source" pollution, such as runoff from city streets, or large areas of farmland or forest. Non-point-source pollution often contains substances toxic to humans and aquatic life, including pesticides, herbicides, and lead. An EPA study concluded that non-point-source pollution is the primary pollution problem in fully 26 States. H.R. 1 authorizes $400 million to assist States in developing programs to control non-point-source pollution.

This bill is a balanced, comprehensive, and cost-effective package. It is important to our economy and critical to our environment. The Environmental Protection Agency has identified more than $100 billion in wastewater construction needs nationwide through the end of this century. Enactment of this measure will be a great forward step toward ending the pollution of our Nation's waters. I urge my colleagues to again pass this bill unanimously and join me in strongly encouraging the President to sign this vital legislation into law. Thank you.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time and I reserve the balance of my time.

Mr. HOWARD. Mr. Speaker, I yield the remaining 4 minutes of our time to the prime architect of this legislation, our colleague from the State of New Jersey [Mr. ROE].

Mr. ROE. Mr. Speaker, I wish to thank the committee chairman, our distinguished colleague and leader, Mr. HOWARD, for yielding me this time, and our distinguished colleague and leader, Mr. JOHN PAUL HAMMERSCHMIDT, on the minority side for all of the work they have put into this particular legislation.

Mr. Speaker, it is a pleasure for me to bring to the floor H.R. 1, the Water Quality Act of 1987. This bill is the same legislation approved unanimously in both Houses of the 99th Congress by votes of 408–0 in the House and 96–0 in the Senate. Because this legislation is the same as that passed in the 99th Congress, both the conference report, House Report 99–1004, and our committee report, House Report 99–189, to the extent it is consistent with the conference report, can continue to be used as part of the legislative history of this legislation.

This legislation is the culmination of years of effort, including an extensive and detailed examination of the Water Pollution Control Program and of measures to make the program more effective and responsive to budgetary considerations.

The bill before the House represents the next step in the cleanup and maintenance of our vast national water ecosystem. We have come a great distance since the early 1970's when signs of water pollution were severe near municipalities and apparent even in rural areas. For too long we had used our waters to receive and dispose of our wastes. The result was serious damage to our ability to enjoy our waters for swimming, boating, and sport and commercial fishing. We now clearly have reduced the discharge of pollutants from waste water treatment plants. Evidence of improved water quality can be observed in our rivers and lakes. This legislation will continue and improve upon the work which has been accomplished to date.

This legislation contains many provisions which will greatly improve the Federal Water Pollution Control Program. It continues through fiscal year 1990 authorizations for a number of programs in the Water Pollution Control Act, including research activities, training of personnel, forecasting the supply of and demand for occupational catergories needed in the water pollution control field, grants to State and interstate agencies to assist in administering programs for water pollution control, grants to educational institutions for programs to train personnel in the operation of water pollution control facilities, grants under section 208 for developing and operating areawide waste treatment management planning processes, grants for the rural Clean Water Program and the Clean Lakes Program, and the general administration of the Federal Water Pollution Control Act by the Environmental Protection Agency.

The Construction Grants Program, which provides a 55-percent Federal grant for the construction of sewage treatment facilities, is continued at its present level of $2.4 billion per year through fiscal year 1988, and at $1.2 billion per year for fiscal year 1989 and fiscal year 1990. In addition, a new grant program is authorized which provides funds to the States to establish water pollution control revolving funds. These revolving funds are to be used by the States to make low-interest loans, subsidize bonds, and take other similar measures in order to assist communities in the construction of sewage treatment works. The States must contribute 20 percent of their own money to these revolving funds.

The authorized amounts for grants for these revolving funds are $1.2 billion per year for fiscal years 1989 and 1990, $2.4 billion for fiscal year 1991, $1.8 billion for fiscal year 1992, $1.2 billion for fiscal year 1993, and $600 million for fiscal year 1994.

The Environmental Protection Agency estimated, in its 1984 needs survey, that the Federal share, under existing law, for eligible treatment plants through the year 2000 is approximately $35.8 billion. This is twice the amount authorized by H.R. 1 for construction grants and revolving fund grants. We are optimistic that the Combined Construction Grant and Revolving Fund Grant Programs will enable communities to meet the requirements of the act. This is because the revolving funds will provide a continuing supply of funds for assistance.

The legislation also contains a number of other provisions to improve our efforts to restore and maintain the quality of our waters.

A program to encourage and assist States in the control of nonpoint

sources of water pollution is established. Approximately 50 percent of the pollution entering our Nation's waters comes from nonpoint sources. In order to achieve adequate water quality it is absolutely essential that we begin to address the very serious problem of nonpoint sources of pollution.

Federal grants of up to 60 percent are authorized over a period of 4 years in a total amount of $400 million. States are required to identify waters which cannot reasonably be expected to attain water quality standards without additional controls of nonpoint source pollution, and to identify management practices for categories, and subcategories of nonpoint sources and particular nonpoint sources which add significant pollution to waters. The States also are required to submit management programs to EPA for approval. Implementation grants are available to States with approved programs. Interstate management conferences are provided for where pollutants in one State are preventing water quality standards from being attained in another State.

The clean lakes provision of the Federal Water Pollution Control Act, which establishes a Grant Assistance Program to improve the water quality of lakes, is extended. In addition, new provisions are added to increase the effectiveness of the program.

There is a provision for the development and implementation of individual control strategies to achieve compliance with applicable water quality standards where it is determined that such compliance will not result from the application of best available technology and best conventional technology.

Penalties for violation of the act are increased, and a provision authorizing the assessment of administrative penalties is included. These are designed to substantially increase EPA's enforcement capabilities to ensure compliance with the act.

Another important provision concerns management and control of municipal and industrial storm water discharges. The bill establishes a mechanism to address the major problems associated with discharges from storm sewers through a permitting procedure and the development and implementation of management practices, control technologies, and design and engineering methods.

For industrial and large municipal dischargers—storm sewer systems serving a population of 250,000 or more—not later than 2 years after the date of enactment the Administrator must establish regulations setting forth permit application requirements. Applications for permits must be filed within 3 years after the date of enactment and the Administrator or the State, as the case may be, must issue or deny such permits within 4 years of the date of enactment. These permits must provide for compliance as expeditiously as practicable but in no event later than 3 years after the date of issuance of the permit. For discharges from storm sewers serving a population of 100,000 or more, the Administrator must establish permit application requirements within 4 years of the date of enactment. Applications for permits must be filed no later than 5 years after date of enactment, and the Administrator or the State, as the case may be, must issue or deny the permits within 6 years after the date of enactment. The permits must provide for compliance as expeditiously as practicable but in no event later than 3 years after the date the permit is issued.

Permits for other discharges are not required prior to October 1, 1992, except for those which the Administrator or the State determines contribute to a violation of a water quality standard or are a significant contributor of pollutants to waters of the United States.

Permits for discharges from municipal storm sewers may be issued on a system or jurisdictionwide basis and must include the requirement to effectively prohibit nonstorm water discharges into storm sewers. In addition, they must require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control technologies and systems, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of pollutants.

The control of storm water discharges to protect the quality of the Nation's waters is a vast undertaking which, under existing law, would require an estimated 1 million permits. The provision in the bill establishes an orderly procedure which will enable the major contributors of pollutants to be addressed first, and all discharges to be ultimately addressed in a manner which will not completely overwhelm EPA's capabilities.

Section 301(g) of the act allows EPA to grant modifications to effluent limitations for nonconventional pollutants if certain conditions are met. The bill limits the availability of such modifications to five pollutants: Ammonia, chlorine, color, iron, and total phenols. These are substances for which EPA has sufficient data to properly assess a request for a modification of applicable effluent limitation. The provision in the bill provides for additions to the list of these five pollutants, but only if EPA first determines that a pollutant proposed to be added does not meet the criteria for listing as a toxic, and then determines that adequate test methods or sufficient data are available to make the determination required for the granting of a modification. In addition, strict deadlines are placed on the filing of petitions to add a pollutant to the section 301(g) list, applications for a modification, and EPA's approval or denial of these requests.

A strong "antibacksliding" provision is included, which strictly limits the situations in which effluent limitations in BPJ [best professional judgment] permits and water quality based permits may be made less stringent. As a general rule, effluent limitations established in a BPJ permit may not be modified to reflect less stringent requirements in subsequently issued effluent limitations. Exceptions to the general rule permit less stringent effluent limitations if material and substantial alterations or additions to the permitted facilities occurred after permit issuance, information is available which was not available at the time of permit issuance, technical mistakes or mistaken interpretation of law were made, there are events over which the permitee has no control, or a permit modification has been granted. For waters where the water quality standard has not been attained, any effluent limitation based on a total maximum daily load may be revised only if the cumulative effect of all of the revised effluent limitations will assure the attainment of the water quality standard. Where the quality of these waters exceeds or equals levels necessary to protect the designated use, any effluent based on a total maximum daily load or water quality or other standard may be revised only if the revision is subject to and consistent with the antibacksliding policy established under section 303.

Another provision of this legislation concerns the granting of a variance from the requirements of an effluent limitation if the owner or operator of a facility demonstrates that the facility is fundamentally different with respect to the factors considered by EPA in establishing the effluent limitation. The bill narrows and strictly defines the circumstances under which a fundamentally different factors [FDF] variance may be granted.

The bill includes a National Estuary Program which provides for management conferences to develop comprehensive management plans for estuaries where EPA determines, on its own initiative or upon nomination by a State, that the attainment or maintenance of water quality in the estuary requires the control of point and nonpoint sources of pollution to supplement existing controls of pollution in more than one State. The purposes of such a management conference are to assess trends in water quality and uses of the estuary, collect and assess data on toxics, nutrients and natural resources in estuarine zones to identify

causes of environmental problems, develop a comprehensive conservation and management plan to restore and maintain the chemical, physical, and biological integrity of the estuary, develop implementation plans to be carried out by the States, and monitor the effectiveness of actions taken pursuant to the plan.

Mr. Speaker, there is one matter which has generated concern. Section 306(c) of the bill directs the Administrator to withdraw existing effluent guidelines applying to fertilizer plants in Louisiana on which construction was commenced on or before April 8, 1974. Within 180 days, the Administrator is to issue best professional judgment permits to these facilities under section 402(a)(1)(B).

Four Louisiana phosphate fertilizer plants—with a direct employment of 1,500 to 1,700 people—state that they are unable to comply with effluent limitations published by EPA. The limitations control the discharge of gypsum—a byproduct—cooling water and storm water runoff. Pollutants in the gypsum include radioactivity and metals. The plants are: Agrico Chemicals (Donaldsonville), Arcadian (Geismar), Beker (Taft), and Freeport Chemical (Uncle Sam). Most plants comply with the limitations by disposing of gypsum on land. The Louisiana plants claim they are unable to comply with the limitations because: First, a lack of land on which to dispose of the gypsum; and second, the soil characteristics and rainfall in Louisiana do not allow for the gypsum to be stacked for disposal as in other areas of the United States.

In 1974, EPA promulgated effluent guidelines for fertilizer manufacturing plants. These prescribe the minimum applicable technology based limits for the industry. Limits for individual plants may be more stringent to protect water quality. The regulation provides for no discharge of process wastewater pollutants, except for discharge after treatment of stormwater runoff in certain situations. Other similar plants comply with the regulation by disposing of the gypsum on land and recycling wastewater, including rainfall that comes into contact with the gypsum except for the stormwater exception.

All four plants have expired NPDES permits which are continued under the Administrative Procedure Act. Permits for Agrico and Arcadian contain limitations based on the current regulation. The permit for Freeport contains limitations based on the regulation, except for alternative limitations based on a 1981 fundamentally different factors [FDF] variance for once-through cooling water. The guidelines-based limitations in the permit for Beker have been stayed due to an administrative appeal of the permit which has been pending in EPA for several years.

In 1982-84, three of the facilities submitted requests for FDF variances from the limitations to allow at least a partial discharge of process waste water and gypsum. The FDF's are being held in abeyance at this time because of the ongoing rulemaking and permitting activities.

In 1983, industry requested that EPA review the regulation due to the lack of land and the climatic and soil conditions which exist in Louisiana. In 1984, EPA proposed to suspend the application of the regulation to these four plants because EPA believed the technology basis for the regulation was no longer applicable for the plants. In 1986, EPA provided additional information on the proposal, requested comments on the additional information and held a public hearing in Baton Rouge and New Orleans. EPA has not finalized this rulemaking activity, even though the original proposal is almost 3 years old.

In 1986, EPA proposed draft NPDES permits for these four plants which would allow for discharge of process waste water, including gypsum. The permits have have not been finalized by EPA. The Louisiana Department of Environmental Quality [DEP] has the right, under their certification authority contained in section 401 of the Clean Water Act, to require more stringent limitations necessary to comply with various provisions of the act. Louisiana DEP has established a task force to advise them on issues relating to these permits. EPA has established a region VI and headquarters task force, consisting of staff from the Offices of Water Regulations and Standards, Water Enforcement and Permits, Radiation Programs and general counsel to evaluate various issues raised on the draft prmits and develop final requirements.

Section 306(c) excludes the four Louisiana plants from the existing EPA regulation and requires EPA to issue new NPDES permits within 180 days. The amendment does not require EPA to allow discharge of process wastewater, including gypsum. The amendment does allow EPA to address each plant individually and to develop limitations for the different types of waste water generated. The amendment does not require Louisiana to concur on the permits or certify, under the Clean Water Act, the permit limitations that EPA proposed in 1986. Louisiana still has the right under the Clean Water Act to require more stringent limitations. The amendment does not change the right of a party to challenge the permits using established administrative and judicial appeals. The amendment does not change the provision of the act limiting permit terms to no more than 5 years.

The effect of the amendment is simply to require EPA to make a decision as to these facilities under the authority of section 402(a)(1)(B) of the act. EPA's authority and responsibility under section 402(a)(1)(B) is in no way altered. The agency is to consider all relevant factors and make a determination consistent with the goals of the Federal Water Pollution Control Act to ensure protection of public health and the environment. Section 306(c) does not sanction any past actions of EPA nor mandate any particular result such as the discharge of gypsum. EPA could, for example, issue a permit imposing limitations on the discharges of stormwater and cooling water and prohibiting the discharge of gypsum.

Moreover, our committee stands ready to monitor EPA's implementation of this provision and public hearings on the matter, as necessary to insure the protection of public health and the environment.

The bill H.R. 1, the Water Quality Act of 1987, represents a very large step forward in our efforts to improve and preserve the quality of our Nation's waters. In the area of municipal treatment of wastes, the phasing out of the Construction Grants Programs, together with the capilization grants for State revolving loan funds will provide a foundation for the continuation of efforts at the State level to achieve compliance with the requirements of the act with respect to municipal treatment. The program for the regulation and control of storm water discharges will provide an orderly means of bringing these sources of pollution under control. Necessary flexibility will be provided in the establishment and implementation of effluent limitations to address unique situations without sacrificing improvements in water quality. This legislation is a sound and reasonable approach to the Nation's needs to improve and maintain that water quality which is essential to fish and wildlife resources and the public health and well-being. I urge my colleagues to approve this legislation once again with the same unanimous support given to it in the previous Congress.

Mr. Speaker, in closing I would like to say there was an article that appeared in the Washington Post, and I shared this with my great friend, Mr. HOWARD, recently. The article talked about BOB ROE of New Jersey, not splitting our team, of course, but perhaps taking on some new responsibilities.

The headline went "From the Sewers to the Stars." So that as we go from the sewers to the stars, I want to thank the gentleman for all we have done on Earth and we are certainly going to need public works and health when we get back in that shuttle and

what we are to do with our waste materials there.

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

Mr. ROE. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman.

Mr. Speaker, I believe the gentleman as the chairman of that great committee will be going to the stars because he has become a star for many years working on our sewer problems and public works.

Mr. ROE. I thank the gentleman from New Jersey.

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

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

Mr. ROEMER. I thank the gentleman.

Mr. Speaker, I served with the gentleman in the well my first year in the Congress as a member of his Subcommittee on Water, and I said then and I want to say now: You are one of the best Members of the House. I appreciate, being from the State of Louisiana, the help you have given us today to take care of section 306. Thank you very much.

Mr. ROE. I thank the gentleman from Louisiana.

The text of H.R. 1 is as follows:

H.R. 1

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO FEDERAL WATER POLLUTION CONTROL ACT; DEFINITION OF ADMINISTRATOR.

(a) SHORT TITLE.—This Act may be cited as the "Water Quality Act of 1987".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents; amendments to Federal Water Pollution Control Act; definition of Administrator.
Sec. 2. Limitation on payments.
TITLE I—AMENDMENTS TO TITLE I
Sec. 101. Authorizations of appropriations.
Sec. 102. Small flows clearinghouse.
Sec. 103. Chesapeake Bay.
Sec. 104. Great Lakes.
Sec. 105. Research on effects of pollutants.
TITLE II—CONSTRUCTION GRANTS AMENDMENTS
Sec. 201. Time limit on resolving certain disputes.
Sec. 202. Federal share.
Sec. 203. Agreement on eligible costs.
Sec. 204. Design/build projects.
Sec. 205. Grant conditions; user charges on low-income residential users.
Sec. 206. Allotment formula.
Sec. 207. Rural set aside.
Sec. 208. Innovative and alternative projects.
Sec. 209. Regional organization funding.
Sec. 210. Marine CSO's and estuaries.
Sec. 211. Authorization for construction grants.
Sec. 212. State water pollution control revolving funds.
Sec. 213. Improvement projects.
Sec. 214. Chicago tunnel and reservoir project.
Sec. 215. Ad valorem tax dedication.
TITLE III—STANDARDS AND ENFORCEMENTS
Sec. 301. Compliance dates.
Sec. 302. Modification for nonconventional pollutants.
Sec. 303. Discharges into marine waters.
Sec. 304. Filing deadline for treatment works modification.
Sec. 305. Innovative technology compliance deadlines for direct dischargers.
Sec. 306. Fundamentally different factors.
Sec. 307. Coal remining operations.
Sec. 308. Individual control strategies for toxic pollutants.
Sec. 309. Pretreatment standards.
Sec. 310. Inspection and entry.
Sec. 311. Marine sanitation devices.
Sec. 312. Criminal penalties.
Sec. 313. Civil penalties.
Sec. 314. Administrative penalties.
Sec. 315. Clean lakes.
Sec. 316. Management of nonpoint sources of pollution.
Sec. 317. National estuary program.
Sec. 318. Unconsolidated quaternary aquifer.
TITLE IV—PERMITS AND LICENSES
Sec. 401. Stormwater runoff from oil, gas, and mining operations.
Sec. 402. Additional pretreatment of conventional pollutants not required.
Sec. 403. Partial NPDES program.
Sec. 404. Anti-backsliding.
Sec. 405. Municipal and industrial stormwater discharges.
Sec. 406. Sewage sludge.
Sec. 407. Log transfer facilities.
TITLE V—MISCELLANEOUS PROVISIONS
Sec. 501. Audits.
Sec. 502. Commonwealth of the Northern Mariana Islands.
Sec. 503. Agricultural stormwater discharges.
Sec. 504. Protection of interests of United States in citizen suits.
Sec. 505. Judicial review and award of fees.
Sec. 506. Indian tribes.
Sec. 507. Definition of point source.
Sec. 508. Special provisions regarding certain dumping sites.
Sec. 509. Ocean discharge research project.
Sec. 510. San Diego, California.
Sec. 511. Limitation on discharge of raw sewage by New York City.
Sec. 512. Oakwood Beach and Red Hook Projects, New York.
Sec. 513. Boston Harbor and adjacent waters.
Sec. 514. Wastewater reclamation demonstration.
Sec. 515. Des Moines, Iowa.
Sec. 516. Study of de minimis discharges.
Sec. 517. Study of effectiveness of innovative and alternative processes and techniques.
Sec. 518. Study of testing procedures.
Sec. 519. Study of pretreatment of toxic pollutants.
Sec. 520. Studies of water pollution problems in aquifers.
Sec. 521. Great Lakes consumptive use study.
Sec. 522. Sulfide corrosion study.
Sec. 523. Study of rainfall induced infiltration into sewer systems.
Sec. 524. Dam water quality study.
Sec. 525. Study of pollution in Lake Pend Oreille, Idaho.

(c) AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT.—Except as otherwise expressly provided, whenever in this Act 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 Federal Water Pollution Control Act.

(d) DEFINITION.—For purposes of this Act, the term "Administrator" means the Administrator of the Environmental Protection Agency.

SEC. 2. LIMITATION ON PAYMENTS.

No payments may be made under this Act except to the extent provided in advance in appropriation Acts.

TITLE I—AMENDMENTS TO TITLE I

SEC. 101. AUTHORIZATIONS OF APPROPRIATIONS.

(a) RESEARCH AND INVESTIGATIONS.—Section 104(u) is amended—

(1) in clause (1) by striking out "and" after "1975,", after "1980,", and after "1981,", and by inserting after "1982," the following: "such sums as may be necessary for fiscal years 1983 through 1985, and not to exceed $22,770,000 per fiscal year for each of the fiscal years 1986 through 1990,";

(2) in clause (2) by striking out "and" after "1981," and by inserting after "1982," the following: "such sums as may be necessary for fiscal years 1983 through 1985, and $3,000,000 per fiscal year for each of the fiscal years 1986 through 1990,"; and

(3) in clause (3) by striking out "and" after "1981," and by inserting after "1982," the following: "such sums as may be necessary for fiscal years 1983 through 1985, and $1,500,000 per fiscal year for each of the fiscal years 1986 through 1990,".

(b) GRANTS FOR PROGRAM ADMINISTRATION.—Section 106(a)(2) is amended by inserting after "1982" the following: ", such sums as may be necessary for fiscal years 1983 through 1985, and $75,000,000 per fiscal year for each of the fiscal years 1986 through 1990".

(c) TRAINING GRANTS AND SCHOLARSHIPS.—Section 112(c) is amended by striking out "and" after "1981," and by inserting after "1982," the following: "such sums as may be necessary for fiscal years 1983 through 1985, and $7,000,000 per fiscal year for each of the fiscal years 1986 through 1990,".

(d) AREAWIDE PLANNING.—Section 208(f)(3) is amended by striking out "and" after "1974," and after "1980," and by inserting after "1982" the following: ", and such sums as may be necessary for fiscal years 1983 through 1990".

(e) RURAL CLEAN WATER.—Section 208(j)(9) is amended by striking out "and" after "1981," and by inserting after "1982," the following: "and such sums as may be necessary for fiscal years 1983 through 1990,".

(f) INTERAGENCY AGREEMENTS.—Section 304(k)(3) is amended by inserting after "1983" the following: "and such sums as may be necessary for fiscal years 1984 through 1990".

(g) CLEAN LAKES.—Section 314(c)(2) is amended by striking out "and" after "1981," and by inserting after "1982" the following: ", such sums as may be necessary for fiscal years 1983 through 1985, and $30,000,000 per fiscal year for each of the fiscal years 1986 through 1990".

(h) GENERAL AUTHORIZATION.—Section 517 is amended by striking out "and" after "1981," and by inserting after "1982" the following: ", such sums as may be necessary for fiscal years 1983 through 1985, and

$135,000,000 per fiscal year for each of the fiscal years 1986 through 1990".

SEC. 102. SMALL FLOWS CLEARINGHOUSE.

Section 104(q) is amended by adding at the end thereof the following new paragraph:

"(4) SMALL FLOWS CLEARINGHOUSE.—Notwithstanding section 205(d) of this Act, from amounts that are set aside for a fiscal year under section 205(i) of this Act and are not obligated by the end of the 24-month period of availability for such amounts under section 205(d), the Administrator shall make available $1,000,000 or such unobligated amount, whichever is less, to support a national clearinghouse within the Environmental Protection Agency to collect and disseminate information on small flows of sewage and innovative or alternative wastewater treatment processes and techniques, consistent with paragraph (3). This paragraph shall apply with respect to amounts set aside under section 205(i) for which the 24-month period of availability referred to in the preceding sentence ends on or after September 30, 1986.".

SEC. 103. CHESAPEAKE BAY.

Title I is amended by adding at the end the following new section:

"SEC. 117. CHESAPEAKE BAY.

"(a) OFFICE.—The Administrator shall continue the Chesapeake Bay Program and shall establish and maintain in the Environmental Protection Agency an office, division, or branch of Chesapeake Bay Programs to—

"(1) collect and make available, through publications and other appropriate means, information pertaining to the environmental quality of the Chesapeake Bay (hereinafter in this subsection referred to as the 'Bay');

"(2) coordinate Federal and State efforts to improve the water quality of the Bay;

"(3) determine the impact of sediment deposition in the Bay and identify the sources, rates, routes, and distribution patterns of such sediment deposition; and

"(4) determine the impact of natural and man-induced environmental changes on the living resources of the Bay and the relationships among such changes, with particular emphasis placed on the impact of pollutant loadings of nutrients, chlorine, acid precipitation, dissolved oxygen, and toxic pollutants, including organic chemicals and heavy metals, and with special attention given to the impact of such changes on striped bass.

"(b) INTERSTATE DEVELOPMENT PLAN GRANTS.—

"(1) AUTHORITY.—The Administrator shall, at the request of the Governor of a State affected by the interstate management plan developed pursuant to the Chesapeake Bay Program (hereinafter in this section referred to as the 'plan'), make a grant for the purpose of implementing the management mechanisms contained in the plan if such State has, within 1 year after the date of the enactment of this section, approved and committed to implement all or substantially all aspects of the plan. Such grants shall be made subject to such terms and conditions as the Administrator considers appropriate.

"(2) SUBMISSION OF PROPOSAL.—A State or combination of States may elect to avail itself of the benefits of this subsection by submitting to the Administrator a comprehensive proposal to implement management mechanisms contained in the plan which shall include (A) a description of proposed abatement actions which the State or combination of States commits to take within a specified time period to reduce pollution in the Bay and to meet applicable water quality standards, and (B) the estimated cost of the abatement actions proposed to be taken during the next fiscal year. If the Administrator finds that such proposal is consistent with the national policies set forth in section 101(a) of this Act and will contribute to the achievement of the national goals set forth in such section, the Administrator shall approve such proposal and shall finance the costs of implementing segments of such proposal.

"(3) FEDERAL SHARE.—Grants under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms contained in the plan in any fiscal year and shall be made on condition that non-Federal sources provide the remainder of the cost of implementing the management mechanisms contained in the plan during such fiscal year.

"(4) ADMINISTRATIVE COSTS.—Administrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against programs or projects supported by funds made available under this subsection shall not exceed in any one fiscal year 10 percent of the annual Federal grant made to a State under this subsection.

"(c) REPORTS.—Any State or combination of States that receives a grant under subsection (b) shall, within 18 months after the date of receipt of such grant and biennially thereafter, report to the Administrator on the progress made in implementing the interstate management plan developed pursuant to the Chesapeake Bay Program. The Administrator shall transmit each such report along with the comments of the Administrator on such report to Congress.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated the following sums, to remain available until expended, to carry out the purposes of this section:

"(1) $3,000,000 per fiscal year for each of the fiscal years 1987, 1988, 1989, and 1990, to carry out subsection (a); and

"(2) $10,000,000 per fiscal year for each of the fiscal years 1987, 1988, 1989, and 1990, for grants to States under subsection (b).".

SEC. 104. GREAT LAKES.

Title I is amended by adding at the end the following new section:

"SEC. 118. GREAT LAKES.

"(a) FINDINGS, PURPOSE, AND DEFINITIONS.—

"(1) FINDINGS.—The Congress finds that—

"(A) the Great Lakes are a valuable national resource, continuously serving the people of the United States and other nations as an important source of food, fresh water, recreation, beauty, and enjoyment;

"(B) the United States should seek to attain the goals embodied in the Great Lakes Water Quality Agreement of 1978 with particular emphasis on goals related to toxic pollutants; and

"(C) the Environmental Protection Agency should take the lead in the effort to meet those goals, working with other Federal agencies and State and local authorities.

"(2) PURPOSE.—It is the purpose of this section to achieve the goals embodied in the Great Lakes Water Quality Agreement of 1978 through improved organization and definition of mission on the part of the Agency, funding of State grants for pollution control in the Great Lakes area, and improved accountability for implementation of such agreement.

"(3) DEFINITIONS.—For purposes of this section, the term—

"(A) 'Agency' means the Environmental Protection Agency;

"(B) 'Great Lakes' means Lake Ontario, Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, and Lake Superior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian Border);

"(C) 'Great Lakes System' means all the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes;

"(D) 'Program Office' means the Great Lakes National Program Office established by this section; and

"(E) 'Research Office' means the Great Lakes Research Office established by subsection (d).

"(b) GREAT LAKES NATIONAL PROGRAM OFFICE.—The Great Lakes National Program Office (previously established by the Administrator) is hereby established within the Agency. The Program Office shall be headed by a Director who, by reason of management experience and technical expertise relating to the Great Lakes, is highly qualified to direct the development of programs and plans on a variety of Great Lakes issues. The Great Lakes National Program Office shall be located in a Great Lakes State.

"(c) GREAT LAKES MANAGEMENT.—

"(1) FUNCTIONS.—The Program Office shall—

"(A) in cooperation with appropriate Federal, State, tribal, and international agencies, and in accordance with section 101(e) of this Act, develop and implement specific action plans to carry out the responsibilities of the United States under the Great Lakes Water Quality Agreement of 1978;

"(B) establish a Great Lakes system-wide surveillance network to monitor the water quality of the Great Lakes, with specific emphasis on the monitoring of toxic pollutants;

"(C) serve as the liaison with, and provide information to, the Canadian members of the International Joint Commission and the Canadian counterpart to the Agency;

"(D) coordinate actions of the Agency (including actions by headquarters and regional offices thereof) aimed at improving Great Lakes water quality; and

"(E) coordinate actions of the Agency with the actions of other Federal agencies and State and local authorities, so as to ensure the input of those agencies and authorities in developing water quality strategies and obtain the support of those agencies and authorities in achieving the objectives of such agreement.

"(2) 5-YEAR PLAN AND PROGRAM.—The Program Office shall develop, in consultation with the States, a five-year plan and program for reducing the amount of nutrients introduced into the Great Lakes. Such program shall incorporate any management program for reducing nutrient runoff from nonpoint sources established under section 319 of this Act and shall include a program for monitoring nutrient runoff into, and ambient levels in, the Great Lakes.

"(3) 5-YEAR STUDY AND DEMONSTRATION PROJECTS.—The Program Office shall carry out a five-year study and demonstration projects relating to the control and removal of toxic pollutants in the Great Lakes, with emphasis on the removal of toxic pollutants from bottom sediments. In selecting locations for conducting demonstration projects under this paragraph, priority consideration shall be given to projects at the following lo-

cations: Saginaw Bay, Michigan; Sheboygan Harbor, Wisconsin; Grand Calumet River, Indiana; Ashtabula River, Ohio; and Buffalo River, New York.

"(4) ADMINISTRATOR'S RESPONSIBILITY.—The Administrator shall ensure that the Program Office enters into agreements with the various organizational elements of the Agency involved in Great Lakes activities and the appropriate State agencies specifically delineating—

"(A) the duties and responsibilities of each such element in the Agency with respect to the Great Lakes;

"(B) the time periods for carrying out such duties and responsibilities; and

"(C) the resources to be committed to such duties and responsibilities.

"(5) BUDGET ITEM.—The Administrator shall, in the Agency's annual budget submission to Congress, include a funding request for the Program Office as a separate budget line item.

"(6) COMPREHENSIVE REPORT.—Within 90 days after the end of each fiscal year, the Administrator shall submit to Congress a comprehensive report which—

"(A) describes the achievements in the preceding fiscal year in implementing the Great Lakes Water Quality Agreement of 1978 and shows by categories (including judicial enforcement, research, State cooperative efforts, and general administration) the amounts expended on Great Lakes water quality initiatives in such preceding fiscal year;

"(B) describes the progress made in such preceding fiscal year in implementing the system of surveillance of the water quality in the Great Lakes System, including the monitoring of groundwater and sediment, with particular reference to toxic pollutants;

"(C) describes the long-term prospects for improving the condition of the Great Lakes; and

"(D) provides a comprehensive assessment of the planned efforts to be pursued in the succeeding fiscal year for implementing the Great Lakes Water Quality Agreement of 1978, which assessment shall—

"(i) show by categories (including judicial enforcement, research, State cooperative efforts, and general administration) the amount anticipated to be expended on Great Lakes water quality initiatives in the fiscal year to which the assessment relates; and

"(ii) include a report of current programs administered by other Federal agencies which make available resources to the Great Lakes water quality management efforts.

"(d) GREAT LAKES RESEARCH.—

"(1) ESTABLISHMENT OF RESEARCH OFFICE.—There is established within the National Oceanic and Atmospheric Administration the Great Lakes Research Office.

"(2) IDENTIFICATION OF ISSUES.—The Research Office shall identify issues relating to the Great Lakes resources on which research is needed. The Research Office shall submit a report to Congress on such issues before the end of each fiscal year which shall identify any changes in the Great Lakes system with respect to such issues.

"(3) INVENTORY.—The Research Office shall identify and inventory Federal, State, university, and tribal environmental research programs (and, to the extent feasible, those of private organizations and other nations) relating to the Great Lakes system, and shall update that inventory every four years.

"(4) RESEARCH EXCHANGE.—The Research Office shall establish a Great Lakes research exchange for the purpose of facilitating the rapid identification, acquisition, retrieval, dissemination, and use of information concerning research projects which are ongoing or completed and which affect the Great Lakes System.

"(5) RESEARCH PROGRAM.—The Research Office shall develop, in cooperation with the Coordination Office, a comprehensive environmental research program and data base for the Great Lakes system. The data base shall include, but not be limited to, data relating to water quality, fisheries, and biota.

"(6) MONITORING.—The Research Office shall conduct, through the Great Lakes Environmental Research Laboratory, the National Sea Grant College program, other Federal laboratories, and the private sector, appropriate research and monitoring activities which address priority issues and current needs relating to the Great Lakes.

"(7) LOCATION.—The Research Office shall be located in a Great Lakes State.

"(e) RESEARCH AND MANAGEMENT COORDINATION.—

"(1) JOINT PLAN.—Before October 1 of each year, the Program Office and the Research Office shall prepare a joint research plan for the fiscal year which begins in the following calendar year.

"(2) CONTENTS OF PLAN.—Each plan prepared under paragraph (1) shall—

"(A) identify all proposed research dedicated to activities conducted under the Great Lakes Water Quality Agreement of 1978;

"(B) include the Agency's assessment of priorities for research needed to fulfill the terms of such Agreement; and

"(C) identify all proposed research that may be used to develop a comprehensive environmental data base for the Great Lakes System and establish priorities for development of such data base.

"(f) INTERAGENCY COOPERATION.—The head of each department, agency, or other instrumentality of the Federal Government which is engaged in, is concerned with, or has authority over programs relating to research, monitoring, and planning to maintain, enhance, preserve, or rehabilitate the environmental quality and natural resources of the Great Lakes, including the Chief of Engineers of the Army, the Chief of the Soil Conservation Service, the Commandant of the Coast Guard, the Director of the Fish and Wildlife Service, and the Administrator of the National Oceanic and Atmospheric Administration, shall submit an annual report to the Administrator with respect to the activities of that agency or office affecting compliance with the Great Lakes Water Quality Agreement of 1978.

"(g) RELATIONSHIP TO EXISTING FEDERAL AND STATE LAWS AND INTERNATIONAL TREATIES.—Nothing in this section shall be construed to affect the jurisdiction, powers, or prerogatives of any department, agency, or officer of the Federal Government or of any State government, or of any tribe, nor any powers, jurisdiction, or prerogatives of any international body created by treaty with authority relating to the Great Lakes.

"(h) AUTHORIZATIONS OF GREAT LAKES APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section not to exceed $11,000,000 per fiscal year for the fiscal years 1987, 1988, 1989, 1990, and 1991. Of the amounts appropriated each fiscal year—

"(1) 40 percent shall be used by the Great Lakes National Program Office on demonstration projects on the feasibility of controlling and removing toxic pollutants;

"(2) 7 percent shall be used by the Great Lakes National Program Office for the program of nutrient monitoring; and

"(3) 30 percent shall be transferred to the National Oceanic and Atmospheric Administration for use by the Great Lakes Research Office.".

SEC. 105. RESEARCH ON EFFECTS OF POLLUTANTS.

In carrying out the provisions of section 104(a) of the Federal Water Pollution Control Act, the Administrator shall conduct research on the harmful effects on the health and welfare of persons caused by pollutants in water, in conjunction with the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and other Federal, State, and interstate agencies carrying on such research. Such research shall include, and shall place special emphasis on, the effect that bioaccumulation of these pollutants in aquatic species has upon reducing the value of aquatic commercial and sport industries. Such research shall further study methods to reduce and remove these pollutants from the relevant affected aquatic species so as to restore and enhance these valuable resources.

TITLE II—CONSTRUCTION GRANTS AMENDMENTS

SEC. 201. TIME LIMIT ON RESOLVING CERTAIN DISPUTES.

Section 201 is amended by adding at the end thereof the following new subsection:

"(p) TIME LIMIT ON RESOLVING CERTAIN DISPUTES.—In any case in which a dispute arises with respect to the awarding of a contract for construction of treatment works by a grantee of funds under this title and a party to such dispute files an appeal with the Administrator under this title for resolution of such dispute, the Administrator shall make a final decision on such appeal within 90 days of the filing of such appeal.".

SEC. 202. FEDERAL SHARE.

(a) LIMITATION ON ELIGIBILITY AFTER 1990.—The last sentence of section 202(a)(1) is amended by inserting before the period at the end the following: "for any grant made pursuant to a State obligation which obligation occurred before October 1, 1990".

(b) PROJECTS UNDER JUDICIAL INJUNCTION.—Section 202(a)(1) is amended by adding at the end thereof the following: "Notwithstanding the first sentence of this paragraph, in the case of a project for which an application for a grant under this title has been made to the Administrator before October 1, 1984, and which project is under judicial injunction on such date prohibiting its construction, such project shall be eligible for grants at 75 percent of the cost of construction thereof.".

(c) PROJECTS UNDER JUDICIAL ORDER AND OTHER PROJECTS.—Section 202(a)(1) is amended by adding at the end thereof the following: "Notwithstanding the first sentence of this paragraph, in the case of the Wyoming Valley Sanitary Authority project mandated by judicial order under a proceeding begun prior to October 1, 1984, and a project for wastewater treatment for Altoona, Pennsylvania, such projects shall be eligible for grants at 75 percent of the cost of construction thereof.".

(d) BIODISC EQUIPMENT.—Section 202(a)(3) is amended by adding at the end thereof the following: "In addition, the Administrator is authorized to make a grant to fund all of the costs of the modification or replacement of biodisc equipment (rotating biological

contactors) in any publicly owned treatment works if the Administrator finds that such equipment has failed to meet design performance specifications, unless such failure is attributable to negligence on the part of any person, and if such failure has significantly increased capital or operating and maintenance expenditures.".

(e) INNOVATIVE PROCESS.—The activated bio-filter feature of the project for treatment works of the city of Little Falls, Minnesota, shall be deemed to be an innovative wastewater process and technique for purposes of section 202(a)(2) of the Federal Water Pollution Control Act and the amount of any grant under such Act for such feature shall be 85 percent of the cost thereof.

(f) AVAILABILITY OF CERTAIN FUNDS FOR NON-FEDERAL SHARE.—Notwithstanding any other provision of law, Federal assistance made available by the Farmers Home Administration to any political subdivision of a State may be used to provide the non-Federal share of the cost of any construction project carried out under section 201 of the Federal Water Pollution Control Act.

SEC. 203. AGREEMENT ON ELIGIBLE COSTS.

Section 203(a) is amended by inserting "(1)" after "(a)", by designating the last sentence as paragraph (3) and indenting such sentence as a paragraph, and by inserting before paragraph (3) as so designated the following:

"(2) AGREEMENT ON ELIGIBLE COSTS.—

"(A) LIMITATION ON MODIFICATIONS.—Before taking final action on any plans, specifications, and estimates submitted under this subsection after the 60th day following the date of the enactment of the Water Quality Act of 1987, the Administrator shall enter into a written agreement with the applicant which establishes and specifies which items of the proposed project are eligible for Federal payments under this section. The Administrator may not later modify such eligibility determinations unless they are found to have been made in violation of applicable Federal statutes and regulations.

"(B) LIMITATION ON EFFECT.—Eligibility determinations under this paragraph shall not preclude the Administrator from auditing a project pursuant to section 501 of this Act, or other authority, or from withholding or recovering Federal funds for costs which are found to be unreasonable, unsupported by adequate documentation, or otherwise unallowable under applicable Federal cost principles, or which are incurred on a project which fails to meet the design specifications or effluent limitations contained in the grant agreement and permit pursuant to section 402 of this Act for such project.".

SEC. 204. DESIGN/BUILD PROJECTS.

Section 203 is amended by adding at the end the following new subsection:

"(f) DESIGN/BUILD PROJECTS.—

"(1) AGREEMENT.—Consistent with State law, an applicant who proposes to construct waste water treatment works may enter into an agreement with the Administrator under this subsection providing for the preparation of construction plans and specifications and the erection of such treatment works, in lieu of proceeding under the other provisions of this section.

"(2) LIMITATION ON PROJECTS.—Agreements under this subsection shall be limited to projects under an approved facility plan which projects are—

"(A) treatment works that have an estimated total cost of $8,000,000 or less; and

"(B) any of the following types of waste water treatment systems: aerated lagoons, trickling filters, stabilization ponds, land application systems, sand filters, and subsurface disposal systems.

"(3) REQUIRED TERMS.—An agreement entered into under this subsection shall—

"(A) set forth an amount agreed to as the maximum Federal contribution to the project, based upon a competitively bid document of basic design data and applicable standard construction specifications and a determination of the federally eligible costs of the project at the applicable Federal share under section 202 of this Act;

"(B) set forth dates for the start and completion of construction of the treatment works by the applicant and a schedule of payments of the Federal contribution to the project;

"(C) contain assurances by the applicant that (i) engineering and management assistance will be provided to manage the project; (ii) the proposed treatment works will be an operable unit and will meet all the requirements of this title; and (iii) not later than 1 year after the date specified as the date of completion of construction of the treatment works, the treatment works will be operating so as to meet the requirements of any applicable permit for such treatment works under section 402 of this Act;

"(D) require the applicant to obtain a bond from the contractor in an amount determined necessary by the Administrator to protect the Federal interest in the project; and

"(E) contain such other terms and conditions as are necessary to assure compliance with this title (except as provided in paragraph (4) of this subsection).

"(4) LIMITATION ON APPLICATION.—Subsections (a), (b), and (c) of this section shall not apply to grants made pursuant to this subsection.

"(5) RESERVATION TO ASSURE COMPLIANCE.—The Administrator shall reserve a portion of the grant to assure contract compliance until final project approval as defined by the Administrator. If the amount agreed to under paragraph (3)(A) exceeds the cost of designing and constructing the treatment works, the Administrator shall reallot the amount of the excess to the State in which such treatment works are located for the fiscal year in which such audit is completed.

"(6) LIMITATION ON OBLIGATIONS.—The Administrator shall not obligate more than 20 percent of the amount allotted to a State for a fiscal year under section 205 of this Act for grants pursuant to this subsection.

"(7) ALLOWANCE.—The Administrator shall determine an allowance for facilities planning for projects constructed under this subsection in accordance with section 201(l).

"(8) LIMITATION ON FEDERAL CONTRIBUTIONS.—In no event shall the Federal contribution for the cost of preparing construction plans and specifications and the building and erection of treatment works pursuant to this subsection exceed the amount agreed upon under paragraph (3).

"(9) RECOVERY ACTION.—In any case in which the recipient of a grant made pursuant to this subsection does not comply with the terms of the agreement entered into under paragraph (3), the Administrator is authorized to take such action as may be necessary to recover the amount of the Federal contribution to the project.

"(10) PREVENTION OF DOUBLE BENEFITS.—A recipient of a grant made pursuant to this subsection shall not be eligible for any other grants under this title for the same project.".

SEC. 205. GRANT CONDITIONS; USER CHARGES ON LOW-INCOME RESIDENTIAL USERS.

(a) INCLUSION OF PROJECT IN AREAWIDE PLAN.—Section 204(a)(1) is amended to read as follows:

"(1) that any required areawide waste treatment management plan under section 208 of this Act (A) is being implemented for such area and the proposed treatment works are included in such plan, or (B) is being developed for such area and reasonable progress is being made toward its implementation and the proposed treatment works will be included in such plan;".

(b) CONTINUING PLANNING PROCESS.—Section 204(a)(2) is amended to read as follows:

"(2) that (A) the State in which the project is to be located (i) is implementing any required plan under section 303(e) of this Act and the proposed treatment works are in conformity with such plan, or (ii) is developing such a plan and the proposed treatment works will be in conformity with such plan, and (B) such State is in compliance with section 305(b) of this Act;".

(c) USER CHARGES ON LOW-INCOME RESIDENTIAL USERS.—Section 204(b)(1) is amended by adding at the end thereof the following: "A system of user charges which imposes a lower charge for low-income residential users (as defined by the Administrator) shall be deemed to be a user charge system meeting the requirements of clause (A) of this paragraph if the Administrator determines that such system was adopted after public notice and hearing.".

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, except that the amendments made by subsections (a) and (b) shall take effect on the last day of the two-year period beginning on such date of enactment.

SEC. 206. ALLOTMENT FORMULA.

(a) FORMULA.—

(1) EXTENSION OF EXISTING FORMULA FOR 1986.—Section 205(c)(2) is amended by striking out "and September 30, 1985," and inserting in lieu thereof "September 30, 1985, and September 30, 1986,".

(2) FISCAL YEARS 1987-1990.—Section 205(c) is amended by adding at the end the following new paragraph:

"(3) FISCAL YEARS 1987-1990.—Sums authorized to be appropriated pursuant to section 207 for the fiscal years 1987, 1988, 1989, and 1990 shall be allotted for each such year by the Administrator not later than the 10th day which begins after the date of the enactment of this paragraph. Sums authorized for such fiscal years shall be allotted in accordance with the following table:

"States:

Alabama	.011309
Alaska	.006053
Arizona	.006831
Arkansas	.006616
California	.072333
Colorado	.008090
Connecticut	.012390
Delaware	.004965
District of Columbia	.004965
Florida	.034139
Georgia	.017100
Hawaii	.007833
Idaho	.004965
Illinois	.045741
Indiana	.024374
Iowa	.013688
Kansas	.009129
Kentucky	.012872
Louisiana	.011118
Maine	.007829
Maryland	.024461

Massachusetts	.034338
Michigan	.043487
Minnesota	.018589
Mississippi	.009112
Missouri	.028037
Montana	.004965
Nebraska	.005173
Nevada	.004965
New Hampshire	.010107
New Jersey	.041329
New Mexico	.004965
New York	.111632
North Carolina	.018253
North Dakota	.004965
Ohio	.056936
Oklahoma	.008171
Oregon	.011425
Pennsylvania	.040062
Rhode Island	.006791
South Carolina	.010361
South Dakota	.004965
Tennessee	.014692
Texas	.046226
Utah	.005329
Vermont	.004965
Virginia	.020698
Washington	.017588
West Virginia	.015766
Wisconsin	.027342
Wyoming	.004965
American Samoa	.000908
Guam	.000657
Northern Marianas	.000422
Puerto Rico	.013191
Pacific Trust Territories	.001295
Virgin Islands	.000527".

(b) EXTENSION OF MINIMUM ALLOTMENTS.—Section 205(e) is amended by striking out "and 1985" each place it appears and inserting in lieu thereof "1985, 1986, 1987, 1988, 1989, and 1990".

(c) COSTS OF ADMINISTRATION.—Section 205(g)(1) is amended by striking out "October 1, 1985" and inserting in lieu thereof "October 1, 1994".

(d) CONTROL OF POLLUTANTS FROM STORM SEWERS.—Section 211(c) is amended by striking out "1985," and inserting in lieu thereof "1990,".

SEC. 207. RURAL SET ASIDE.

(a) INCREASE IN MANDATORY SET ASIDE FOR RURAL STATES.—The first sentence of section 205(h) is amended by striking out "four per centum" and inserting in lieu thereof "a total (as determined by the Governor of the State) of not less than 4 percent nor more than 7½ percent".

(b) INCREASE IN AUTHORIZED SET ASIDE FOR OTHER STATES.—The second sentence of section 205(h) is amended by striking out "four per centum" and inserting in lieu thereof "7½ percent".

SEC. 208. INNOVATIVE AND ALTERNATIVE PROJECTS.

Section 205(i) is amended to read as follows:

"(i) SET-ASIDE FOR INNOVATIVE AND ALTERNATIVE PROJECTS.—Not less than ½ of 1 percent of funds allotted to a State for each of the fiscal years ending September 30, 1979, through September 30, 1990, under subsection (c) of this section shall be expended only for increasing the Federal share of grants for construction of treatment works utilizing innovative processes and techniques pursuant to section 202(a)(2) of this Act. Including the expenditures authorized by the preceding sentence, a total of 2 percent of the funds allotted to a State for each of the fiscal years ending September 30, 1979, and September 30, 1980, and 3 percent of the funds allotted to a State for the fiscal year ending September 30, 1981, under subsection (c) of this section shall be expended only for increasing grants for construction of treatment works pursuant to section 202(a)(2) of this Act. Including the expenditures authorized by the first sentence of this subsection, a total (as determined by the Governor of the State) of not less than 4 percent nor more than 7½ percent of the funds allotted to such State under subsection (c) of this section for each of the fiscal years ending September 30, 1982, through September 30, 1990, shall be expended only for increasing the Federal share of grants for construction of treatment works pursuant to section 202(a)(2) of this Act.".

SEC. 209. REGIONAL ORGANIZATION FUNDING.

Section 205(j)(3) is amended by adding at the end thereof the following: "In giving such priority, the State shall allocate at least 40 percent of the amount granted to such State for a fiscal year under paragraph (2) of this subsection to regional public comprehensive planning organizations in such State and appropriate interstate organizations for the development and implementation of the plan described in this paragraph. In any fiscal year for which the Governor, in consultation with such organizations and with the approval of the Administrator, determines that allocation of at least 40 percent of such amount to such organizations will not result in significant participation by such organizations in water quality management planning and not significantly assist in development and implementation of the plan described in this paragraph and achieving the goals of this Act, the allocation to such organization may be less than 40 percent of such amount.".

SEC. 210. MARINE CSO'S AND ESTUARIES.

Section 205 is amended by adding at the end thereof the following new subsection:

"(l) MARINE ESTUARY RESERVATION.—

"(1) RESERVATION OF FUNDS.—

"(A) GENERAL RULE.—Prior to making allotments among the States under subsection (c) of this section, the Administrator shall reserve funds from sums appropriated pursuant to section 207 for each fiscal year beginning after September 30, 1986.

"(B) FISCAL YEARS 1987 AND 1988.—For each of fiscal years 1987 and 1988 the reservation shall be 1 percent of the sums appropriated pursuant to section 207 for such fiscal year.

"(C) FISCAL YEARS 1989 AND 1990.—For each of fiscal years 1989 and 1990 the reservation shall be 1½ percent of the funds appropriated pursuant to section 207 for such fiscal year.

"(2) USE OF FUNDS.—Of the sums reserved under this subsection, two-thirds shall be available to address water quality problems of marine bays and estuaries subject to lower levels of water quality due to the impacts of discharges from combined storm water and sanitary sewer overflows from adjacent urban complexes, and one-third shall be available for the implementation of section 320 of this Act, relating to the national estuary program.

"(3) PERIOD OF AVAILABILITY.—Sums reserved under this subsection shall be subject to the period of availability for obligation established by subsection (d) of this section.

"(4) TREATMENT OF CERTAIN BODY OF WATER.—For purposes of this section and section 201(n), Newark Bay, New Jersey, and the portion of the Passaic River up to Little Falls, in the vicinity of Beatties Dam, shall be treated as a marine bay and estuary.".

SEC. 211. AUTHORIZATIONS FOR CONSTRUCTION GRANTS.

Section 207 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; and for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, not to exceed $2,400,000,000; and for each of the fiscal years ending September 30, 1989, and September 30, 1990, not to exceed $1,200,000,000.".

SEC. 212. STATE WATER POLLUTION CONTROL REVOLVING FUNDS.

(a) ESTABLISHMENT OF PROGRAM.—The Act is amended by adding at the end thereof the following new title:

"TITLE VI—STATE WATER POLLUTION CONTROL REVOLVING FUNDS

"SEC. 601. GRANTS TO STATES FOR ESTABLISHMENT OF REVOLVING FUNDS.

"(a) GENERAL AUTHORITY.—Subject to the provisions of this title, the Administrator shall make capitalization grants to each State for the purpose of establishing a water pollution control revolving fund for providing assistance (1) for construction of treatment works (as defined in section 212 of this Act) which are publicly owned, (2) for implementing a management program under section 319, and (3) for developing and implementing a conservation and management plan under section 320.

"(b) SCHEDULE OF GRANT PAYMENTS.—The Administrator and each State shall jointly establish a schedule of payments under which the Administrator will pay to the State the amount of each grant to be made to the State under this title. Such schedule shall be based on the State's intended use plan under section 606(c) of this Act, except that—

"(1) such payments shall be made in quarterly installments, and

"(2) such payments shall be made as expeditiously as possible, but in no event later than the earlier of—

"(A) 8 quarters after the date such funds were obligated by the State, or

"(B) 12 quarters after the date such funds were allotted to the State.

"SEC. 602. CAPITALIZATION GRANT AGREEMENTS.

"(a) GENERAL RULE.—To receive a capitalization grant with funds made available under this title and section 205(m) of this Act, a State shall enter into an agreement with the Administrator which shall include but not be limited to the specifications set forth in subsection (b) of this section.

"(b) SPECIFIC REQUIREMENTS.—The Administrator shall enter into an agreement under this section with a State only after the State has established to the satisfaction of the Administrator that—

"(1) the State will accept grant payments with funds to be made available under this title and section 205(m) of this Act in accordance with a payment schedule established jointly by the Administrator under section 601(b) of this Act and will deposit all such payments in the water pollution control revolving fund established by the State in accordance with this title;

"(2) the State will deposit in the fund from State moneys an amount equal to at least 20 percent of the total amount of all capitalization grants which will be made to the State with funds to be made available under this title and section 205(m) of this Act on or before the date on which each quarterly grant payment will be made to the State under this title;

"(3) the State will enter into binding commitments to provide assistance in accord-

ance with the requirements of this title in an amount equal to 120 percent of the amount of each such grant payment within 1 year after the receipt of such grant payment;

"(4) all funds in the fund will be expended in an expeditious and timely manner;

"(5) all funds in the fund as a result of capitalization grants under this title and section 205(m) of this Act will first be used to assure maintenance of progress, as determined by the Governor of the State, toward compliance with enforceable deadlines, goals, and requirements of this Act, including the municipal compliance deadline;

"(6) treatment works eligible under section 603(c)(1) of this Act which will be constructed in whole or in part before fiscal year 1995 with funds directly made available by capitalization grants under this title and section 205(m) of this Act will meet the requirements of, or otherwise be treated (as determined by the Governor of the State) under sections 201(b), 201(g)(1), 201(g)(2), 201(g)(3), 201(g)(5), 201(g)(6), 201(n)(1), 201(o), 204(a)(1), 204(a)(2), 204(b)(1), 204(d)(2), 211, 218, 511(c)(1), and 513 of this Act in the same manner as treatment works constructed with assistance under title II of this Act;

"(7) in addition to complying with the requirements of this title, the State will commit or expend each quarterly grant payment which it will receive under this title in accordance with laws and procedures applicable to the commitment or expenditure of revenues of the State;

"(8) in carrying out the requirements of section 606 of this Act, the State will use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards;

"(9) the State will require as a condition of making a loan or providing other assistance, as described in section 603(d) of this Act, from the fund that the recipient of such assistance will maintain project accounts in accordance with generally accepted government accounting standards; and

"(10) the State will make annual reports to the Administrator on the actual use of funds in accordance with section 606(d) of this Act.

"SEC. 603. WATER POLLUTION CONTROL REVOLVING LOAN FUNDS.

"(a) REQUIREMENTS FOR OBLIGATION OF GRANT FUNDS.—Before a State may receive a capitalization grant with funds made available under this title and section 205(m) of this Act, the State shall first establish a water pollution control revolving fund which complies with the requirements of this section.

"(b) ADMINISTRATION.—Each State water pollution control revolving fund shall be administered by an instrumentality of the State with such powers and limitations as may be required to operate such fund in accordance with the requirements and objectives of this Act.

"(c) PROJECTS ELIGIBLE FOR ASSISTANCE.—The amounts of funds available to each State water pollution control revolving fund shall be used only for providing financial assistance (1) to any municipality, intermunicipal, interstate, or State agency for construction of publicly owned treatment works (as defined in section 212 of this Act), (2) for the implementation of a management program established under section 319 of this Act, and (3) for development and implementation of a conservation and management plan under section 320 of this Act. The fund shall be established, maintained, and credited with repayments, and the fund balance shall be available in perpetuity for providing such financial assistance.

"(d) TYPES OF ASSISTANCE.—Except as otherwise limited by State law, a water pollution control revolving fund of a State under this section may be used only—

"(1) to make loans, on the condition that—

"(A) such loans are made at or below market interest rates, including interest free loans, at terms not to exceed 20 years;

"(B) annual principal and interest payments will commence not later than 1 year after completion of any project and all loans will be fully amortized not later than 20 years after project completion;

"(C) the recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

"(D) the fund will be credited with all payments of principal and interest on all loans;

"(2) to buy or refinance the debt obligation of municipalities and intermunicipal and interstate agencies within the State at or below market rates, where such debt obligations were incurred after March 7, 1985;

"(3) to guarantee, or purchase insurance for, local obligations where such action would improve credit market access or reduce interest rates;

"(4) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of such bonds will be deposited in the fund;

"(5) to provide loan guarantees for similar revolving funds established by municipalities or intermunicipal agencies;

"(6) to earn interest on fund accounts; and

"(7) for the reasonable costs of administering the fund and conducting activities under this title, except that such amounts shall not exceed 4 percent of all grant awards to such fund under this title.

"(e) LIMITATION TO PREVENT DOUBLE BENEFITS.—If a State makes, from its water pollution revolving fund, a loan which will finance the cost of facility planning and the preparation of plans, specifications, and estimates for construction of publicly owned treatment works, the State shall ensure that if the recipient of such loan receives a grant under section 201(g) of this Act for construction of such treatment works and an allowance under section 201(l)(1) of this Act for non-Federal funds expended for such planning and preparation, such recipient will promptly repay such loan to the extent of such allowance.

"(f) CONSISTENCY WITH PLANNING REQUIREMENTS.—A State may provide financial assistance from its water pollution control revolving fund only with respect to a project which is consistent with plans, if any, developed under sections 205(j), 208, 303(e), 319, and 320 of this Act.

"(g) PRIORITY LIST REQUIREMENT.—The State may provide financial assistance from its water pollution control revolving fund only with respect to a project for construction of a treatment works described in subsection (c)(1) if such project is on the State's priority list under section 216 of this Act. Such assistance may be provided regardless of the rank of such project on such list.

"(h) ELIGIBILITY OF NON-FEDERAL SHARE OF CONSTRUCTION GRANT PROJECTS.—A State water pollution control revolving fund may provide assistance (other than under subsection (d)(1) of this section) to a municipality or intermunicipal or interstate agency with respect to the non-Federal share of the costs of a treatment works project for which such municipality or agency is receiving assistance from the Administrator under any other authority only if such assistance is necessary to allow such project to proceed.

"SEC. 604. ALLOTMENT OF FUNDS.

"(a) FORMULA.—Sums authorized to be appropriated to carry out this section for each of fiscal years 1989 and 1990 shall be allotted by the Administrator in accordance with section 205(c) of this Act.

"(b) RESERVATION OF FUNDS FOR PLANNING.—Each State shall reserve each fiscal year 1 percent of the sums allotted to such State under this section for such fiscal year, or $100,000, whichever amount is greater, to carry out planning under sections 205(j) and 303(e) of this Act.

"(c) ALLOTMENT PERIOD.—

"(1) PERIOD OF AVAILABILITY FOR GRANT AWARD.—Sums allotted to a State under this section for a fiscal year shall be available for obligation by the State during the fiscal year for which sums are authorized and during the following fiscal year.

"(2) REALLOTMENT OF UNOBLIGATED FUNDS.—The amount of any allotment not obligated by the State by the last day of the 2-year period of availability established by paragraph (1) shall be immediately reallotted by the Administrator on the basis of the same ratio as is applicable to sums allotted under title II of this Act for the second fiscal year of such 2-year period. None of the funds reallotted by the Administrator shall be reallotted to any State which has not obligated all sums allotted to such State in the first fiscal year of such 2-year period.

"SEC. 605. CORRECTIVE ACTION.

"(a) NOTIFICATION OF NONCOMPLIANCE.—If the Administrator determines that a State has not complied with its agreement with the Administrator under section 602 of this Act or any other requirement of this title, the Administrator shall notify the State of such noncompliance and the necessary corrective action.

"(b) WITHHOLDING OF PAYMENTS.—If a State does not take corrective action within 60 days after the date a State receives notification of such action under subsection (a), the Administrator shall withhold additional payments to the State until the Administrator is satisfied that the State has taken the necessary corrective action.

"(c) REALLOTMENT OF WITHHELD PAYMENTS.—If the Administrator is not satisfied that adequate corrective actions have been taken by the State within 12 months after the State is notified of such actions under subsection (a), the payments withheld from the State by the Administrator under subsection (b) shall be made available for reallotment in accordance with the most recent formula for allotment of funds under this title.

"SEC. 606. AUDITS, REPORTS, AND FISCAL CONTROLS; INTENDED USE PLAN.

"(a) FISCAL CONTROL AND AUDITING PROCEDURES.—Each State electing to establish a water pollution control revolving fund under this title shall establish fiscal controls and accounting procedures sufficient to assure proper accounting during appropriate accounting periods for—

"(1) payments received by the fund;

"(2) disbursements made by the fund; and

"(3) fund balances at the beginning and end of the accounting period.

"(b) ANNUAL FEDERAL AUDITS.—The Administrator shall, at least on an annual basis, conduct or require each State to have

independently conducted reviews and audits as may be deemed necessary or appropriate by the Administrator to carry out the objectives of this section. Audits of the use of funds deposited in the water pollution revolving fund established by such State shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

"(c) INTENDED USE PLAN.—After providing for public comment and review, each State shall annually prepare a plan identifying the intended uses of the amounts available to its water pollution control revolving fund. Such intended use plan shall include, but not be limited to—

"(1) a list of those projects for construction of publicly owned treatment works on the State's priority list developed pursuant to section 216 of this Act and a list of activities eligible for assistance under sections 319 and 320 of this Act;

"(2) a description of the short- and long-term goals and objectives of its water pollution control revolving fund;

"(3) information on the activities to be supported, including a description of project categories, discharge requirements under titles III and IV of this Act, terms of financial assistance, and communities served;

"(4) assurances and specific proposals for meeting the requirements of paragraphs (3), (4), (5), and (6) of section 602(b) of this Act; and

"(5) the criteria and method established for the distribution of funds.

"(d) ANNUAL REPORT.—Beginning the first fiscal year after the receipt of payments under this title, the State shall provide an annual report to the Administrator describing how the State has met the goals and objectives for the previous fiscal year as identified in the plan prepared for the previous fiscal year pursuant to subsection (c), including identification of loan recipients, loan amounts, and loan terms and similar details on other forms of financial assistance provided from the water pollution control revolving fund.

"(e) ANNUAL FEDERAL OVERSIGHT REVIEW.—The Administrator shall conduct an annual oversight review of each State plan prepared under subsection (c), each State report prepared under subsection (d), and other such materials as are considered necessary and appropriate in carrying out the purposes of this title. After reasonable notice by the Administrator to the State or the recipient of a loan from a water pollution control revolving fund, the State or loan recipient shall make available to the Administrator such records as the Administrator reasonably requires to review and determine compliance with this title.

"(f) APPLICABILITY OF TITLE II PROVISIONS.—Except to the extent provided in this title, the provisions of title II shall not apply to grants under this title.

"SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out the purposes of this title the following sums:

"(1) $1,200,000,000 per fiscal year for each of fiscal years 1989 and 1990;

"(2) $2,400,000,000 for fiscal year 1991;

"(3) $1,800,000,000 for fiscal year 1992;

"(4) $1,200,000,000 for fiscal year 1993; and

"(5) $600,000,000 for fiscal year 1994.".

(b) STATE-OPTION TO USE TITLE II FUNDS.—Section 205 is amended by adding at the end thereof the following new subsection:

"(m) DISCRETIONARY DEPOSITS INTO STATE WATER POLLUTION CONTROL REVOLVING FUNDS.—

"(1) FROM CONSTRUCTION GRANT ALLOTMENTS.—In addition to any amounts deposited in a water pollution control revolving fund established by a State under title VI, upon request of the Governor of such State, the Administrator shall make available to the State for deposit, as capitalization grants, in such fund in any fiscal year beginning after September 30, 1986, such portion of the amounts allotted to such State under this section for such fiscal year as the Governor considers appropriate; except that (A) in fiscal year 1987, such deposit may not exceed 50 percent of the amounts allotted to such State under this section for such fiscal year, and (B) in fiscal year 1988, such deposit may not exceed 75 percent of the amounts allotted to such State under this section for this fiscal year.

"(2) NOTICE REQUIREMENT.—The Governor of a State may make a request under paragraph (1) for a deposit into the water pollution control revolving fund of such State—

"(A) in fiscal year 1987 only if no later than 90 days after the date of the enactment of this subsection, and

"(B) in each fiscal year thereafter only if 90 days before the first day of such fiscal year,

the State provides notice of its intent to make such deposit.

"(3) EXCEPTION.—Sums reserved under section 205(j) of this Act shall not be available for obligation under this subsection.".

(c) REPORT TO CONGRESS.—Section 516 is amended by adding at the end thereof the following new subsection:

"(g) STATE REVOLVING FUND REPORT.—

"(1) IN GENERAL.—Not later than February 10, 1990, the Administrator shall submit to Congress a report on the financial status and operations of water pollution control revolving funds established by the States under title VI of this Act. The Administrator shall prepare such report in cooperation with the States, including water pollution control agencies and other water pollution control planning and financing agencies.

"(2) CONTENTS.—The report under this subsection shall also include the following:

"(A) an inventory of the facilities that are in significant noncompliance with the enforceable requirements of this Act;

"(B) an estimate of the cost of construction necessary to bring such facilities into compliance with such requirements;

"(C) an assessment of the availability of sources of funds for financing such needed construction, including an estimate of the amount of funds available for providing assistance for such construction through September 30, 1999, from the water pollution control revolving funds established by the States under title VI of this Act;

"(D) an assessment of the operations, loan portfolio, and loan conditions of such revolving funds;

"(E) an assessment of the effect on user charges of the assistance provided by such revolving funds compared to the assistance provided with funds appropriated pursuant to section 207 of this Act; and

"(F) an assessment of the efficiency of the operation and maintenance of treatment works constructed with assistance provided by such revolving funds compared to the efficiency of the operation and maintenance of treatment works constructed with assistance provided under section 201 of this Act.".

SEC. 213. IMPROVEMENT PROJECTS.

(a) AVALON, CALIFORNIA.—The Administrator shall make a grant of $3,000,000 from funds allotted under section 205 of the Federal Water Pollution Control Act to the State of California for fiscal year 1987 to the city of Avalon, California, for improvements to the publicly owned treatment works of such city.

(b) WALKER AND SMITHFIELD TOWNSHIPS, PENNSYLVANIA.—Out of funds available for grants in the State of Pennsylvania under the third sentence of section 201(g)(1) of the Federal Water Pollution Control Act in fiscal year 1987, the Administrator shall make grants—

(1) to Walker Township, Pennsylvania, for developing a collector system and connecting its wastewater treatment system into the Huntingdon Borough, Pennsylvania, sewage treatment plant, and

(2) to Smithfield Township, Pennsylvania, for rehabilitating and extending its collector system.

(c) TAYLOR MILL, KENTUCKY.—Notwithstanding section 201(g)(1) of the Federal Water Pollution Control Act or any other provision of law, the Administrator shall make a grant of $250,000 from funds allotted under section 205 of such Act to the State of Kentucky for fiscal year 1986 to the city of Taylor Mill, Kentucky, for the repair and reconstruction, as necessary, of the publicly owned treatment works of such city.

(d) NEVADA COUNTY, CALIFORNIA.—Out of funds available for grants in the State of California under the third sentence of section 201(g)(1) of the Federal Water Pollution Control Act in fiscal year 1987, the Administrator shall make a grant for the construction of a collection system serving the Glenshire/Devonshire area of Nevada County, California, to deliver waste to the Tahoe-Truckee Sanitary District's regional wastewater treatment facility.

(e) TREATMENT WORKS FOR WANAQUE, NEW JERSEY.—In fiscal year 1987 and succeeding fiscal years, the Administrator shall make grants to the Wanaque Valley Regional Sewerage Authority, New Jersey, from funds allotted under section 205 of the Federal Water Pollution Control Act to the State of New Jersey for such fiscal year, for the construction of treatment works with a total treatment capacity of 1,050,000 gallons per day (including a treatment module with a treatment capacity of 350,000 gallons per day). Notwithstanding section 202 of such Act, the Federal share of the cost of construction of such treatment works shall be 75 percent.

(f) TREATMENT WORKS FOR LENA, ILLINOIS.—The Administrator shall make grants to the village of Lena, Illinois, from funds allotted under section 205 of the Federal Water Pollution Control Act to the State of Illinois for fiscal years beginning after September 30, 1986, for the construction of a replacement moving bed filter press for the treatment works of such village. Notwithstanding section 202 of the Federal Water Pollution Control Act, the Federal share of the cost of construction of such project shall be 75 percent.

(g) PRIORITY FOR COURT-ORDERED AND OTHER PROJECTS.—The State of Pennsylvania, from funds allotted to it under section 205 of the Federal Water Pollution Control Act, shall give priority for construction of—

(1) the Wyoming Valley Sanitary Authority Secondary Treatment project mandated under Federal court order, regardless of the

date of start of construction made pursuant to the court order; and

(2) a project for wastewater treatment for Altoona, Pennsylvania.

SEC. 214. CHICAGO TUNNEL AND RESERVOIR PROJECT.

The Chicago tunnel and reservoir project may receive grants under the last sentence of section 201(g)(1) of the Federal Water Pollution Control Act without regard to the limitation contained in such sentence if the Administrator determines that such project meets the cost-effectiveness requirements of sections 217 and 218 of such Act without any redesign or reconstruction and if the Governor of the affected State demonstrates to the satisfaction of the Administrator the water quality benefits of such project.

SEC. 215. AD VALOREM TAX DEDICATION.

For the purposes of complying with section 204(b)(1) of the Federal Water Pollution Control Act, the ad valorem tax user charge systems of the town of Hampton and the city of Nashua, New Hampshire, shall be deemed to have been dedicated as of December 27, 1977. The Administrator shall review such ad valorem tax user charge systems for compliance with the remaining requirements of such section and related regulations of the Environmental Protection Agency.

TITLE III—STANDARDS AND ENFORCEMENTS

SEC. 301. COMPLIANCE DATES.

(a) PRIORITY TOXIC POLLUTANTS.—Section 301(b)(2)(C) is amended by striking out "not later than July 1, 1984," and inserting after "of this paragraph" the following: "as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b), and in no case later than March 31, 1989".

(b) OTHER TOXIC POLLUTANTS.—Section 301(b)(2)(D) is amended by striking out "not later than three years after the date such limitations are established" and inserting in lieu thereof "as expeditiously as practicable, but in no case later than three years after the date such limitations are promulgated under section 304(b), and in no case later than March 31, 1989".

(c) CONVENTIONAL POLLUTANTS.—Section 301(b)(2)(E) is amended by striking "not later than July 1, 1984," and inserting in lieu thereof "as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b), and in no case later than March 31, 1989, compliance with".

(d) OTHER POLLUTANTS.—Section 301(b)(2)(F) is amended by striking "not" after "subparagraph (A) of this paragraph" and inserting in lieu thereof "as expeditiously as practicable but in no case", and by striking "or not later than July 1, 1984," and all that follows through the end of the sentence and inserting in lieu thereof "and in no case later than March 31, 1989.".

(e) STRICTER BPT.—Section 301(b) is amended by adding at the end the following new paragraph:

"(3)(A) for effluent limitations under paragraph (1)(A)(i) of this subsection promulgated after January 1, 1982, and requiring a level of control substantially greater or based on fundamentally different control technology than under permits for an industrial category issued before such date, compliance as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b), and in no case later than March 31, 1989; and

"(B) for any effluent limitation in accordance with paragraph (1)(A)(i), (2)(A)(i), or (2)(E) of this subsection established only on the basis of section 402(a)(1) in a permit issued after enactment of the Water Quality Act of 1987, compliance as expeditiously as practicable but in no case later than three years after the date such limitations are established, and in no case later than March 31, 1989.".

(f) DEADLINES FOR REGULATIONS FOR CERTAIN TOXIC POLLUTANTS.—The Administrator shall promulgate final regulations establishing effluent limitations in accordance with sections 301(b)(2)(A) and 307(b)(1) of the Federal Water Pollution Control Act for all toxic pollutants referred to in table 1 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives which are discharged from the categories of point sources in accordance with the following table:

Category	Date by which the final regulation shall be promulgated
Organic chemicals and plastics and synthetic fibers.	December 31, 1986.
Pesticides	December 31, 1986.

SEC. 302. MODIFICATION FOR NONCONVENTIONAL POLLUTANTS.

(a) LISTING OF POLLUTANTS.—Section 301(g) is amended by redesignating paragraph (2) (and any references thereto) as paragraph (3) and by striking out all that precedes subparagraph (A) of paragraph (1) and inserting in lieu thereof the following:

"(g) MODIFICATIONS FOR CERTAIN NONCONVENTIONAL POLLUTANTS.—

"(1) GENERAL AUTHORITY.—The Administrator, with the concurrence of the State, may modify the requirements of subsection (b)(2)(A) of this section with respect to the discharge from any point source of ammonia, chlorine, color, iron, and total phenols (4AAP) (when determined by the Administrator to be a pollutant covered by subsection (b)(2)(F)) and any other pollutant which the Administrator lists under paragraph (4) of this subsection.

"(2) REQUIREMENTS FOR GRANTING MODIFICATIONS.—A modification under this subsection shall be granted only upon a showing by the owner or operator of a point source satisfactory to the Administrator that—".

(b) PROCEDURE FOR LISTING ADDITIONAL POLLUTANTS; REMOVAL.—Section 301(g) is further amended by adding at the end thereof the following new paragraphs:

"(4) PROCEDURES FOR LISTING ADDITIONAL POLLUTANTS.—

"(A) GENERAL AUTHORITY.—Upon petition of any person, the Administrator may add any pollutant to the list of pollutants for which modification under this section is authorized (except for pollutants identified pursuant to section 304(a)(4) of this Act, toxic pollutants subject to section 307(a) of this Act, and the thermal component of discharges) in accordance with the provisions of this paragraph.

"(B) REQUIREMENTS FOR LISTING.—

"(i) SUFFICIENT INFORMATION.—The person petitioning for listing of an additional pollutant under this subsection shall submit to the Administrator sufficient information to make the determinations required by this subparagraph.

"(ii) TOXIC CRITERIA DETERMINATION.—The Administrator shall determine whether or not the pollutant meets the criteria for listing as a toxic pollutant under section 307(a) of this Act.

"(iii) LISTING AS TOXIC POLLUTANT.—If the Administrator determines that the pollutant meets the criteria for listing as a toxic pollutant under section 307(a), the Administrator shall list the pollutant as a toxic pollutant under section 307(a).

"(iv) NONCONVENTIONAL CRITERIA DETERMINATION.—If the Administrator determines that the pollutant does not meet the criteria for listing as a toxic pollutant under such section and determines that adequate test methods and sufficient data are available to make the determinations required by paragraph (2) of this subsection with respect to the pollutant, the Administrator shall add the pollutant to the list of pollutants specified in paragraph (1) of this subsection for which modifications are authorized under this subsection.

"(C) REQUIREMENTS FOR FILING OF PETITIONS.—A petition for listing of a pollutant under this paragraph—

"(i) must be filed not later than 270 days after the date of promulgation of an applicable effluent guideline under section 304;

"(ii) may be filed before promulgation of such guideline; and

"(iii) may be filed with an application for a modification under paragraph (1) with respect to the discharge of such pollutant.

"(D) DEADLINE FOR APPROVAL OF PETITION.—A decision to add a pollutant to the list of pollutants for which modifications under this subsection are authorized must be made within 270 days after the date of promulgation of an applicable effluent guideline under section 304.

"(E) BURDEN OF PROOF.—The burden of proof for making the determinations under subparagraph (B) shall be on the petitioner.

"(5) REMOVAL OF POLLUTANTS.—The Administrator may remove any pollutant from the list of pollutants for which modifications are authorized under this subsection if the Administrator determines that adequate test methods and sufficient data are no longer available for determining whether or not modifications may be granted with respect to such pollutant under paragraph (2) of this subsection.".

(c) DEADLINE FOR APPROVAL OF MODIFICATIONS.—Section 301(j) is amended—

(1) in paragraph (2) by striking out "Any" and inserting in lieu thereof "Subject to paragraph (3) of this section, any"; and

(2) by adding at the end thereof the following new paragraphs:

"(3) COMPLIANCE REQUIREMENTS UNDER SUBSECTION (g).—

"(A) EFFECT OF FILING.—An application for a modification under subsection (g) and a petition for listing of a pollutant as a pollutant for which modifications are authorized under such subsection shall not stay the requirement that the person seeking such modification or listing comply with effluent limitations under this Act for all pollutants not the subject of such application or petition.

"(B) EFFECT OF DISAPPROVAL.—Disapproval of an application for a modification under subsection (g) shall not stay the requirement that the person seeking such modification comply with all applicable effluent limitations under this Act.

"(4) DEADLINE FOR SUBSECTION (g) DECISION.—An application for a modification with respect to a pollutant filed under subsection (g) must be approved or disapproved not later than 365 days after the date of such filing; except that in any case in which a petition for listing such pollutant as a pol-

lutant for which modifications are authorized under such subsection is approved, such application must be approved or disapproved not later than 365 days after the date of approval of such petition.".

(d) CONFORMING AMENDMENTS.—(1) Paragraph (3) of section 301(g), as redesignated by subsection (a) of this section, is amended by inserting "LIMITATION ON AUTHORITY TO APPLY FOR SUBSECTION (c) MODIFICATION.—" before "If an owner" and by aligning such paragraph with paragraph (4) of such section, as added by subsection (b) of this section.

(2) Paragraph (2) of section 301(g) (as designated by subsection (a) of this section) is amended by realigning subparagraphs (A), (B), and (C) with subparagraph (A) of paragraph (4), as added by subsection (b) of this section.

(e) APPLICATION.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the amendments made by this section shall apply to all requests for modifications under section 301(g) of the Federal Water Pollution Control Act pending on the date of the enactment of this Act and shall not have the effect of extending the deadline established in section 301(j)(1)(B) of such Act.

(2) EXCEPTION.—The amendments made by this section shall not affect any application for a modification with respect to the discharge of ammonia, chlorine, color, iron, or total phenols (4AAP) under section 301(g) of the Federal Water Pollution Control Act pending on the date of the enactment of this Act; except that the Administrator must approve or disapprove such application not later than 365 days after the date of such enactment.

SEC. 303. DISCHARGES INTO MARINE WATERS.

(a) CONSIDERATION OF OTHER SOURCES OF POLLUTANTS.—Section 301(h)(2) is amended by striking out "such modified requirements will not interfere" and inserting in lieu thereof the following: "the discharge of pollutants in accordance with such modified requirements will not interfere, alone or in combination with pollutants from other sources,".

(b) LIMITATION ON SCOPE OF MONITORING.—

(1) GENERAL RULE.—Section 301(h)(3) is amended by inserting before the semicolon at the end thereof the following: ", and the scope of such monitoring is limited to include only those scientific investigations which are necessary to study the effects of the proposed discharge".

(2) LIMITATION ON APPLICABILITY.—The amendment made by subsection (b) shall only apply to modifications and renewals of modifications which are tentatively or finally approved after the date of the enactment of this Act.

(c) URBAN AREA PRETREATMENT PROGRAM.—Section 301(h) is amended by redesignating paragraphs (6) and (7), and any references thereto, as paragraphs (7) and (8), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) in the case of any treatment works serving a population of 50,000 or more, with respect to any toxic pollutant introduced into such works by an industrial discharger for which pollutant there is no applicable pretreatment requirement in effect, sources introducing waste into such works are in compliance with all applicable pretreatment requirements, the applicant will enforce such requirements, and the applicant has in effect a pretreatment program which, in combination with the treatment of discharges from such works, removes the same amount of such pollutant as would be removed if such works were to apply secondary treatment to discharges and if such works had no pretreatment program with respect to such pollutant;".

(d) PRIMARY TREATMENT FOR EFFLUENT.—

(1) GENERAL RULE.—Section 301(h) is amended by striking out the period at the end of paragraph (8) (as redesignated by subsection (c) of this section) and inserting in lieu thereof a semicolon and by inserting after such paragraph (8) the following new paragraph:

"(9) the applicant at the time such modification becomes effective will be discharging effluent which has received at least primary or equivalent treatment and which meets the criteria established under section 304(a)(1) of this Act after initial mixing in the waters surrounding or adjacent to the point at which such effluent is discharged.".

(2) PRIMARY OR EQUIVALENT TREATMENT DEFINED.—Such section is further amended by inserting after the second sentence the following new sentence: "For the purposes of paragraph (9), 'primary or equivalent treatment' means treatment by screening, sedimentation, and skimming adequate to remove at least 30 percent of the biological oxygen demanding material and of the suspended solids in the treatment works influent, and disinfection, where appropriate.".

(e) LIMITATIONS ON ISSUANCE OF PERMITS.—Section 301(h) is further amended by adding at the end thereof the following new sentences: "In order for a permit to be issued under this subsection for the discharge of a pollutant into marine waters, such marine waters must exhibit characteristics assuring that water providing dilution does not contain significant amounts of previously discharged effluent from such treatment works. No permit issued under this subsection shall authorize the discharge of any pollutant into saline estuarine waters which at the time of application do not support a balanced indigenous population of shellfish, fish and wildlife, or allow recreation in and on the waters or which exhibit ambient water quality below applicable water quality standards adopted for the protection of public water supplies, shellfish, fish and wildlife or recreational activities or such other standards necessary to assure support and protection of such uses. The prohibition contained in the preceding sentence shall apply without regard to the presence or absence of a causal relationship between such characteristics and the applicant's current or proposed discharge. Notwithstanding any other provisions of this subsection, no permit may be issued under this subsection for discharge of a pollutant into the New York Bight Apex consisting of the ocean waters of the Atlantic Ocean westward of 73 degrees 30 minutes west longitude and northward of 40 degrees 10 minutes north latitude.".

(f) APPLICATION FOR OCEAN DISCHARGE MODIFICATION.—Section 301(j)(1)(A) is amended by inserting before the semicolon at the end thereof the following: ", except that a publicly owned treatment works which prior to December 31, 1982, had a contractual arrangement to use a portion of the capacity of an ocean outfall operated by another publicly owned treatment works which has applied for or received modification under subsection (h), may apply for a modification of subsection (h) in its own right not later than 30 days after the date of the enactment of the Water Quality Act of 1987".

(g) GRANDFATHER OF CERTAIN APPLICANTS.—The amendments made by subsections (a), (c), (d), and (e) of this section shall not apply to an application for a permit under section 301(h) of the Federal Water Pollution Control Act which has been tentatively or finally approved by the Administrator before the date of the enactment of this Act; except that such amendments shall apply to all renewals of such permits after such date of enactment.

SEC. 304. FILING DEADLINE FOR TREATMENT WORKS MODIFICATION.

(a) EXTENSION.—The second sentence of section 301(i)(1) is amended by striking out "of this subsection." and inserting in lieu thereof "of the Water Quality Act of 1987.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to those treatment works which are subject to a compliance schedule established before the date of the enactment of this Act by a court order or a final administrative order.

SEC. 305. INNOVATIVE TECHNOLOGY COMPLIANCE DEADLINES FOR DIRECT DISCHARGERS.

(a) EXTENSION OF DEADLINE.—Section 301(k) is amended by striking out "July 1, 1987," and inserting in lieu thereof "two years after the date for compliance with such effluent limitation which would otherwise be applicable under such subsection,".

(b) EXTENSION TO CONVENTIONAL POLLUTANTS.—Section 301(k) is amended by inserting "or (b)(2)(E)" after "(b)(2)(A)" each place it appears.

SEC. 306. FUNDAMENTALLY DIFFERENT FACTORS.

(a) GENERAL RULE.—Section 301 is amended by adding at the end the following new subsections:

"(n) FUNDAMENTALLY DIFFERENT FACTORS.—

"(1) GENERAL RULE.—The Administrator, with the concurrence of the State, may establish an alternative requirement under subsection (b)(2) or section 307(b) for a facility that modifies the requirements of national effluent limitation guidelines or categorical pretreatment standards that would otherwise be applicable to such facility, if the owner or operator of such facility demonstrates to the satisfaction of the Administrator that—

"(A) the facility is fundamentally different with respect to the factors (other than cost) specified in section 304(b) or 304(g) and considered by the Administrator in establishing such national effluent limitation guidelines or categorical pretreatment standards;

"(B) the application—

"(i) is based solely on information and supporting data submitted to the Administrator during the rulemaking for establishment of the applicable national effluent limitation guidelines or categorical pretreatment standard specifically raising the factors that are fundamentally different for such facility; or

"(ii) is based on information and supporting data referred to in clause (i) and information and supporting data the applicant did not have a reasonable opportunity to submit during such rulemaking;

"(C) the alternative requirement is no less stringent than justified by the fundamental difference; and

"(D) the alternative requirement will not result in a non-water quality environmental impact which is markedly more adverse than the impact considered by the Administrator in establishing such national effluent limitation guideline or categorical pretreatment standard.

"(2) TIME LIMIT FOR APPLICATIONS.—An application for an alternative requirement which modifies the requirements of an effluent limitation or pretreatment standard under this subsection must be submitted to the Administrator within 180 days after the date on which such limitation or standard is established or revised, as the case may be.

"(3) TIME LIMIT FOR DECISION.—The Administrator shall approve or deny by final agency action an application submitted under this subsection within 180 days after the date such application is filed with the Administrator.

"(4) SUBMISSION OF INFORMATION.—The Administrator may allow an applicant under this subsection to submit information and supporting data until the earlier of the date the application is approved or denied or the last day that the Administrator has to approve or deny such application.

"(5) TREATMENT OF PENDING APPLICATIONS.—For the purposes of this subsection, an application for an alternative requirement based on fundamentally different factors which is pending on the date of the enactment of this subsection shall be treated as having been submitted to the Administrator on the 180th day following such date of enactment. The applicant may amend the application to take into account the provisions of this subsection.

"(6) EFFECT OF SUBMISSION OF APPLICATION.—An application for an alternative requirement under this subsection shall not stay the applicant's obligation to comply with the effluent limitation guideline or categorical pretreatment standard which is the subject of the application.

"(7) EFFECT OF DENIAL.—If an application for an alternative requirement which modifies the requirements of an effluent limitation or pretreatment standard under this subsection is denied by the Administrator, the applicant must comply with such limitation or standard as established or revised, as the case may be.

"(8) REPORTS.—Every 6 months after the date of the enactment of this subsection, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the status of applications for alternative requirements which modify the requirements of effluent limitations under section 301 or 304 of this Act or any national categorical pretreatment standard under section 307(b) of this Act filed before, on, or after such date of enactment.

"(o) APPLICATION FEES.—The Administrator shall prescribe and collect from each applicant fees reflecting the reasonable administrative costs incurred in reviewing and processing applications for modifications submitted to the Administrator pursuant to subsections (c), (g), (i), (k), (m), and (n) of section 301, section 304(d)(4), and section 316(a) of this Act. All amounts collected by the Administrator under this subsection shall be deposited into a special fund of the Treasury entitled 'Water Permits and Related Services' which shall thereafter be available for appropriation to carry out activities of the Environmental Protection Agency for which such fees were collected.".

(b) CONFORMING AMENDMENT.—Section 301(l) is amended by striking out "The" and inserting in lieu thereof "Other than as provided in subsection (n) of this section, the".

(c) PHOSPHATE FERTILIZER EFFLUENT LIMITATION.—

(1) LIMITATION ON APPLICABILITY.—The effluent limitation established by the Administrator pursuant to section 301(b) of the Federal Water Pollution Control Act for the phosphate subcategory of the fertilizer manufacturing point source category shall not apply to facilities which had commenced construction on or before April 8, 1974, and for which the Administrator is proposing to revise the applicability of such limitations to exclude such facilities.

(2) ISSUANCE OF PERMIT.—As soon as possible after the date of the enactment of this Act, but not later than 180 days after such date of enactment, the Administrator shall issue permits under section 402(a)(1)(B) of the Federal Water Pollution Control Act with respect to the facilities described in paragraph (1). Such permits shall remain in effect until, after such date of enactment, issuance of a permit under effluent guidelines applicable to discharges for the phosphate subcategory.

SEC. 307. COAL REMINING OPERATIONS.

Section 301 is amended by adding at the end thereof the following:

"(p) MODIFIED PERMIT FOR COAL REMINING OPERATIONS.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (4) of this subsection, the Administrator, or the State in any case which the State has an approved permit program under section 402(b), may issue a permit under section 402 which modifies the requirements of subsection (b)(2)(A) of this section with respect to the pH level of any pre-existing discharge, and with respect to pre-existing discharges of iron and manganese from the remined area of any coal remining operation or with respect to the pH level or level of iron or manganese in any pre-existing discharge affected by the remining operation. Such modified requirements shall apply the best available technology economically achievable on a case-by-case basis, using best professional judgment, to set specific numerical effluent limitations in each permit.

"(2) LIMITATIONS.—The Administrator or the State may only issue a permit pursuant to paragraph (1) if the applicant demonstrates to the satisfaction of the Administrator or the State, as the case may be, that the coal remining operation will result in the potential for improved water quality from the remining operation but in no event shall such a permit allow the pH level of any discharge, and in no event shall such a permit allow the discharges of iron and manganese, to exceed the levels being discharged from the remined area before the coal remining operation begins. No discharge from, or affected by, the remining operation shall exceed State water quality standards established under section 303 of this Act.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) COAL REMINING OPERATION.—The term 'coal remining operation' means a coal mining operation which begins after the date of the enactment of this subsection at a site on which coal mining was conducted before the effective date of the Surface Mining Control and Reclamation Act of 1977.

"(B) REMINED AREA.—The term 'remined area' means only that area of any coal remining operation on which coal mining was conducted before the effective date of the Surface Mining Control and Reclamation Act of 1977.

"(C) PRE-EXISTING DISCHARGE.—The term 'pre-existing discharge' means any discharge at the time of permit application under this subsection.

"(4) APPLICABILITY OF STRIP MINING LAWS.—Nothing in this subsection shall affect the application of the Surface Mining Control and Reclamation Act of 1977 to any coal remining operation, including the application of such Act to suspended solids.".

SEC. 308. INDIVIDUAL CONTROL STRATEGIES FOR TOXIC POLLUTANTS.

(a) IN GENERAL.—Section 304 is amended by adding at the end thereof the following new subsection:

"(l) INDIVIDUAL CONTROL STRATEGIES FOR TOXIC POLLUTANTS.—

"(1) STATE LIST OF NAVIGABLE WATERS AND DEVELOPMENT OF STRATEGIES.—Not later than 2 years after the date of the enactment of this subsection, each State shall submit to the Administrator for review, approval, and implementation under this subsection—

"(A) a list of those waters within the State which after the application of effluent limitations required under section 301(b)(2) of this Act cannot reasonably be anticipated to attain or maintain (i) water quality standards for such waters reviewed, revised, or adopted in accordance with section 303(c)(2)(B) of this Act, due to toxic pollutants, or (ii) that water quality which shall assure protection of public health, public water supplies, agricultural and industrial uses, and the protection and propagation of a balanced population of shellfish, fish and wildlife, and allow recreational activities in and on the water;

"(B) a list of all navigable waters in such State for which the State does not expect the applicable standard under section 303 of this Act will be achieved after the requirements of sections 301(b), 306, and 307(b) are met, due entirely or substantially to discharges from point sources of any toxic pollutants listed pursuant to section 307(a);

"(C) for each segment of the navigable waters included on such lists, a determination of the specific point sources discharging any such toxic pollutant which is believed to be preventing or impairing such water quality and the amount of each such toxic pollutant discharged by each such source; and

"(D) for each such segment, an individual control strategy which the State determines will produce a reduction in the discharge of toxic pollutants from point sources identified by the State under this paragraph through the establishment of effluent limitations under section 402 of this Act and water quality standards under section 303(c)(2)(B) of this Act, which reduction is sufficient, in combination with existing controls on point and nonpoint sources of pollution, to achieve the applicable water quality standard as soon as possible, but not later than 3 years after the date of the establishment of such strategy.

"(2) APPROVAL OR DISAPPROVAL.—Not later than 120 days after the last day of the 2-year period referred to in paragraph (1), the Administrator shall approve or disapprove the control strategies submitted under paragraph (1) by any State.

"(3) ADMINISTRATOR'S ACTION.—If a State fails to submit control strategies in accordance with paragraph (1) or the Administrator does not approve the control strategies submitted by such State in accordance with paragraph (1), then, not later than 1 year after the last day of the period referred to in paragraph (2), the Administrator, in cooperation with such State and after notice and opportunity for public comment, shall implement the requirements of paragraph (1) in such State. In the implementation of

such requirements, the Administrator shall, at a minimum, consider for listing under this subsection any navigable waters for which any person submits a petition to the Administrator for listing not later than 120 days after such last day."

(b) JUDICIAL REVIEW.—Section 509(b)(1) is amended—

(1) by striking out "and (F)" and inserting in lieu thereof "(F)"; and

(2) by inserting after "any permit under section 402," the following: "and (G) in promulgating any individual control strategy under section 304(l),".

(c) GUIDANCE TO STATES; INFORMATION ON WATER QUALITY CRITERIA FOR TOXICS.—Section 304(a) is amended by adding at the end the following new paragraphs:

"(7) GUIDANCE TO STATES.—The Administrator, after consultation with appropriate State agencies and on the basis of criteria and information published under paragraphs (1) and (2) of this subsection, shall develop and publish, within 9 months after the date of the enactment of the Water Quality Act of 1987, guidance to the States on performing the identification required by section 304(l)(1) of this Act.

"(8) INFORMATION ON WATER QUALITY CRITERIA.—The Administrator, after consultation with appropriate State agencies and within 2 years after the date of the enactment of the Water Quality Act of 1987, shall develop and publish information on methods for establishing and measuring water quality criteria for toxic pollutants on other bases than pollutant-by-pollutant criteria, including biological monitoring and assessment methods.".

(d) WATER QUALITY CRITERIA FOR TOXIC POLLUTANTS.—Section 303(c)(2) is amended by inserting "(A)" after "(2)" and by adding the following new subparagraph:

"(B) Whenever a State reviews water quality standards pursuant to paragraph (1) of this subsection, or revises or adopts new standards pursuant to this paragraph, such State shall adopt criteria for all toxic pollutants listed pursuant to section 307(a)(1) of this Act for which criteria have been published under section 304(a), the discharge or presence of which in the affected waters could reasonably be expected to interfere with those designated uses adopted by the State, as necessary to support such designated uses. Such criteria shall be specific numerical criteria for such toxic pollutants. Where such numerical criteria are not available, whenever a State reviews water quality standards pursuant to paragraph (1), or revises or adopts new standards pursuant to this paragraph, such State shall adopt criteria based on biological monitoring or assessment methods consistent with information published pursuant to section 304(a)(8). Nothing in this section shall be construed to limit or delay the use of effluent limitations or other permit conditions based on or involving biological monitoring or assessment methods or previously adopted numerical criteria.".

(e) MODIFICATIONS OF EFFLUENT LIMITATIONS.—

(1) IN GENERAL.—Section 302(b) is amended to read as follows:

"(b) MODIFICATIONS OF EFFLUENT LIMITATIONS.—

"(1) NOTICE AND HEARING.—Prior to establishment of any effluent limitation pursuant to subsection (a) of this section, the Administrator shall publish such proposed limitation and within 90 days of such publication hold a public hearing.

"(2) PERMITS.—

"(A) NO REASONABLE RELATIONSHIP.—The Administrator, with the concurrence of the State, may issue a permit which modifies the effluent limitations required by subsection (a) of this section for pollutants other than toxic pollutants if the applicant demonstrates at such hearing that (whether or not technology or other alternative control strategies are available) there is no reasonable relationship between the economic and social costs and the benefits to be obtained (including attainment of the objective of this Act) from achieving such limitation.

"(B) REASONABLE PROGRESS.—The Administrator, with the concurrence of the State, may issue a permit which modifies the effluent limitations required by subsection (a) of this section for toxic pollutants for a single period not to exceed 5 years if the applicant demonstrates to the satisfaction of the Administrator that such modified requirements (i) will represent the maximum degree of control within the economic capability of the owner and operator of the source, and (ii) will result in reasonable further progress beyond the requirements of section 301(b)(2) toward the requirements of subsection (a) of this section.".

(2) CONFORMING AMENDMENTS.—Section 302(a) is amended—

(A) by inserting "or as identified under section 304(l)" after "in the judgment of the Administrator"; and

(B) by inserting "public health," after "protection of".

(f) SCHEDULE FOR REVIEW OF GUIDELINES.—Section 304 is amended by adding at the end the following new subsection:

"(m) SCHEDULE FOR REVIEW OF GUIDELINES.—

"(1) PUBLICATION.—Within 12 months after the date of the enactment of the Water Quality Act of 1987, and biennially thereafter, the Administrator shall publish in the Federal Register a plan which shall—

"(A) establish a schedule for the annual review and revision of promulgated effluent guidelines, in accordance with subsection (b) of this section;

"(B) identify categories of sources discharging toxic or nonconventional pollutants for which guidelines under subsection (b)(2) of this section and section 306 have not previously been published; and

"(C) establish a schedule for promulgation of effluent guidelines for categories identified in subparagraph (B), under which promulgation of such guidelines shall be no later than 4 years after such date of enactment for categories identified in the first published plan or 3 years after the publication of the plan for categories identified in later published plans.

"(2) PUBLIC REVIEW.—The Administrator shall provide for public review and comment on the plan prior to final publication.".

(g) WATER QUALITY IMPROVEMENT STUDY.—

(1) STUDY.—The Administrator shall study the water quality improvements which have been achieved by application of best available technology economically achievable pursuant to section 301(b)(2) of the Federal Water Pollution Control Act. Such study shall include, but not be limited to, an analysis of the effectiveness of the application of best available technology economically achievable pursuant to such section in attaining applicable water quality standards (including the standard specified in section 302(a) of such Act) and an analysis of the effectiveness of the water quality program under such Act and methods of improving such program, including site specific levels of treatment which will achieve the water quality goals of such Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit a report on the results of the study conducted under subsection (a) together with recommendations for improving the water quality program and its effectiveness to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 309. PRETREATMENT STANDARDS.

(a) EXTENSION OF COMPLIANCE DATE BY POTW.—Section 307 is amended by adding at the end the following:

"(e) COMPLIANCE DATE EXTENSION FOR INNOVATIVE PRETREATMENT SYSTEMS.—In the case of any existing facility that proposes to comply with the pretreatment standards of subsection (b) of this section by applying an innovative system that meets the requirements of section 301(k) of this Act, the owner or operator of the publicly owned treatment works receiving the treated effluent from such facility may extend the date for compliance with the applicable pretreatment standard established under this section for a period not to exceed 2 years—

"(1) if the Administrator determines that the innovative system has the potential for industrywide application, and

"(2) if the Administrator (or the State in consultation with the Administrator, in any case in which the State has a pretreatment program approved by the Administrator)—

"(A) determines that the proposed extension will not cause the publicly owned treatment works to be in violation of its permit under section 402 or of section 405 or to contribute to such a violation, and

"(B) concurs with the proposed extension.".

(b) INCREASE IN EPA EMPLOYEES.—The Administrator shall take such actions as may be necessary to increase the number of employees of the Environmental Protection Agency in order to effectively implement pretreatment requirements under section 307 of the Federal Water Pollution Control Act.

SEC. 310. INSPECTION AND ENTRY.

(a) UNAUTHORIZED DISCLOSURE.—

(1) IN GENERAL.—Section 308(b) is amended by striking out all that follows "Code" and inserting in lieu thereof a period and the following: "Any authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator) who knowingly or willfully publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information which is required to be considered confidential under this subsection shall be fined not more than $1,000 or imprisoned not more than 1 year, or both. Nothing in this subsection shall prohibit the Administrator or an authorized representative of the Administrator (including any authorized contractor acting as a representative of the Administrator) from disclosing records, reports, or information to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.".

(2) CONFORMING AMENDMENT.—Section 308(a)(B) is amended by inserting "(including an authorized contractor acting as a representative of the Administrator)" after "or his authorized representative".

(b) ACCESS BY CONGRESS.—Section 308 is amended by adding at the end the following new subsection:

"(d) ACCESS BY CONGRESS.—Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of Congress, to such committee.".

SEC. 311. MARINE SANITATION DEVICES.

(a) STATE REGULATION OF HOUSEBOATS.—Section 312(f)(1) is amended by striking out "After" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), after" and by adding at the end thereof the following:

"(B) A State may adopt and enforce a statute or regulation with respect to the design, manufacture, or installation or use of any marine sanitation device on a houseboat, if such statute or regulation is more stringent than the standards and regulations promulgated under this section. For purposes of this paragraph, the term 'houseboat' means a vessel which, for a period of time determined by the State in which the vessel is located, is used primarily as a residence and is not used primarily as a means of transportation.".

(b) STATE ENFORCEMENT.—Section 312(k) is amended by adding at the end the following: "The provisions of this section may also be enforced by a State.".

SEC. 312. CRIMINAL PENALTIES.

Section 309(c) is amended to read as follows:

"(c) CRIMINAL PENALTIES.—

"(1) NEGLIGENT VIOLATIONS.—Any person who—

"(A) negligently violates section 301, 302, 306, 307, 308, 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act or in a permit issued under section 404 of this Act by the Secretary of the Army or by a State; or

"(B) negligently introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable Federal, State, or local requirements or permits, which causes such treatment works to violate any effluent limitation or condition in any permit issued to the treatment works under section 402 of this Act by the Administrator or a State;

shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or by both.

"(2) KNOWING VIOLATIONS.—Any person who—

"(A) knowingly violates section 301, 302, 306, 307, 308, 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act or in a permit issued under section 404 of this Act by the Secretary of the Army or by a State; or

"(B) knowingly introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable Federal, State, or local requirements or permits, which causes such treatment works to violate any effluent limitation or condition in a permit issued to the treatment works under section 402 of this Act by the Administrator or a State;

shall be punished by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $100,000 per day of violation, or by imprisonment of not more than 6 years, or by both.

"(3) KNOWING ENDANGERMENT.—

"(A) GENERAL RULE.—Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318, or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or in a permit issued under section 404 of this Act by the Secretary of the Army or by a State, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than $1,000,000. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

"(B) ADDITIONAL PROVISIONS.—For the purpose of subparagraph (A) of this paragraph—

"(i) in determining whether a defendant who is an individual knew that his conduct placed another person in imminent danger of death or serious bodily injury—

"(I) the person is responsible only for actual awareness or actual belief that he possessed; and

"(II) knowledge possessed by a person other than the defendant but not by the defendant himself may not be attributed to the defendant;

except that in proving the defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield himself from relevant information;

"(ii) it is an affirmative defense to prosecution that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of—

"(I) an occupation, a business, or a profession; or

"(II) medical treatment or medical or scientific experimentation conducted by professionally approved methods and such other person had been made aware of the risks involved prior to giving consent;

and such defense may be established under this subparagraph by a preponderance of the evidence;

"(iii) the term 'organization' means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons; and

"(iv) the term 'serious bodily injury' means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(4) FALSE STATEMENTS.—Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or by both.

"(5) TREATMENT OF SINGLE OPERATIONAL UPSET.—For purposes of this subsection, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

"(6) RESPONSIBLE CORPORATE OFFICER AS 'PERSON'.—For the purpose of this subsection, the term 'person' means, in addition to the definition contained in section 502(5) of this Act, any responsible corporate officer.

"(7) HAZARDOUS SUBSTANCE DEFINED.—For the purpose of this subsection, the term 'hazardous substance' means (A) any substance designated pursuant to section 311(b)(2)(A) of this Act, (B) any element, compound, mixture, solution, or substance designated pursuant to section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of this Act, and (E) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act.".

SEC. 313. CIVIL PENALTIES.

(a) VIOLATIONS OF PRETREATMENT REQUIREMENTS.—

(1) GENERAL RULE.—Section 309(d) is amended by inserting ", or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act," after "section 404 of this Act by a State,".

(2) SAVINGS PROVISION.—No State shall be required before July 1, 1988, to modify a permit program approved or submitted under section 402 of the Federal Water Pollution Control Act as a result of the amendment made by paragraph (1).

(b) INCREASED PENALTY.—

(1) GENERAL RULE.—Section 309(d) is amended by striking out "$10,000 per day of

such violation" and inserting in lieu thereof "$25,000 per day for each violation".

(2) INCREASED PENALTIES NOT REQUIRED UNDER STATE PROGRAMS.—The Federal Water Pollution Control Act shall not be construed as requiring a State to have a civil penalty for violations described in section 309(d) of such Act which has the same monetary amount as the civil penalty established by such section, as amended by paragraph (1). Nothing in this paragraph shall affect the Administrator's authority to establish or adjust by regulation a minimum acceptable State civil penalty.

(c) FACTORS TO CONSIDER IN DETERMINING PENALTY AMOUNT.—Section 309(d) is amended by adding at the end thereof the following: "In determining the amount of a civil penalty the court shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require. For purposes of this subsection, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.".

(d) VIOLATIONS OF SECTION 404 PERMITS.—Section 404(s) is amended—

(1) by striking out paragraph (4);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) in paragraph (4), as so redesignated—

(A) by striking out "$10,000 per day of such violation" and inserting in lieu thereof "$25,000 per day for each violation";

(B) by adding at the end thereof the following: "In determining the amount of a civil penalty the court shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require.".

SEC. 314. ADMINISTRATIVE PENALTIES.

(a) GENERAL RULE.—Section 309 is amended by adding at the end thereof the following:

"(g) ADMINISTRATIVE PENALTIES.—

"(1) VIOLATIONS.—Whenever on the basis of any information available—

"(A) the Administrator finds that any person has violated section 301, 302, 306, 307, 308, 318, or 405 of this Act, or has violated any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act by the Administrator or by a State, or in a permit issued under section 404 by a State, or

"(B) the Secretary of the Army (hereinafter in this subsection referred to as the 'Secretary') finds that any person has violated any permit condition or limitation in a permit issued under section 404 of this Act by the Secretary,

the Administrator or Secretary, as the case may be, may, after consultation with the State in which the violation occurs, assess a class I civil penalty or a class II civil penalty under this subsection.

"(2) CLASSES OF PENALTIES.—

"(A) CLASS I.—The amount of a class I civil penalty under paragraph (1) may not exceed $10,000 per violation, except that the maximum amount of any class I civil penalty under this subparagraph shall not exceed $25,000. Before issuing an order assessing a civil penalty under this subparagraph, the Administrator or the Secretary, as the case may be, shall give to the person to be assessed such penalty written notice of the Administrator's or Secretary's proposal to issue such order and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the proposed order. Such hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

"(B) CLASS II.—The amount of a class II civil penalty under paragraph (1) may not exceed $10,000 per day for each day during which the violation continues; except that the maximum amount of any class II civil penalty under this subparagraph shall not exceed $125,000. Except as otherwise provided in this subsection, a class II civil penalty shall be assessed and collected in the same manner, and subject to the same provisions, as in the case of civil penalties assessed and collected after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code. The Administrator and the Secretary may issue rules for discovery procedures for hearings under this subparagraph.

"(3) DETERMINING AMOUNT.—In determining the amount of any penalty assessed under this subsection, the Administrator or the Secretary, as the case may be, shall take into account the nature, circumstances, extent and gravity of the violation, or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings (if any) resulting from the violation, and such other matters as justice may require. For purposes of this subsection, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

"(4) RIGHTS OF INTERESTED PERSONS.—

"(A) PUBLIC NOTICE.—Before issuing an order assessing a civil penalty under this subsection the Administrator or Secretary, as the case may be, shall provide public notice of and reasonable opportunity to comment on the proposed issuance of such order.

"(B) PRESENTATION OF EVIDENCE.—Any person who comments on a proposed assessment of a penalty under this subsection shall be given notice of any hearing held under this subsection and of the order assessing such penalty. In any hearing held under this subsection, such person shall have a reasonable opportunity to be heard and to present evidence.

"(C) RIGHTS OF INTERESTED PERSONS TO A HEARING.—If no hearing is held under paragraph (2) before issuance of an order assessing a penalty under this subsection, any person who commented on the proposed assessment may petition, within 30 days after the issuance of such order, the Administrator or Secretary, as the case may be, to set aside such order and to provide a hearing on the penalty. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Administrator or Secretary shall immediately set aside such order and provide a hearing in accordance with paragraph (2)(A) in the case of a class I civil penalty and paragraph (2)(B) in the case of a class II civil penalty. If the Administrator or Secretary denies a hearing under this subparagraph, the Administrator or Secretary shall provide to the petitioner, and publish in the Federal Register, notice of and the reasons for such denial.

"(5) FINALITY OF ORDER.—An order issued under this subsection shall become final 30 days after its issuance unless a petition for judicial review is filed under paragraph (8) or a hearing is requested under paragraph (4)(C). If such a hearing is denied, such order shall become final 30 days after such denial.

"(6) EFFECT OF ORDER.—

"(A) LIMITATION ON ACTIONS UNDER OTHER SECTIONS.—Action taken by the Administrator or the Secretary, as the case may be, under this subsection shall not affect or limit the Administrator's or Secretary's authority to enforce any provision of this Act; except that any violation—

"(i) with respect to which the Administrator or the Secretary has commenced and is diligently prosecuting an action under this subsection,

"(ii) with respect to which a State has commenced and is diligently prosecuting an action under a State law comparable to this subsection, or

"(iii) for which the Administrator, the Secretary, or the State has issued a final order not subject to further judicial review and the violator has paid a penalty assessed under this subsection, or such comparable State law, as the case may be,

shall not be the subject of a civil penalty action under subsection (d) of this section or section 311(b) or section 505 of this Act.

"(B) APPLICABILITY OF LIMITATION WITH RESPECT TO CITIZEN SUITS.—The limitations contained in subparagraph (A) on civil penalty actions under section 505 of this Act shall not apply with respect to any violation for which—

"(i) a civil action under section 505(a)(1) of this Act has been filed prior to commencement of an action under this subsection, or

"(ii) notice of an alleged violation of section 505(a)(1) of this Act has been given in accordance with section 505(b)(1)(A) prior to commencement of an action under this subsection and an action under section 505(a)(1) with respect to such alleged violation is filed before the 120th day after the date on which such notice is given.

"(7) EFFECT OF ACTION ON COMPLIANCE.—No action by the Administrator or the Secretary under this subsection shall affect any person's obligation to comply with any section of this Act or with the terms and conditions of any permit issued pursuant to section 402 or 404 of this Act.

"(8) JUDICIAL REVIEW.—Any person against whom a civil penalty is assessed under this subsection or who commented on the proposed assessment of such penalty in accordance with paragraph (4) may obtain review of such assessment—

"(A) in the case of assessment of a class I civil penalty, in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred, or

"(B) in the case of assessment of a class II civil penalty, in United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business,

by filing a notice of appeal in such court within the 30-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice by certified mail to the Administrator or the Secretary, as the case may be, and the Attorney General. The Administrator or the Secretary shall promptly file in such court a certified copy of the record on

which the order was issued. Such court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion and shall not impose additional civil penalties for the same violation unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion.

"(9) COLLECTION.—If any person fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment has become final, or

"(B) after a court in an action brought under paragraph (8) has entered a final judgment in favor of the Administrator or the Secretary, as the case may be,

the Administrator or the Secretary shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

"(10) SUBPOENAS.—The Administrator or Secretary, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this subsection. In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the administrative law judge or to appear and produce documents before the administrative law judge, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(11) PROTECTION OF EXISTING PROCEDURES.—Nothing in this subsection shall change the procedures existing on the day before the date of the enactment of the Water Quality Act of 1987 under other subsections of this section for issuance and enforcement of orders by the Administrator.".

(b) REPORTS ON ENFORCEMENT MECHANISMS.—The Secretary of the Army and the Administrator shall each prepare and submit a report to the Congress, not later than December 1, 1988, which shall examine and analyze various enforcement mechanisms for use by the Secretary or Administrator, as the case may be, including an administrative civil penalty mechanism. Each of such reports shall also include an examination, prepared in consultation with the Comptroller General, of the efficacy of the Secretary's or the Administrator's existing enforcement authorities and shall include recommendations for improvements in their operation.

(c) CONFORMING AMENDMENT.—Section 505(a) is amended by inserting "and section 309(g)(6)" after "Except as provided in subsection (b) of this section".

SEC. 315. CLEAN LAKES.

(a) ESTABLISHMENT AND SCOPE OF PROGRAM.—Section 314(a) is amended to read as follows:

"(a) ESTABLISHMENT AND SCOPE OF PROGRAM.—

"(1) STATE PROGRAM REQUIREMENTS.—Each State on a biennial basis shall prepare and submit to the Administrator for his approval—

"(A) an identification and classification according to eutrophic condition of all publicly owned lakes in such State;

"(B) a description of procedures, processes, and methods (including land use requirements), to control sources of pollution of such lakes;

"(C) a description of methods and procedures, in conjunction with appropriate Federal agencies, to restore the quality of such lakes;

"(D) methods and procedures to mitigate the harmful effects of high acidity, including innovative methods of neutralizing and restoring buffering capacity of lakes and methods of removing from lakes toxic metals and other toxic substances mobilized by high acidity;

"(E) a list and description of those publicly owned lakes in such State for which uses are known to be impaired, including those lakes which are known not to meet applicable water quality standards or which require implementation of control programs to maintain compliance with applicable standards and those lakes in which water quality has deteriorated as a result of high acidity that may reasonably be due to acid deposition; and

"(F) an assessment of the status and trends of water quality in lakes in such State, including but not limited to, the nature and extent of pollution loading from point and nonpoint sources and the extent to which the use of lakes is impaired as a result of such pollution, particularly with respect to toxic pollution.

"(2) SUBMISSION AS PART OF 305(b)(1) REPORT.—The information required under paragraph (1) shall be included in the report required under section 305(b)(1) of this Act, beginning with the report required under such section by April 1, 1988.

"(3) REPORT OF ADMINISTRATOR.—Not later than 180 days after receipt from the States of the biennial information required under paragraph (1), the Administrator shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of water quality in lakes in the United States, including the effectiveness of the methods and procedures described in paragraph (1)(D).

"(4) ELIGIBILITY REQUIREMENT.—Beginning after April 1, 1988, a State must have submitted the information required under paragraph (1) in order to receive grant assistance under this section.".

(b) DEMONSTRATION PROGRAM.—Section 314 is amended by adding at the end thereof the following new subsections:

"(d) DEMONSTRATION PROGRAM.—

"(1) GENERAL REQUIREMENTS.—The Administrator is authorized and directed to establish and conduct at locations throughout the Nation a lake water quality demonstration program. The program shall, at a minimum—

"(A) develop cost effective technologies for the control of pollutants to preserve or enhance lake water quality while optimizing multiple lakes uses;

"(B) control nonpoint sources of pollution which are contributing to the degradation of water quality in lakes;

"(C) evaluate the feasibility of implementing regional consolidated pollution control strategies;

"(D) demonstrate environmentally preferred techniques for the removal and disposal of contaminated lake sediments;

"(E) develop improved methods for the removal of silt, stumps, aquatic growth, and other obstructions which impair the quality of lakes;

"(F) construct and evaluate silt traps and other devices or equipment to prevent or abate the deposit of sediment in lakes; and

"(G) demonstrate the costs and benefits of utilizing dredged material from lakes in the reclamation of despoiled land.

"(2) GEOGRAPHICAL REQUIREMENTS.—Demonstration projects authorized by this subsection shall be undertaken to reflect a variety of geographical and environmental conditions. As a priority, the Administrator shall undertake demonstration projects at Lake Houston, Texas; Beaver Lake, Arkansas; Greenwood Lake and Belcher Creek, New Jersey; Deal Lake, New Jersey; Alcyon Lake, New Jersey; Gorton's Pond, Rhode Island; Lake Washington, Rhode Island; Lake Bomoseen, Vermont; Sauk Lake, Minnesota; and Lake Worth, Texas.

"(3) REPORTS.—The Administrator shall report annually to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on work undertaken pursuant to this subsection. Upon completion of the program authorized by this subsection, the Administrator shall submit to such committees a final report on the results of such program, along with recommendations for further measures to improve the water quality of the Nation's lakes.

"(4) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection not to exceed $40,000,000 for fiscal years beginning after September 30, 1986, to remain available until expended.

"(B) SPECIAL AUTHORIZATIONS.—

"(i) AMOUNT.—There is authorized to be appropriated to carry out subsection (b) with respect to subsection (a)(1)(D) not to exceed $15,000,000 for fiscal years beginning after September 30, 1986, to remain available until expended.

"(ii) DISTRIBUTION OF FUNDS.—The Administrator shall provide for an equitable distribution of sums appropriated pursuant to this subparagraph among States carrying out approved methods and procedures. Such distribution shall be based on the relative needs of each such State for the mitigation of the harmful effects on lakes and other surface waters of high acidity that may reasonably be due to acid deposition or acid mine drainage.

"(iii) GRANTS AS ADDITIONAL ASSISTANCE.—The amount of any grant to a State under this subparagraph shall be in addition to, and not in lieu of, any other Federal financial assistance.".

(c) LAKE RESTORATION GUIDANCE MANUAL.—Section 304(j) is amended to read as follows:

"(j) LAKE RESTORATION GUIDANCE MANUAL.—The Administrator shall, within 1 year after the date of the enactment of the Water Quality Act of 1987 and biennially thereafter, publish and disseminate a lake restoration guidance manual describing methods, procedures, and processes to guide State and local efforts to improve, restore, and enhance water quality in the Nation's publicly owned lakes.".

(d) CONFORMING AMENDMENTS.—Section 314 is further amended—

(1) in subsection (b) by striking out "this section" the first place it appears and inserting in lieu thereof "subsection (a) of this section";

(2) in subsection (c)(1) by striking out "this section" the first place it appears and inserting in lieu thereof "subsection (b) of this section" and by striking out "this section" the second place it appears and inserting in lieu thereof "subsection (a) of this section"; and

(3) in subsection (c)(2) by striking out "this section" the first place it appears and inserting in lieu thereof "subsection (b) of this section" and by striking out "this section" the second place it appears and inserting in lieu thereof "subsection (a) of this section".

SEC. 316. MANAGEMENT OF NONPOINT SOURCES OF POLLUTION.

(a) IN GENERAL.—Title III is amended by adding at the end the following new section:

"SEC. 319. NONPOINT SOURCE MANAGEMENT PROGRAMS.

"(a) STATE ASSESSMENT REPORTS.—

"(1) CONTENTS.—The Governor of each State shall, after notice and opportunity for public comment, prepare and submit to the Administrator for approval, a report which—

"(A) identifies those navigable waters within the State which, without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain applicable water quality standards or the goals and requirements of this Act;

"(B) identifies those categories and subcategories of nonpoint sources or, where appropriate, particular nonpoint sources which add significant pollution to each portion of the navigable waters identified under subparagraph (A) in amounts which contribute to such portion not meeting such water quality standards or such goals and requirements;

"(C) describes the process, including intergovernmental coordination and public participation, for identifying best management practices and measures to control each category and subcategory of nonpoint sources and, where appropriate, particular nonpoint sources identified under subparagraph (B) and to reduce, to the maximum extent practicable, the level of pollution resulting from such category, subcategory, or source; and

"(D) identifies and describes State and local programs for controlling pollution added from nonpoint sources to, and improving the quality of, each such portion of the navigable waters, including but not limited to those programs which are receiving Federal assistance under subsections (h) and (i).

"(2) INFORMATION USED IN PREPARATION.—In developing the report required by this section, the State (A) may rely upon information developed pursuant to sections 208, 303(e), 304(f), 305(b), and 314, and other information as appropriate, and (B) may utilize appropriate elements of the waste treatment management plans developed pursuant to sections 208(b) and 303, to the extent such elements are consistent with and fulfill the requirements of this section.

"(b) STATE MANAGEMENT PROGRAMS.—

"(1) IN GENERAL.—The Governor of each State, for that State or in combination with adjacent States, shall, after notice and opportunity for public comment, prepare and submit to the Administrator for approval a management program which such State proposes to implement in the first four fiscal years beginning after the date of submission of such management program for controlling pollution added from nonpoint sources to the navigable waters within the State and improving the quality of such waters.

"(2) SPECIFIC CONTENTS.—Each management program proposed for implementation under this subsection shall include each of the following:

"(A) An identification of the best management practices and measures which will be undertaken to reduce pollutant loadings resulting from each category, subcategory, or particular nonpoint source designated under paragraph (1)(B), taking into account the impact of the practice on ground water quality.

"(B) An identification of programs (including, as appropriate, nonregulatory or regulatory programs for enforcement, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects) to achieve implementation of the best management practices by the categories, subcategories, and particular nonpoint sources designated under subparagraph (A).

"(C) A schedule containing annual milestones for (i) utilization of the program implementation methods identified in subparagraph (B), and (ii) implementation of the best management practices identified in subparagraph (A) by the categories, subcategories, or particular nonpoint sources designated under paragraph (1)(B). Such schedule shall provide for utilization of the best management practices at the earliest practicable date.

"(D) A certification of the attorney general of the State or States (or the chief attorney of any State water pollution control agency which has independent legal counsel) that the laws of the State or States, as the case may be, provide adequate authority to implement such management program or, if there is not such adequate authority, a list of such additional authorities as will be necessary to implement such management program. A schedule and commitment by the State or States to seek such additional authorities as expeditiously as practicable.

"(E) Sources of Federal and other assistance and funding (other than assistance provided under subsections (h) and (i)) which will be available in each of such fiscal years for supporting implementation of such practices and measures and the purposes for which such assistance will be used in each of such fiscal years.

"(F) An identification of Federal financial assistance programs and Federal development projects for which the State will review individual assistance applications or development projects for their effect on water quality pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983, to determine whether such assistance applications or development projects would be consistent with the program prepared under this subsection; for the purposes of this subparagraph, identification shall not be limited to the assistance programs or development projects subject to Executive Order 12372 but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the State's nonpoint source pollution management program.

"(3) UTILIZATION OF LOCAL AND PRIVATE EXPERTS.—In developing and implementing a management program under this subsection, a State shall, to the maximum extent practicable, involve local public and private agencies and organizations which have expertise in control of nonpoint sources of pollution.

"(4) DEVELOPMENT ON WATERSHED BASIS.—A State shall, to the maximum extent practicable, develop and implement a management program under this subsection on a watershed-by-watershed basis within such State.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) COOPERATION REQUIREMENT.—Any report required by subsection (a) and any management program and report required by subsection (b) shall be developed in cooperation with local, substate regional, and interstate entities which are actively planning for the implementation of nonpoint source pollution controls and have either been certified by the Administrator in accordance with section 208, have worked jointly with the State on water quality management planning under section 205(j), or have been designated by the State legislative body or Governor as water quality management planning agencies for their geographic areas.

"(2) TIME PERIOD FOR SUBMISSION OF REPORTS AND MANAGEMENT PROGRAMS.—Each report and management program shall be submitted to the Administrator during the 18-month period beginning on the date of the enactment of this section.

"(d) APPROVAL OR DISAPPROVAL OF REPORTS AND MANAGEMENT PROGRAMS.—

"(1) DEADLINE.—Subject to paragraph (2), not later than 180 days after the date of submission to the Administrator of any report or management program under this section (other than subsections (h), (i), and (k)), the Administrator shall either approve or disapprove such report or management program, as the case may be. The Administrator may approve a portion of a management program under this subsection. If the Administrator does not disapprove a report, management program, or portion of a management program in such 180-day period, such report, management program, or portion shall be deemed approved for purposes of this section.

"(2) PROCEDURE FOR DISAPPROVAL.—If, after notice and opportunity for public comment and consultation with appropriate Federal and State agencies and other interested persons, the Administrator determines that—

"(A) the proposed management program or any portion thereof does not meet the requirements of subsection (b)(2) of this section or is not likely to satisfy, in whole or in part, the goals and requirements of this Act;

"(B) adequate authority does not exist, or adequate resources are not available, to implement such program or portion;

"(C) the schedule for implementing such program or portion is not sufficiently expeditious; or

"(D) the practices and measures proposed in such program or portion are not adequate to reduce the level of pollution in navigable waters in the State resulting from nonpoint sources and to improve the quality of navigable waters in the State;

the Administrator shall within 6 months of the receipt of the proposed program notify the State of any revisions or modifications necessary to obtain approval. The State shall thereupon have an additional 3 months to submit its revised management program and the Administrator shall approve or disapprove such revised program within three months of receipt.

"(3) FAILURE OF STATE TO SUBMIT REPORT.—If a Governor of a State does not submit the report required by subsection (a) within the period specified by subsection (c)(2), the Administrator shall, within 30 months after the date of the enactment of this section, prepare a report for such State which makes the identifications required by paragraphs (1)(A) and (1)(B) of subsection (a). Upon completion of the requirement of the preceding sentence and after notice and opportunity for comment, the Administrator shall report to Congress on his actions pursuant to this section.

"(e) LOCAL MANAGEMENT PROGRAMS; TECHNICAL ASSISTANCE.—If a State fails to submit a management program under subsection (b) or the Administrator does not approve such a management program, a local public agency or organization which has expertise in, and authority to, control water pollution resulting from nonpoint sources in any area of such State which the Administrator determines is of sufficient geographic size may, with approval of such State, request the Administrator to provide, and the Administrator shall provide, technical assistance to such agency or organization in developing for such area a management program which is described in subsection (b) and can be approved pursuant to subsection (d). After development of such management program, such agency or organization shall submit such management program to the Administrator for approval. If the Administrator approves such management program, such agency or organization shall be eligible to receive financial assistance under subsection (h) for implementation of such management program as if such agency or organization were a State for which a report submitted under subsection (a) and a management program submitted under subsection (b) were approved under this section. Such financial assistance shall be subject to the same terms and conditions as assistance provided to a State under subsection (h).

"(f) TECHNICAL ASSISTANCE FOR STATES.—Upon request of a State, the Administrator may provide technical assistance to such State in developing a management program approved under subsection (b) for those portions of the navigable waters requested by such State.

"(g) INTERSTATE MANAGEMENT CONFERENCE.—

"(1) CONVENING OF CONFERENCE; NOTIFICATION; PURPOSE.—If any portion of the navigable waters in any State which is implementing a management program approved under this section is not meeting applicable water quality standards or the goals and requirements of this Act as a result, in whole or in part, of pollution from nonpoint sources in another State, such State may petition the Administrator to convene, and the Administrator shall convene, a management conference of all States which contribute significant pollution resulting from nonpoint sources to such portion. If, on the basis of information available, the Administrator determines that a State is not meeting applicable water quality standards or the goals and requirements of this Act as a result, in whole or in part, of significant pollution from nonpoint sources in another State, the Administrator shall notify such States. The Administrator may convene a management conference under this paragraph not later than 180 days after giving such notification, whether or not the State which is not meeting such standards requests such conference. The purpose of such conference shall be to develop an agreement among such States to reduce the level of pollution in such portion resulting from nonpoint sources and to improve the water quality of such portion. Nothing in such agreement shall supersede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees, or State water laws. This subsection shall not apply to any pollution which is subject to the Colorado River Basin Salinity Control Act. The requirement that the Administrator convene a management conference shall not be subject to the provisions of section 505 of this Act.

"(2) STATE MANAGEMENT PROGRAM REQUIREMENT.—To the extent that the States reach agreement through such conference, the management programs of the States which are parties to such agreements and which contribute significant pollution to the navigable waters or portions thereof not meeting applicable water quality standards or goals and requirements of this Act will be revised to reflect such agreement. Such management programs shall be consistent with Federal and State law.

"(h) GRANT PROGRAM.—

"(1) GRANTS FOR IMPLEMENTATION OF MANAGEMENT PROGRAMS.—Upon application of a State for which a report submitted under subsection (a) and a management program submitted under subsection (b) is approved under this section, the Administrator shall make grants, subject to such terms and conditions as the Administrator considers appropriate, under this subsection to such State for the purpose of assisting the State in implementing such management program. Funds reserved pursuant to section 205(j)(5) of this Act may be used to develop and implement such management program.

"(2) APPLICATIONS.—An application for a grant under this subsection in any fiscal year shall be in such form and shall contain such other information as the Administrator may require, including an identification and description of the best management practices and measures which the State proposes to assist, encourage, or require in such year with the Federal assistance to be provided under the grant.

"(3) FEDERAL SHARE.—The Federal share of the cost of each management program implemented with Federal assistance under this subsection in any fiscal year shall not exceed 60 percent of the cost incurred by the State in implementing such management program and shall be made on condition that the non-Federal share is provided from non-Federal sources.

"(4) LIMITATION ON GRANT AMOUNTS.—Notwithstanding any other provision of this subsection, not more than 15 percent of the amount appropriated to carry out this subsection may be used to make grants to any one State, including any grants to any local public agency or organization with authority to control pollution from nonpoint sources in any area of such State.

"(5) PRIORITY FOR EFFECTIVE MECHANISMS.—For each fiscal year beginning after September 30, 1987, the Administrator may give priority in making grants under this subsection, and shall give consideration in determining the Federal share of any such grant, to States which have implemented or are proposing to implement management programs which will—

"(A) control particularly difficult or serious nonpoint source pollution problems, including, but not limited to, problems resulting from mining activities;

"(B) implement innovative methods or practices for controlling nonpoint sources of pollution, including regulatory programs where the Administrator deems appropriate;

"(C) control interstate nonpoint source pollution problems; or

"(D) carry out ground water quality protection activities which the Administrator determines are part of a comprehensive nonpoint source pollution control program, including research, planning, ground water assessments, demonstration programs, enforcement, technical assistance, education, and training to protect ground water quality from nonpoint sources of pollution.

"(6) AVAILABILITY FOR OBLIGATION.—The funds granted to each State pursuant to this subsection in a fiscal year shall remain available for obligation by such State for the fiscal year for which appropriated. The amount of any such funds not obligated by the end of such fiscal year shall be available to the Administrator for granting to other States under this subsection in the next fiscal year.

"(7) LIMITATION ON USE OF FUNDS.—States may use funds from grants made pursuant to this section for financial assistance to persons only to the extent that such assistance is related to the costs of demonstration projects.

"(8) SATISFACTORY PROGRESS.—No grant may be made under this subsection in any fiscal year to a State which in the preceding fiscal year received a grant under this subsection unless the Administrator determines that such State made satisfactory progress in such preceding fiscal year in meeting the schedule specified by such State under subsection (b)(2).

"(9) MAINTENANCE OF EFFORT.—No grant may be made to a State under this subsection in any fiscal year unless such State enters into such agreements with the Administrator as the Administrator may require to ensure that such State will maintain its aggregate expenditures from all other sources for programs for controlling pollution added to the navigable waters in such State from nonpoint sources and improving the quality of such waters at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this subsection.

"(10) REQUEST FOR INFORMATION.—The Administrator may request such information, data, and reports as he considers necessary to make the determination of continuing eligibility for grants under this section.

"(11) REPORTING AND OTHER REQUIREMENTS.—Each State shall report to the Administrator on an annual basis concerning (A) its progress in meeting the schedule of milestones submitted pursuant to subsection (b)(2)(C) of this section, and (B) to the extent that appropriate information is available, reductions in nonpoint source pollutant loading and improvements in water quality for those navigable waters or watersheds within the State which were identified pursuant to subsection (a)(1)(A) of this section resulting from implementation of the management program.

"(12) LIMITATION ON ADMINISTRATIVE COSTS.—For purposes of this subsection, ad-

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ministrative costs in the form of salaries, overhead, or indirect costs for services provided and charged against activities and programs carried out with a grant under this subsection shall not exceed in any fiscal year 10 percent of the amount of the grant in such year, except that costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs shall not be subject to this limitation.

"(i) GRANTS FOR PROTECTING GROUNDWATER QUALITY.—

"(1) ELIGIBLE APPLICANTS AND ACTIVITIES.—Upon application of a State for which a report submitted under subsection (a) and a plan submitted under subsection (b) is approved under this section, the Administrator shall make grants under this subsection to such State for the purpose of assisting such State in carrying out groundwater quality protection activities which the Administrator determines will advance the State toward implementation of a comprehensive nonpoint source pollution control program. Such activities shall include, but not be limited to, research, planning, groundwater assessments, demonstration programs, enforcement, technical assistance, education and training to protect the quality of groundwater and to prevent contamination of groundwater from nonpoint sources of pollution.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be in such form and shall contain such information as the Administrator may require.

"(3) FEDERAL SHARE; MAXIMUM AMOUNT.—The Federal share of the cost of assisting a State in carrying out groundwater protection activities in any fiscal year under this subsection shall be 50 percent of the costs incurred by the State in carrying out such activities, except that the maximum amount of Federal assistance which any State may receive under this subsection in any fiscal year shall not exceed $150,000.

"(4) REPORT.—The Administrator shall include in each report transmitted under subsection (m) a report on the activities and programs implemented under this subsection during the preceding fiscal year.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsections (h) and (i) not to exceed $70,000,000 for fiscal year 1988, $100,000,000 per fiscal year for each of fiscal years 1989 and 1990, and $130,000,000 for fiscal year 1991; except that for each of such fiscal years not to exceed $7,500,000 may be made available to carry out subsection (i). Sums appropriated pursuant to this subsection shall remain available until expended.

"(k) CONSISTENCY OF OTHER PROGRAMS AND PROJECTS WITH MANAGEMENT PROGRAMS.—The Administrator shall transmit to the Office of Management and Budget and the appropriate Federal departments and agencies a list of those assistance programs and development projects identified by each State under subsection (b)(2)(F) for which individual assistance applications and projects will be reviewed pursuant to the procedures set forth in Executive Order 12372 as in effect on September 17, 1983. Beginning not later than sixty days after receiving notification by the Administrator, each Federal department and agency shall modify existing regulations to allow States to review individual development projects and assistance applications under the identified Federal assistance programs and shall accommodate, according to the requirements and definitions of Executive Order 12372, as in effect on September 17, 1983, the concerns of the State regarding the consistency of such applications or projects with the State nonpoint source pollution management program.

"(l) COLLECTION OF INFORMATION.—The Administrator shall collect and make available, through publications and other appropriate means, information pertaining to management practices and implementation methods, including, but not limited to, (1) information concerning the costs and relative efficiencies of best management practices for reducing nonpoint source pollution; and (2) available data concerning the relationship between water quality and implementation of various management practices to control nonpoint sources of pollution.

"(m) REPORTS OF ADMINISTRATOR.—

"(1) ANNUAL REPORTS.—Not later than January 1, 1988, and each January 1 thereafter, the Administrator shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report for the preceding fiscal year on the activities and programs implemented under this section and the progress made in reducing pollution in the navigable waters resulting from nonpoint sources and improving the quality of such waters.

"(2) FINAL REPORT.—Not later than January 1, 1990, the Administrator shall transmit to Congress a final report on the activities carried out under this section. Such report, at a minimum, shall—

"(A) describe the management programs being implemented by the States by types and amount of affected navigable waters, categories and subcategories of nonpoint sources, and types of best management practices being implemented;

"(B) describe the experiences of the States in adhering to schedules and implementing best management practices;

"(C) describe the amount and purpose of grants awarded pursuant to subsections (h) and (i) of this section;

"(D) identify, to the extent that information is available, the progress made in reducing pollutant loads and improving water quality in the navigable waters;

"(E) indicate what further actions need to be taken to attain and maintain in those navigable waters (i) applicable water quality standards, and (ii) the goals and requirements of this Act;

"(F) include recommendations of the Administrator concerning future programs (including enforcement programs) for controlling pollution from nonpoint sources; and

"(G) identify the activities and programs of departments, agencies, and instrumentalities of the United States which are inconsistent with the management programs submitted by the States and recommend modifications so that such activities and programs are consistent with and assist the States in implementation of such management programs.

"(n) SET ASIDE FOR ADMINISTRATIVE PERSONNEL.—Not less than 5 percent of the funds appropriated pursuant to subsection (j) for any fiscal year shall be available to the Administrator to maintain personnel levels at the Environmental Protection Agency at levels which are adequate to carry out this section in such year.".

(b) POLICY FOR CONTROL OF NONPOINT SOURCES OF POLLUTION.—Section 101(a) is amended by striking out "and" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and by adding at the end thereof the following:

"(7) it is the national policy that programs for the control of nonpoint sources of pollution be developed and implemented in an expeditious manner so as to enable the goals of this Act to be met through the control of both point and nonpoint sources of pollution.".

(c) ELIGIBILITY OF NONPOINT SOURCES.—The last sentence of section 201(g)(1) is amended by—

(1) striking out "sentence," the first place it appears and inserting in lieu thereof "sentences,";

(2) inserting "(A)" after "October 1, 1984, for"; and

(3) inserting before "except that" the following: "and (B) any purpose for which a grant may be made under section 319 (h) and (i) of this Act (including any innovative and alternative approaches for the control of nonpoint sources of pollution),".

(d) RESERVATION OF FUNDS.—Section 205(j) is amended by adding at the end the following new paragraph:

"(5) NONPOINT SOURCE RESERVATION.—In addition to the sums reserved under paragraph (1), the Administrator shall reserve each fiscal year for each State 1 percent of the sums allotted and available for obligation to such State under this section for each fiscal year beginning on or after October 1, 1986, or $100,000, whichever is greater, for the purpose of carrying out section 319 of this Act. Sums so reserved in a State in any fiscal year for which such State does not request the use of such sums, to the extent such sums exceed $100,000, may be used by such State for other purposes under this title.".

(e) CONFORMING AMENDMENT.—Section 304(k)(1) is amended by inserting "and nonpoint source pollution management programs approved under section 319 of this Act" after "208 of this Act".

SEC. 317. NATIONAL ESTUARY PROGRAM.

(a) PURPOSES AND POLICIES.—

(1) FINDINGS.—Congress finds and declares that—

(A) the Nation's estuaries are of great importance for fish and wildlife resources and recreation and economic opportunity;

(B) maintaining the health and ecological integrity of these estuaries is in the national interest;

(C) increasing coastal population, development, and other direct and indirect uses of these estuaries threaten their health and ecological integrity;

(D) long-term planning and management will contribute to the continued productivity of these areas, and will maximize their utility to the Nation; and

(E) better coordination among Federal and State programs affecting estuaries will increase the effectiveness and efficiency of the national effort to protect, preserve, and restore these areas.

(2) PURPOSES.—The purposes of this section are to—

(A) identify nationally significant estuaries that are threatened by pollution, development, or overuse;

(B) promote comprehensive planning for, and conservation and management of, nationally significant estuaries;

(C) encourage the preparation of management plans for estuaries of national significance; and

(D) enhance the coordination of estuarine research.

(b) MANAGEMENT PROGRAM.—Title III is amended by adding at the end thereof the following new section:

"SEC. 320. NATIONAL ESTUARY PROGRAM.

"(a) MANAGEMENT CONFERENCE.—

"(1) NOMINATION OF ESTUARIES.—The Governor of any State may nominate to the Administrator an estuary lying in whole or in part within the State as an estuary of national significance and request a management conference to develop a comprehensive management plan for the estuary. The nomination shall document the need for the conference, the likelihood of success, and information relating to the factors in paragraph (2).

"(2) CONVENING OF CONFERENCE.—

"(A) IN GENERAL.—In any case where the Administrator determines, on his own initiative or upon nomination of a State under paragraph (1), that the attainment or maintenance of that water quality in an estuary which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on the water, requires the control of point and nonpoint sources of pollution to supplement existing controls of pollution in more than one State, the Administrator shall select such estuary and convene a management conference.

"(B) PRIORITY CONSIDERATION.—The Administrator shall give priority consideration under this section to Long Island Sound, New York and Connecticut; Narragansett Bay, Rhode Island; Buzzards Bay, Massachusetts; Puget Sound, Washington; New York-New Jersey Harbor, New York and New Jersey; Delaware Bay, Delaware and New Jersey; Delaware Inland Bays, Delaware; Albemarle Sound, North Carolina; Sarasota Bay, Florida; San Francisco Bay, California; and Galveston Bay, Texas.

"(3) BOUNDARY DISPUTE EXCEPTION.—In any case in which a boundary between two States passes through an estuary and such boundary is disputed and is the subject of an action in any court, the Administrator shall not convene a management conference with respect to such estuary before a final adjudication has been made of such dispute.

"(b) PURPOSES OF CONFERENCE.—The purposes of any management conference convened with respect to an estuary under this subsection shall be to—

"(1) assess trends in water quality, natural resources, and uses of the estuary;

"(2) collect, characterize, and assess data on toxics, nutrients, and natural resources within the estuarine zone to identify the causes of environmental problems;

"(3) develop the relationship between the inplace loads and point and nonpoint loadings of pollutants to the estuarine zone and the potential uses of the zone, water quality, and natural resources;

"(4) develop a comprehensive conservation and management plan that recommends priority corrective actions and compliance schedules addressing point and nonpoint sources of pollution to restore and maintain the chemical, physical, and biological integrity of the estuary, including restoration and maintenance of water quality, a balanced indigenous population of shellfish, fish and wildlife, and recreational activities in the estuary, and assure that the designated uses of the estuary are protected;

"(5) develop plans for the coordinated implementation of the plan by the States as well as Federal and local agencies participating in the conference;

"(6) monitor the effectiveness of actions taken pursuant to the plan; and

"(7) review all Federal financial assistance programs and Federal development projects in accordance with the requirements of Executive Order 12372, as in effect on September 17, 1983, to determine whether such assistance program or project would be consistent with and further the purposes and objectives of the plan prepared under this section.

For purposes of paragraph (7), such programs and projects shall not be limited to the assistance programs and development projects subject to Executive Order 12372, but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the plan developed under this section.

"(c) MEMBERS OF CONFERENCE.—The members of a management conference convened under this section shall include, at a minimum, the Administrator and representatives of—

"(1) each State and foreign nation located in whole or in part in the estuarine zone of the estuary for which the conference is convened;

"(2) international, interstate, or regional agencies or entities having jurisdiction over all or a significant part of the estuary;

"(3) each interested Federal agency, as determined appropriate by the Administrator;

"(4) local governments having jurisdiction over any land or water within the estuarine zone, as determined appropriate by the Administrator; and

"(5) affected industries, public and private educational institutions, and the general public, as determined appropriate by the Administrator.

"(d) UTILIZATION OF EXISTING DATA.—In developing a conservation and management plan under this section, the management conference shall survey and utilize existing reports, data, and studies relating to the estuary that have been developed by or made available to Federal, interstate, State, and local agencies.

"(e) PERIOD OF CONFERENCE.—A management conference convened under this section shall be convened for a period not to exceed 5 years. Such conference may be extended by the Administrator, and if terminated after the initial period, may be reconvened by the Administrator at any time thereafter, as may be necessary to meet the requirements of this section.

"(f) APPROVAL AND IMPLEMENTATION OF PLANS.—

"(1) APPROVAL.—Not later than 120 days after the completion of a conservation and management plan and after providing for public review and comment, the Administrator shall approve such plan if the plan meets the requirements of this section and the affected Governor or Governors concur.

"(2) IMPLEMENTATION.—Upon approval of a conservation and management plan under this section, such plan shall be implemented. Funds authorized to be appropriated under titles II and VI and section 319 of this Act may be used in accordance with the applicable requirements of this Act to assist States with the implementation of such plan.

"(g) GRANTS.—

"(1) RECIPIENTS.—The Administrator is authorized to make grants to State, interstate, and regional water pollution control agencies and entities, State coastal zone management agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals.

"(2) PURPOSES.—Grants under this subsection shall be made to pay for assisting research, surveys, studies, and modeling and other technical work necessary for the development of a conservation and management plan under this section.

"(3) FEDERAL SHARE.—The amount of grants to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year shall not exceed 75 percent of the costs of such research, survey, studies, and work and shall be made on condition that the non-Federal share of such costs are provided from non-Federal sources.

"(h) GRANT REPORTING.—Any person (including a State, interstate, or regional agency or entity) that receives a grant under subsection (g) shall report to the Administrator not later than 18 months after receipt of such grant and biennially thereafter on the progress being made under this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator not to exceed $12,000,000 per fiscal year for each of fiscal years 1987, 1988, 1989, 1990, and 1991 for—

"(1) expenses related to the administration of management conferences under this section, not to exceed 10 percent of the amount appropriated under this subsection;

"(2) making grants under subsection (g); and

"(3) monitoring the implementation of a conservation and management plan by the management conference or by the Administrator, in any case in which the conference has been terminated.

The Administrator shall provide up to $5,000,000 per fiscal year of the sums authorized to be appropriated under this subsection to the Administrator of the National Oceanic and Atmospheric Administration to carry out subsection (j).

"(j) RESEARCH.—

"(1) PROGRAMS.—In order to determine the need to convene a management conference under this section or at the request of such a management conference, the Administrator shall coordinate and implement, through the National Marine Pollution Program Office and the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, as appropriate, for one or more estuarine zones—

"(A) a long-term program of trend assessment monitoring measuring variations in pollutant concentrations, marine ecology, and other physical or biological environmental parameters which may affect estuarine zones, to provide the Administrator the capacity to determine the potential and actual effects of alternative management strategies and measures;

"(B) a program of ecosystem assessment assisting in the development of (i) baseline studies which determine the state of estuarine zones and the effects of natural and anthropogenic changes, and (ii) predictive models capable of translating information on specific discharges or general pollutant loadings within estuarine zones into a set of probable effects on such zones;

"(C) a comprehensive water quality sampling program for the continuous monitoring of nutrients, chlorine, acid precipitation dissolved oxygen, and potentially toxic pollutants (including organic chemicals and metals) in estuarine zones, after consulta-

tion with interested State, local, interstate, or international agencies and review and analysis of all environmental sampling data presently collected from estuarine zones; and

"(D) a program of research to identify the movements of nutrients, sediments and pollutants through estuarine zones and the impact of nutrients, sediments, and pollutants on water quality, the ecosystem, and designated or potential uses of the estuarine zones.

"(2) REPORTS.—The Administrator, in cooperation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the Congress no less often than biennially a comprehensive report on the activities authorized under this subsection including—

"(A) a listing of priority monitoring and research needs;

"(B) an assessment of the state and health of the Nation's estuarine zones, to the extent evaluated under this subsection;

"(C) a discussion of pollution problems and trends in pollutant concentrations with a direct or indirect effect on water quality, the ecosystem, and designated or potential uses of each estuarine zone, to the extent evaluated under this subsection; and

"(D) an evaluation of pollution abatement activities and management measures so far implemented to determine the degree of improvement toward the objectives expressed in subsection (b)(4) of this section.

"(k) DEFINITIONS.—For purposes of this section, the terms 'estuary' and 'estuarine zone' have the meanings such terms have in section 104(n)(4) of this Act, except that the term 'estuarine zone' shall also include associated aquatic ecosystems and those portions of tributaries draining into the estuary up to the historic height of migration of anadromous fish or the historic head of tidal influence, whichever is higher.".

SEC. 318. UNCONSOLIDATED QUATERNARY AQUIFER.

Notwithstanding any other provision of law, no person may—

(1) locate or authorize the location of a landfill, surface impoundment, waste pile, injection well, or land treatment facility over the Unconsolidated Quaternary Aquifer, or the recharge zone or streamflow source zone of such aquifer, in the Rockaway River Basin, New Jersey (as such aquifer and zones are described in the Federal Register, January 24, 1984, pages 2946-2948); or

(2) place or authorize the placement of solid waste in a landfill, surface impoundment, waste pile, injection well, or land treatment facility over such aquifer or zone.

This section may be enforced under sections 309 (a) and (b) of the Federal Water Pollution Control Act. For purposes of section 309(c) of such Act, a violation of this section shall be considered a violation of section 301 of the Federal Water Pollution Control Act.

TITLE IV—PERMITS AND LICENSES

SEC. 401. STORMWATER RUNOFF FROM OIL, GAS, AND MINING OPERATIONS.

(a) LIMITATION ON PERMIT REQUIREMENT.—Section 402(l) is amended by inserting "(1) AGRICULTURAL RETURN FLOWS.—" before "The Administrator" and by adding at the end thereof the following:

"(2) STORMWATER RUNOFF FROM OIL, GAS, AND MINING OPERATIONS.—The Administrator shall not require a permit under this section, nor shall the Administrator directly or indirectly require any State to require a permit, for discharges of stormwater runoff from mining operations or oil and gas exploration, production, processing, or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with, or do not come into contact with, any overburden, raw material, intermediate products, finished product, by-product, or waste products located on the site of such operations.".

(b) CONFORMING AMENDMENTS.—Section 402(l) is further amended—

(1) by inserting "LIMITATION ON PERMIT REQUIREMENT.—" after "(l)"; and

(2) by indenting paragraph (1) of such section, as designated by subsection (a) of this section, and aligning such paragraph with paragraph (2) of such section, as added by such subsection (a).

SEC. 402. ADDITIONAL PRETREATMENT OF CONVENTIONAL POLLUTANTS NOT REQUIRED.

Section 402 is amended by adding at the end thereof the following new subsection:

"(m) ADDITIONAL PRETREATMENT OF CONVENTIONAL POLLUTANTS NOT REQUIRED.—To the extent a treatment works (as defined in section 212 of this Act) which is publicly owned is not meeting the requirements of a permit issued under this section for such treatment works as a result of inadequate design or operation of such treatment works, the Administrator, in issuing a permit under this section, shall not require pretreatment by a person introducing conventional pollutants identified pursuant to section 304(a)(4) of this Act into such treatment works other than pretreatment required to assure compliance with pretreatment standards under subsection (b)(8) of this section and section 307(b)(1) of this Act. Nothing in this subsection shall affect the Administrator's authority under sections 307 and 309 of this Act, affect State and local authority under sections 307(b)(4) and 510 of this Act, relieve such treatment works of its obligations to meet requirements established under this Act, or otherwise preclude such works from pursuing whatever feasible options are available to meet its responsibility to comply with its permit under this section.".

SEC. 403. PARTIAL NPDES PROGRAM.

(a) PARTIAL PERMIT PROGRAM.—Section 402 is amended by adding at the end the following:

"(n) PARTIAL PERMIT PROGRAM.—

"(1) STATE SUBMISSION.—The Governor of a State may submit under subsection (b) of this section a permit program for a portion of the discharges into the navigable waters in such State.

"(2) MINIMUM COVERAGE.—A partial permit program under this subsection shall cover, at a minimum, administration of a major category of the discharges into the navigable waters of the State or a major component of the permit program required by subsection (b).

"(3) APPROVAL OF MAJOR CATEGORY PARTIAL PERMIT PROGRAMS.—The Administrator may approve a partial permit program covering administration of a major category of discharges under this subsection if—

"(A) such program represents a complete permit program and covers all of the discharges under the jurisdiction of a department or agency of the State; and

"(B) the Administrator determines that the partial program represents a significant and identifiable part of the State program required by subsection (b).

"(4) APPROVAL OF MAJOR COMPONENT PARTIAL PERMIT PROGRAMS.—The Administrator may approve under this subsection a partial and phased permit program covering administration of a major component (including discharge categories) of a State permit program required by subsection (b) if—

"(A) the Administrator determines that the partial program represents a significant and identifiable part of the State program required by subsection (b); and

"(B) the State submits, and the Administrator approves, a plan for the State to assume administration by phases of the remainder of the State program required by subsection (b) by a specified date not more than 5 years after submission of the partial program under this subsection and agrees to make all reasonable efforts to assume such administration by such date.".

(b) RETURN OF STATE PERMIT PROGRAM TO ADMINISTRATOR.—

(1) IN GENERAL.—Section 402(c) is amended by adding at the end thereof the following new paragraph:

"(4) LIMITATIONS ON PARTIAL PERMIT PROGRAM RETURNS AND WITHDRAWALS.—A State may return to the Administrator administration, and the Administrator may withdraw under paragraph (3) of this subsection approval, of—

"(A) a State partial permit program approved under subsection (n)(3) only if the entire permit program being administered by the State department or agency at the time is returned or withdrawn; and

"(B) a State partial permit program approved under subsection (n)(4) only if an entire phased component of the permit program being administered by the State at the time is returned or withdrawn.".

(2) CONFORMING AMENDMENT.—Section 402(c)(1) is amended by striking out "as to those navigable waters" and inserting in lieu thereof "as to those discharges".

SEC. 404. ANTI-BACKSLIDING.

(a) GENERAL RULE.—Section 402 is amended by adding at the end thereof the following new subsection:

"(o) ANTI-BACKSLIDING.—

"(1) GENERAL PROHIBITION.—In the case of effluent limitations established on the basis of subsection (a)(1)(B) of this section, a permit may not be renewed, reissued, or modified on the basis of effluent guidelines promulgated under section 304(b) subsequent to the original issuance of such permit, to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit. In the case of effluent limitations established on the basis of section 301(b)(1)(C) or section 303 (d) or (e), a permit may not be renewed, reissued, or modified to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit except in compliance with section 303(d)(4).

"(2) EXCEPTIONS.—A permit with respect to which paragraph (1) applies may be renewed, reissued, or modified to contain a less stringent effluent limitation applicable to a pollutant if—

"(A) material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation;

"(B)(i) information is available which was not available at the time of permit issuance

(other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance; or

"(ii) the Administrator determines that technical mistakes or mistaken interpretations of law were made in issuing the permit under subsection (a)(1)(B);

"(C) a less stringent effluent limitation is necessary because of events over which the permittee has no control and for which there is no reasonably available remedy;

"(D) the permittee has received a permit modification under section 301(c), 301(g), 301(h), 301(i), 301(k), 301(n), or 316(a); or

"(E) the permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, in which case the limitations in the reviewed, reissued, or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance, or modification).

Subparagraph (B) shall not apply to any revised waste load allocations or any alternative grounds for translating water quality standards into effluent limitations, except where the cumulative effect of such revised allocations results in a decrease in the amount of pollutants discharged into the concerned waters, and such revised allocations are not the result of a discharger eliminating or substantially reducing its discharge of pollutants due to complying with the requirements of this Act or for reasons otherwise unrelated to water quality.

"(3) LIMITATIONS.—In no event may a permit with respect to which paragraph (1) applies be renewed, reissued, or modified to contain an effluent limitation which is less stringent than required by effluent guidelines in effect at the time the permit is renewed, reissued, or modified. In no event may such a permit to discharge into waters be renewed, reissued, or modified to contain a less stringent effluent limitation if the implementation of such limitation would result in a violation of a water quality standard under section 303 applicable to such waters.".

(b) LIMITATIONS ON REVISION OF CERTAIN EFFLUENT LIMITATIONS.—Section 303(d) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) LIMITATIONS ON REVISION OF CERTAIN EFFLUENT LIMITATIONS.—

"(A) STANDARD NOT ATTAINED.—For waters identified under paragraph (1)(A) where the applicable water quality standard has not yet been attained, any effluent limitation based on a total maximum daily load or other waste load allocation established under this section may be revised only if (i) the cumulative effect of all such revised effluent limitations based on such total maximum daily load or waste load allocation will assure the attainment of such water quality standard, or (ii) the designated use which is not being attained is removed in accordance with regulations established under this section.

"(B) STANDARD ATTAINED.—For waters identified under paragraph (1)(A) where the quality of such waters equals or exceeds levels necessary to protect the designated use for such waters or otherwise required by applicable water quality standards, any effluent limitation based on a total maximum daily load or other waste load allocation established under this section, or any water quality standard established under this section, or any other permitting standard may be revised only if such revision is subject to and consistent with the antidegradation policy established under this section.".

(c) STUDY.—The Administrator shall study—

(1) the extent to which States have reviewed, revised, and adopted water quality standards in accordance with section 24 of the Municipal Wastewater Treatment Construction Grant Amendments of 1981; and

(2) the extent to which modifications of permits issued under section 402(a)(1)(B) of the Federal Water Pollution Control Act for the purpose of reflecting any revisions to water quality standards should be encouraged or discouraged.

The Administrator shall submit a report on such study, together with recommendations, to Congress not later than 2 years after the date of the enactment of this Act.

(d) CONFORMING AMENDMENT.—Section 402(a)(1) is amended by inserting "(A)" after "either" and by inserting "(B)" after "this Act, or".

SEC. 405. MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES.

Section 402 is amended by adding at the end thereof the following new subsection:

"(p) MUNICIPAL AND INDUSTRIAL STORMWATER DISCHARGES.—

"(1) GENERAL RULE.—Prior to October 1, 1992, the Administrator or the State (in the case of a permit program approved under section 402 of this Act) shall not require a permit under this section for discharges composed entirely of stormwater.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply with respect to the following stormwater discharges:

"(A) A discharge with respect to which a permit has been issued under this section before the date of the enactment of this subsection.

"(B) A discharge associated with industrial activity.

"(C) A discharge from a municipal separate storm sewer system serving a population of 250,000 or more.

"(D) A discharge from a municipal separate storm sewer system serving a population of 100,000 or more but less than 250,000.

"(E) A discharge for which the Administrator or the State, as the case may be, determines that the stormwater discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.

"(3) PERMIT REQUIREMENTS.—

"(A) INDUSTRIAL DISCHARGES.—Permits for discharges associated with industrial activity shall meet all applicable provisions of this section and section 301.

"(B) MUNICIPAL DISCHARGE.—Permits for discharges from municipal storm sewers—

"(i) may be issued on a system- or jurisdiction-wide basis;

"(ii) shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers; and

"(iii) shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.

"(4) PERMIT APPLICATION REQUIREMENTS.—

"(A) INDUSTRIAL AND LARGE MUNICIPAL DISCHARGES.—Not later than 2 years after the date of the enactment of this subsection, the Administrator shall establish regulations setting forth the permit application requirements for stormwater discharges described in paragraphs (2)(B) and (2)(C). Applications for permits for such discharges shall be filed no later than 3 years after such date of enactment. Not later than 4 years after such date of enactment, the Administrator or the State, as the case may be, shall issue or deny each such permit. Any such permit shall provide for compliance as expeditiously as practicable, but in no event later than 3 years after the date of issuance of such permit.

"(B) OTHER MUNICIPAL DISCHARGES.—Not later than 4 years after the date of the enactment of this subsection, the Administrator shall establish regulations setting forth the permit application requirements for stormwater discharges described in paragraph (2)(D). Applications for permits for such discharges shall be filed no later than 5 years after such date of enactment. Not later than 6 years after such date of enactment, the Administrator or the State, as the case may be, shall issue or deny each such permit. Any such permit shall provide for compliance as expeditiously as practicable, but in no event later than 3 years after the date of issuance of such permit.

"(5) STUDIES.—The Administrator, in consultation with the States, shall conduct a study for the purposes of—

"(A) identifying those stormwater discharges or classes of stormwater discharges for which permits are not required pursuant to paragraphs (1) and (2) of this subsection,

"(B) determining, to the maximum extent practicable, the nature and extent of pollutants in such discharges; and

"(C) establishing procedures and methods to control stormwater discharges to the extent necessary to mitigate impacts on water quality.

Not later than October 1, 1988, the Administrator shall submit to Congress a report on the results of the study described in subparagraphs (A) and (B). Not later than October 1, 1989, the Administrator shall submit to Congress a report on the results of the study described in subparagraph (C).

"(6) REGULATIONS.—Not later than October 1, 1992, the Administrator, in consultation with State and local officials, shall issue regulations (based on the results of the studies conducted under paragraph (5)) which designate stormwater discharges, other than those discharges described in paragraph (2), to be regulated to protect water quality and shall establish a comprehensive program to regulate such designated sources. The program shall, at a minimum, (A) establish priorities, (B) establish requirements for State stormwater management programs, and (C) establish expeditious deadlines. The program may include performance standards, guidelines, guidance, and management practices and treatment requirements, as appropriate.".

SEC. 406. SEWAGE SLUDGE.

(a) IDENTIFICATION AND REGULATION OF TOXIC POLLUTANTS.—Section 405(d) is amended—

(1) by inserting "(1) REGULATIONS.—" before "The Administrator, after";

(2) by striking "(1)", "(2)", and "(3)" and inserting in lieu thereof "(A)", "(B)", and "(C)", respectively; and

(3) by adding at the end the following new paragraphs:

"(2) IDENTIFICATION AND REGULATION OF TOXIC POLLUTANTS.—

"(A) ON BASIS OF AVAILABLE INFORMATION.—

"(i) PROPOSED REGULATIONS.—Not later than November 30, 1986, the Administrator shall identify those toxic pollutants which, on the basis of available information on their toxicity, persistence, concentration, mobility, or potential for exposure, may be present in sewage sludge in concentrations which may adversely affect public health or the environment, and propose regulations specifying acceptable management practices for sewage sludge containing each such toxic pollutant and establishing numerical limitations for each such pollutant for each use identified under paragraph (1)(A).

"(ii) FINAL REGULATIONS.—Not later than August 31, 1987, and after opportunity for public hearing, the Administrator shall promulgate the regulations required by subparagraph (A)(i).

"(B) OTHERS.—

"(i) PROPOSED REGULATIONS.—Not later than July 31, 1987, the Administrator shall identify those toxic pollutants not identified under subparagraph (A)(i) which may be present in sewage sludge in concentrations which may adversely affect public health or the environment, and propose regulations specifying acceptable management practices for sewage sludge containing each such toxic pollutant and establishing numerical limitations for each pollutant for each such use identified under paragraph (1)(A).

"(ii) FINAL REGULATIONS.—Not later than June 15, 1988, the Administrator shall promulgate the regulations required by subparagraph (B)(i).

"(C) REVIEW.—From time to time, but not less often than every 2 years, the Administrator shall review the regulations promulgated under this paragraph for the purpose of identifying additional toxic pollutants and promulgating regulations for such pollutants consistent with the requirements of this paragraph.

"(D) MINIMUM STANDARDS; COMPLIANCE DATE.—The management practices and numerical criteria established under subparagraphs (A), (B), and (C) shall be adequate to protect public health and the environment from any reasonably anticipated adverse effects of each pollutant. Such regulations shall require compliance as expeditiously as practicable but in no case later than 12 months after their publication, unless such regulations require the construction of new pollution control facilities, in which case the regulations shall require compliance as expeditiously as practicable but in no case later than two years from the date of their publication.

"(3) ALTERNATIVE STANDARDS.—For purposes of this subsection, if, in the judgment of the Administrator, it is not feasible to prescribe or enforce a numerical limitation for a pollutant identified under paragraph (2), the Administrator may instead promulgate a design, equipment, management practice, or operational standard, or combination thereof, which in the Administrator's judgment is adequate to protect public health and the environment from any reasonably anticipated adverse effects of such pollutant. In the event the Administrator promulgates a design or equipment standard under this subsection, the Administrator shall include as part of such standard such requirements as will assure the proper operation and maintenance of any such element of design or equipment.

"(4) CONDITIONS ON PERMITS.—Prior to the promulgation of the regulations required by paragraph (2), the Administrator shall impose conditions in permits issued to publicly owned treatment works under section 402 of this Act or take such other measures as the Administrator deems appropriate to protect public health and the environment from any adverse effects which may occur from toxic pollutants in sewage sludge.

"(5) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section is intended to waive more stringent requirements established by this Act or any other law.".

(b) MANNER OF SLUDGE DISPOSAL.—Section 405(e) is amended to read as follows:

"(e) MANNER OF SLUDGE DISPOSAL.—The determination of the manner of disposal or use of sludge is a local determination, except that it shall be unlawful for any person to dispose of sludge from a publicly owned treatment works or any other treatment works treating domestic sewage for any use for which regulations have been established pursuant to subsection (d) of this section, except in accordance with such regulations.".

(c) IMPLEMENTATION THROUGH PERMITS.—Section 405 is further amended by adding at the end thereof the following:

"(f) IMPLEMENTATION OF REGULATIONS.—

"(1) THROUGH SECTION 402 PERMITS.—Any permit issued under section 402 of this Act to a publicly owned treatment works or any other treatment works treating domestic sewage shall include requirements for the use and disposal of sludge that implement the regulations established pursuant to subsection (d) of this section, unless such requirements have been included in a permit issued under the appropriate provisions of subtitle C of the Solid Waste Disposal Act, part C of the Safe Drinking Water Act, the Marine Protection, Research, and Sanctuaries Act of 1972, or the Clean Air Act, or under State permit programs approved by the Administrator, where the Administrator determines that such programs assure compliance with any applicable requirements of this section. Not later than December 15, 1986, the Administrator shall promulgate procedures for approval of State programs pursuant to this paragraph.

"(2) THROUGH OTHER PERMITS.—In the case of a treatment works described in paragraph (1) that is not subject to section 402 of this Act and to which none of the other above listed permit programs nor approved State permit authority apply, the Administrator may issue a permit to such treatment works solely to impose requirements for the use and disposal of sludge that implement the regulations established pursuant to subsection (d) of this section. The Administrator shall include in the permit appropriate requirements to assure compliance with the regulations established pursuant to subsection (d) of this section. The Administrator shall establish procedures for issuing permits pursuant to this paragraph.

"(g) STUDIES AND PROJECTS.—

"(1) GRANT PROGRAM; INFORMATION GATHERING.—The Administrator is authorized to conduct or initiate scientific studies, demonstration projects, and public information and education projects which are designed to promote the safe and beneficial management or use of sewage sludge for such purposes as aiding the restoration of abandoned mine sites, conditioning soil for parks and recreation areas, agricultural and horticultural uses, and other beneficial purposes. For the purposes of carrying out this subsection, the Administrator may make grants to State water pollution control agencies, other public or nonprofit agencies, institutions, organizations, and individuals. In cooperation with other Federal departments and agencies, other public and private agencies, institutions, and organizations, the Administrator is authorized to collect and disseminate information pertaining to the safe and beneficial use of sewage sludge.

"(2) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out the scientific studies, demonstration projects, and public information and education projects authorized in this section, there is authorized to be appropriated for fiscal years beginning after September 30, 1986, not to exceed $5,000,000.".

(d) ENFORCEMENT.—(1) Section 308(a)(4) is amended by inserting "405," before "and 504".

(2) Section 505(f) is amended by striking out "or" before "(6)", and by inserting before the period "; or (7) a regulation under section 405(d) of this Act,".

(3) Section 509(b)(1)(E) is amended by striking out "or 306" and inserting in lieu thereof "306, or 405".

(e) REMOVAL CREDITS.—The part of the decision of Natural Resources Defense Council, Inc. v. U.S. Environmental Protection Agency, No. 84-3530 (3d. Cir. 1986), which addresses section 405(d) of the Federal Water Pollution Control Act is stayed until August 31, 1987, with respect to—

(1) those publicly owned treatment works the owner or operator of which received authority to revise pretreatment requirements under section 307(b)(1) of such Act before the date of the enactment of this section, and

(2) those publicly owned treatment works the owner or operator of which has submitted an application for authority to revise pretreatment requirements under such section 307(b)(1) which application is pending on such date of enactment and is approved before August 31, 1987.

The Administrator shall not authorize any other removal credits under such Act until the Administrator issues the regulations required by paragraph (2)(A)(ii) of section 405(d) of such Act, as amended by subsection (a) of this section.

(f) CONFORMING AMENDMENTS.—Section 405(d) is further amended—

(1) by inserting "REGULATIONS.—" after "(d)";

(2) by indenting paragraph (1) (as designated by subsection (a)(1) of this section) and aligning such paragraph with paragraph (3), as added by subsection (a)(3); and

(3) in such paragraph (1) by aligning subparagraphs (A), (B), and (C) (as designated by subsection (a)(2) of this section) with subparagraph (C) of paragraph (2), as added by subsection (a)(3) of this section.

SEC. 407. LOG TRANSFER FACILITIES.

(a) AGREEMENT.—The Administrator and Secretary of the Army shall enter into an agreement regarding coordination of permitting for log transfer facilities to designate a lead agency and to process permits required under sections 402 and 404 of the Federal Water Pollution Control Act, where both such sections apply, for discharges associated with the construction and operation of log transfer facilities. The Administrator and Secretary are authorized to act in accordance with the terms of such agreement to assure that, to the maximum extent practicable, duplication, needless paperwork and delay in the issuance of permits, and inequitable enforcement between and among facilities in different States, shall be eliminated.

(b) APPLICATIONS AND PERMITS BEFORE OCTOBER 22, 1985.—Where both of sections 402 and 404 of the Federal Water Pollution Control Act apply, log transfer facilities which have received a permit under section 404 of such Act before October 22, 1985, shall not be required to submit a new application for a permit under section 402 of such Act. If the Administrator determines that the terms of a permit issued on or before October 22, 1985, under section 404 of such Act satisfies the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of such Act, a separate application for a permit under section 402 of such Act shall not thereafter be required. In any case where the Administrator demonstrates, after an opportunity for a hearing, that the terms of a permit issued on or before October 22, 1985, under section 404 of such Act do not satisfy the applicable requirements of sections 301, 302, 306, 307, 308, and 403 of such Act, modifications to the existing permit under section 404 of such Act to incorporate such applicable requirements shall be issued by the Administrator as an alternative to issuance of a separate new permit under section 402 of such Act.

(c) LOG TRANSFER FACILITY DEFINED.—For the purposes of this section, the term "log transfer facility" means a facility which is constructed in whole or in part in waters of the United States and which is utilized for the purpose of transferring commercially harvested logs to or from a vessel or log raft, including the formation of a log raft.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. AUDITS.

Section 501(d) is amended by inserting at the end the following new sentences: "For the purpose of carrying out audits and examinations with respect to recipients of Federal assistance under this Act, the Administrator is authorized to enter into noncompetitive procurement contracts with independent State audit organizations, consistent with chapter 75 of title 31, United States Code. Such contracts may only be entered into to the extent and in such amounts as may be provided in advance in appropriation Acts.".

SEC. 502. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) DEFINED AS A STATE.—Section 502(3) is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "Samoa,".

(b) DEFINED AS PART OF UNITED STATES.—Section 311(a)(5) is amended by striking out "the Canal Zone," and inserting in lieu thereof "the Commonwealth of the Northern Mariana Islands,".

SEC. 503. AGRICULTURAL STORMWATER DISCHARGES.

Section 502(14) (relating to the definition of point source) is amended by inserting after "does not include" the following: "agricultural stormwater discharges and".

SEC. 504. PROTECTION OF INTERESTS OF UNITED STATES IN CITIZEN SUITS.

Section 505(c) is amended by adding at the end thereof the following new paragraph:

"(3) PROTECTION OF INTERESTS OF UNITED STATES.—Whenever any action is brought under this section in a court of the United States, the plaintiff shall serve a copy of the complaint on the Attorney General and the Administrator. No consent judgment shall be entered in an action in which the United States is not a party prior to 45 days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator.".

SEC. 505. JUDICIAL REVIEW AND AWARD OF FEES.

(a) LOCATION; DEADLINE FOR APPEAL.—Section 509(b)(1) is amended—

(1) by striking out "transacts such business" and inserting in lieu thereof, "transacts business which is directly affected by such action"; and

(2) by striking out "ninety" and "ninetieth" and inserting in lieu thereof "120" and "120th", respectively.

(b) VENUE; AWARD OF FEES.—Section 509(b) is amended by adding at the end thereof the following new paragraphs:

"(3) VENUE.—

"(A) SELECTION PROCEDURE.—If applications for review of the same agency action have been filed under paragraph (1) of this subsection in 2 or more Circuit Courts of Appeals of the United States and the Administrator has received written notice of the filing of one or more applications within 30 days or less after receiving written notice of the filing of the first application, then the Administrator shall promptly advise in writing the Administrative Office of the United States Courts that applications have been filed in 2 or more Circuit Courts of Appeals of the United States, and shall identify each court for which he has written notice that such applications have been filed within 30 days or less of receiving written notice of the filing of the first such application. Pursuant to a system of random selection devised for this purpose, the Administrative Office thereupon shall, within 3 business days of receiving such written notice from the Administrator, select the court in which the record shall be filed from among those identified by the Administrator. Upon notification of such selection, the Administrator shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the Administrator, the record shall be filed in the Circuit Court of Appeals of the United States which remanded such action.

"(B) ADMINISTRATIVE PROVISIONS.—Where applications have been filed under paragraph (1) of this subsection in two or more Circuit Courts of Appeals of the United States with respect to the same agency action and the record has been filed in one of such courts pursuant to subparagraph (A), the other courts in which such applications have been filed shall promptly transfer such applications to the Circuit Court of Appeals of the United States in which the record has been filed. Pending selection of a court pursuant to subparagraph (A), any court in which an application has been filed under paragraph (1) of this subsection may postpone the effective date of the agency action until 15 days after the Administrative Office has selected the court in which the record shall be filed.

"(C) TRANSFERS.—Any court in which an application with respect to any agency action has been filed under paragraph (1) of this subsection, including any court selected pursuant to subparagraph (A), may transfer such application to any other Circuit Court of Appeals of the United States for the convenience of the parties or otherwise in the interest of justice.

"(4) AWARD OF FEES.—In any judicial proceeding under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party whenever it determines that such award is appropriate.".

(c) CONFORMING AMENDMENT FOR CITIZEN SUIT ACTIONS.—The first sentence of section 505(d) is amended by inserting "prevailing or substantially prevailing" before "party".

SEC. 506. INDIAN TRIBES.

Title V is amended by redesignating section 518, and any references thereto, as section 519 and by inserting after section 517 the following new section:

"SEC. 518. INDIAN TRIBES.

"(a) POLICY.—Nothing in this section shall be construed to affect the application of section 101(g) of this Act, and all of the provisions of this section shall be carried out in accordance with the provisions of such section 101(g). Indian tribes shall be treated as States for purposes of such section 101(g).

"(b) ASSESSMENT OF SEWAGE TREATMENT NEEDS; REPORT.—The Administrator, in cooperation with the Director of the Indian Health Service, shall assess the need for sewage treatment works to serve Indian tribes, the degree to which such needs will be met through funds allotted to States under section 205 of this Act and priority lists under section 216 of this Act, and any obstacles which prevent such needs from being met. Not later than one year after the date of the enactment of this section, the Administrator shall submit a report to Congress on the assessment under this subsection, along with recommendations specifying (1) how the Administrator intends to provide assistance to Indian tribes to develop waste treatment management plans and to construct treatment works under this Act, and (2) methods by which the participation in and administration of programs under this Act by Indian tribes can be maximized.

"(c) RESERVATION OF FUNDS.—The Administrator shall reserve each fiscal year beginning after September 30, 1986, before allotments to the States under section 205(e), one-half of one percent of the sums appropriated under section 207. Sums reserved under this subsection shall be available only for grants for the development of waste treatment management plans and for the construction of sewage treatment works to serve Indian tribes.

"(d) COOPERATIVE AGREEMENTS.—In order to ensure the consistent implementation of the requirements of this Act, an Indian tribe and the State or States in which the lands of such tribe are located may enter into a cooperative agreement, subject to the review and approval of the Administrator, to jointly plan and administer the requirements of this Act.

"(e) TREATMENT AS STATES.—The Administrator is authorized to treat an Indian tribe as a State for purposes of title II and sections 104, 106, 303, 305, 308, 309, 314, 319, 401, 402, and 404 of this Act to the degree necessary to carry out the objectives of this section, but only if—

"(1) the Indian tribe has a governing body carrying out substantial governmental duties and powers;

"(2) the functions to be exercised by the Indian tribe pertain to the management and protection of water resources which are held by an Indian tribe, held by the United States in trust for Indians, held by a member of an Indian tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of an Indian reservation; and

"(3) the Indian tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of this Act and of all applicable regulations.

Such treatment as a State may include the direct provision of funds reserved under subsection (c) to the governing bodies of Indian tribes, and the determination of priorities by Indian tribes, where not determined by the Administrator in cooperation with the Director of the Indian Health Service. The Administrator, in cooperation with the Director of the Indian Health Service, is authorized to make grants under title II of this Act in an amount not to exceed 100 percent of the cost of a project. Not later than 18 months after the date of the enactment of this section, the Administrator shall, in consultation with Indian tribes, promulgate final regulations which specify how Indian tribes shall be treated as States for purposes of this Act. The Administrator shall, in promulgating such regulations, consult affected States sharing common water bodies and provide a mechanism for the resolution of any unreasonable consequences that may arise as a result of differing water quality standards that may be set by States and Indian tribes located on common bodies of water. Such mechanism shall provide for explicit consideration of relevant factors including, but not limited to, the effects of differing water quality permit requirements on upstream and downstream dischargers, economic impacts, and present and historical uses and quality of the waters subject to such standards. Such mechanism should provide for the avoidance of such unreasonable consequences in a manner consistent with the objective of this Act.

"(f) GRANTS FOR NONPOINT SOURCE PROGRAMS.—The Administrator shall make grants to an Indian tribe under section 319 of this Act as though such tribe was a State. Not more than one-third of one percent of the amount appropriated for any fiscal year under section 319 may be used to make grants under this subsection. In addition to the requirements of section 319, an Indian tribe shall be required to meet the requirements of paragraphs (1), (2), and (3) of subsection (d) of this section in order to receive such a grant.

"(g) ALASKA NATIVE ORGANIZATIONS.—No provision of this Act shall be construed to—

"(1) grant, enlarge, or diminish, or in any way affect the scope of the governmental authority, if any, of any Alaska Native organization, including any federally-recognized tribe, traditional Alaska Native council, or Native council organized pursuant to the Act of June 18, 1934 (48 Stat. 987), over lands or persons in Alaska;

"(2) create or validate any assertion by such organization or any form of governmental authority over lands or persons in Alaska; or

"(3) in any way affect any assertion that Indian country, as defined in section 1151 of title 18, United States Code, exists or does not exist in Alaska.

"(h) DEFINITIONS.—For purposes of this section, the term—

"(1) 'Federal Indian reservation' means all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; and

"(2) 'Indian tribe' means any Indian tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.".

SEC. 507. DEFINITION OF POINT SOURCE.

For purposes of the Federal Water Pollution Control Act, the term "point source" includes a landfill leachate collection system.

SEC. 508. SPECIAL PROVISIONS REGARDING CERTAIN DUMPING SITES.

(a) FINDING.—The Congress finds that the New York Bight Apex is no longer a suitable location for the ocean dumping of municipal sludge.

(b) GENERAL RULE.—Title I of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.) is further amended by inserting after section 104 the following new section:

"SPECIAL PROVISIONS REGARDING CERTAIN DUMPING SITES

"SEC. 104A. (a) NEW YORK BIGHT APEX.—(1) For purposes of this subsection:

"(A) The term 'Apex' means the New York Bight Apex consisting of the ocean waters of the Atlantic Ocean westward of 73 degrees 30 minutes west longitude and northward of 40 degrees 10 minutes north latitude.

"(B) The term 'Apex site' means that site within the Apex at which the dumping of municipal sludge occurred before October 1, 1983.

"(C) The term 'eligible authority' means any sewerage authority or other unit of State or local government that on November 2, 1983, was authorized under court order to dump municipal sludge at the Apex site.

"(2) No person may apply for a permit under this title in relation to the dumping of, or the transportation for purposes of dumping, municipal sludge within the Apex unless that person is an eligible authority.

"(3) The Administrator may not issue, or renew, any permit under this title that authorizes the dumping of, or the transportation for purposes of dumping, municipal sludge within the Apex after the earlier of—

"(A) December 15, 1987; or

"(B) the day determined by the Administrator to be the first day on which municipal sludge generated by eligible authorities can reasonably be dumped at a site designated under section 102 other than a site within the Apex.

"(b) RESTRICTION ON USE OF THE 106-MILE SITE.—The Administrator may not issue or renew any permit under this title which authorizes any person, other than a person that is an eligible authority within the meaning of subsection (a)(1)(C), to dump, or to transport for the purposes of dumping, municipal sludge within the site designated under section 102(c) by the Administrator and known as the '106-Mile Ocean Waste Dump Site' (as described in 49 F.R. 19005).".

SEC. 509. OCEAN DISCHARGE RESEARCH PROJECTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator is authorized to issue a research permit to the Orange County, California, Sanitation Districts for the discharge of preconditioned municipal sewage sludge into the ocean for the purpose of enabling research to be conducted in assessing and analyzing the effects of disposing of sewage sludge by pipeline into ocean waters—

(1) if the Administrator is satisfied that such local governmental agency is actively pursuing long-term land-based options for the handling of its sludge with special emphasis on remote disposal alternatives set forth in the 1980 LA/OMA sludge management project and on reuse of sludge or use of recycled sludge; and

(2) if the Administrator determines that there is no likelihood of an unacceptable adverse effect on the environment as a result of issuance of such permit and that such permit would meet the requirements of paragraph (2) of section 301(h) of the Federal Water Pollution Control Act, as amended by this Act, and of the sentences following the first sentence of such section if such permit were being issued under such section.

(b) PERMIT TERMS.—

(1) PERIOD.—The permit for the discharge of sludge shall be for a period of 5 years commencing on the date of such discharge and shall not be extended or renewed.

(2) MONITORING.—Such permit shall provide for monitoring (including whole effluent monitoring) of permitted discharges and other discharges into the ocean in the same area and the effects of such discharges (including cumulative effects) in conformance with requirements established by the Administrator, after consultation with appropriate Federal and State agencies, and for the reporting of such monitoring to Congress and the Administrator every 6 months.

(3) VOLUME OF DISCHARGE.—Such permit shall provide that the volume of such local agency's sludge disposed of by such experimental pipeline shall be no more than one and one-half times that being disposed of by such remote disposal and alternatives for the reuse of sludge and the use of recycled sludge. In no event shall the agency dispose of more than 50 percent of its sludge by the pipeline.

(4) TERMINATION.—The permit shall provide for termination of the permit if the Administrator determines that the disposal of sewage sludge is resulting in an unacceptable adverse impact on fish, shellfish, and wildlife. The Administrator may terminate a permit issued under this section if the Administrator determines that there has been a decline in ambient water quality of the receiving waters during the period of the permit even if a direct cause and effect relationship cannot be shown. If the effluent from a source with a permit issued under this section is contributing to a decline in ambient water quality of the receiving waters, the Administrator shall terminate such permit.

(c) LIMITATION ON PRECEDENT.—The facts and circumstances described in subsection (a) present a unique situation which will not establish a precedent for the relaxation of the requirements of the Federal Water Pollution Control Act applicable to similarly situated discharges.

(d) REPORT.—Such districts shall report the results of the program and an analysis of such program to Congress under this section not later than four and one-half years after issuance of the permit.

SEC. 510. SAN DIEGO, CALIFORNIA.

(a) PURPOSE.—The purpose of this section is to protect the economy, public health, environment, surface water and public beaches, and water quality of the city of San Diego, California, and surrounding areas, which are endangered and are being polluted by raw sewage emanating from the city of Tijuana, Mexico.

(b) CONSTRUCTION GRANTS.—Upon approval of the necessary plans and specifications, the Administrator is authorized to make grants to the Secretary of State, acting through the American Section of the International Boundary and Water Commission (hereinafter in this section referred to as the "Commission"), or any other Federal

agency or any other appropriate commission or entity designated by the President. Such grants shall be for construction of a project consisting of—

(1) defensive treatment works to protect the residents of the city of San Diego, California, and surrounding areas from pollution resulting from any inadequacies or breakdowns in wastewater treatment works and systems in Mexico; and

(2) treatment works in the city of San Diego, California, to provide primary or more advanced treatment of municipal sewage and industrial waste from Mexico, including the city of Tijuana, Mexico.

(c) LIMITATION ON GRANTS.—Notwithstanding subsection (b), the Administrator may make grants for construction of treatment works described in subsection (b)(2) only if, after public notice and comment, the Administrator determines that treatment works in Mexico, in conjunction with any defensive treatment works constructed under this or any other Act, are not sufficient to protect the residents of the city of San Diego, California, and surrounding areas from water pollution originating in Mexico.

(d) OPERATION AND MAINTENANCE.—The Commission or such other agency, commission, or entity as may be designated under subsection (b) is authorized to operate and maintain any treatment works constructed under subsection (b) in order to accomplish the purposes of this section.

(e) APPROVAL OF PLANS.—Any treatment works for which a grant is made under this section shall be constructed in accordance with plans developed by the Commission or such other agency, commission, or entity as may be designated under subsection (b), in consultation with the city of San Diego, and approved by the Administrator to meet the construction standards which would be applicable if such treatment works were being constructed under title II of the Federal Water Pollution Control Act.

(f) FEDERAL SHARE.—Construction of the treatment works under subsection (b) shall be at full Federal expense less any costs paid by the State of California and less any costs paid by the Government of Mexico as a result of agreements negotiated with the United States.

(g) OCEAN OUTFALL PERMIT.—Notwithstanding section 301(j) of the Federal Water Pollution Control Act, upon application of the city of San Diego, California, the Administrator may issue a permit under section 301(h) of such Act which modifies the requirements of section 301(b)(1)(B) of such Act to permit the discharge of pollutants for any ocean outfall constructed with Federal assistance under this section if the Administrator finds that issuing such permit is in the best interests of achieving the goals and requirements of such Act. The Administrator may waive the requirements of section 301(h)(5) of such Act with respect to the issuance of such permit if the Administrator finds that such waiver is in the best interests of achieving the goals and requirements of such Act.

(h) TREATMENT OF SAN DIEGO SEWAGE.—If any treatment works constructed pursuant to this section becomes no longer necessary to provide protection from pollution originating in Mexico, the city of San Diego, California, may use such treatment works to treat municipal and individual waste originating in the city of San Diego and surrounding areas if the city of San Diego enters into a binding agreement with the Administrator to pay to the United States 45 percent of the costs incurred in the construction of such treatment works.

(i) DEFINITIONS.—For purposes of this section, the terms "construction" and "treatment works" have the meanings such terms have under section 212 of the Federal Water Pollution Control Act.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1986, such sums as may be necessary to the Administrator to make grants under this section and such sums as may be necessary to the Commission or such other agency, commission, or entity as the President may designate under subsection (b), to carry out this section.

SEC. 511. LIMITATION ON DISCHARGE OF RAW SEWAGE BY NEW YORK CITY.

(a) IN GENERAL.—

(1) NORTH RIVER PLANT.—If the wastewater treatment plant identified in the consent decree as the North River plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1986, the city of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any 30-day period than an amount equal to 30 times the average daily amount of raw sewage discharged from such drainage area during the 12-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1986 (as determined by the Administrator), except as provided in subsection (b).

(2) RED HOOK PLANT.—If the wastewater treatment plant identified in the consent decree as the Red Hook plant has not achieved advanced preliminary treatment as required under the terms of the consent decree by August 1, 1987, the city of New York shall not discharge raw sewage from the drainage area of such plant (as defined in the consent decree) into navigable waters after such date in an amount which is greater for any 30-day period than an amount equal to 30 times the average daily amount of raw sewage discharged from such drainage area during the 12-month period ending on the earlier of the date on which such plant becomes operational or March 15, 1987 (as determined by the Administrator), except as provided in subsection (b).

(b) WAIVERS.—

(1) INTERRUPTION OF PLANT OPERATION.—In the event of any significant interruption in the operation of the North River plant or the Red Hook plant caused by an event described in subparagraph (A), (B), or (C) of paragraph (5) occurring after the applicable deadline established under subsection (a), the Administrator shall waive the limitation of subsection (a) with respect to such plant, but only to such extent and for such limited period of time as may be reasonably necessary for the city of New York to resume operation of such plant.

(2) INCREASED PRECIPITATION.—In the event that the volume of precipitation occurring after the applicable deadline established under subsection (a) causes the discharge of raw sewage to exceed the limitation under subsection (a), the Administrator shall waive the limitation of subsection (a) with respect to either or both such plants, but only to such extent and for such limited period of time as the Administrator determines to be necessary to take into account the increased discharge caused by such volume of precipitation.

(3) VARIATIONS IN CERTAIN NORTH RIVER DRAINAGE AREA DISCHARGES.—In the event that an increase in discharges from the North River drainage area constituting a violation of subsection (a)(1) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1986, is not responsible for such violation, the Administrator shall waive the limitation of subsection (a)(1), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(4) VARIATIONS IN CERTAIN RED HOOK DRAINAGE AREA DISCHARGES.—In the event that an increase in discharges from the Red Hook drainage area constituting a violation of subsection (a)(2) is due to a random or seasonal variation, and that any sewer hookup occurring, or permit for a sewer hookup granted, after July 31, 1987, is not responsible for such violation, the Administrator shall waive the limitation of subsection (a)(2), but only to such extent and for such limited period of time as the Administrator determines to be reasonably necessary to take into account such random or seasonal variation.

(5) CIRCUMSTANCES BEYOND CITY'S CONTROL.—The Administrator shall extend either deadline under paragraph (1) or (2) of subsection (a) to such extent and for such limited period of time as may be reasonably required to take into account any—

(A) act of war,

(B) unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight, or

(C) other circumstances beyond the control of the city of New York, except such circumstances shall not include (i) the unavailability of Federal funds under section 201 of the Federal Water Pollution Control Act, (ii) the unavailability of funds from the city of New York or the State of New York, or (iii) a policy decision made by the city of New York or the State of New York to delay the achievement of advanced preliminary treatment at the North River plant or Red Hook plant beyond the applicable deadline set forth in subsection (a).

(c) PENALTIES.—Except as otherwise provided in subsection (b), any violation of subsection (a) shall be considered to be a violation of section 301 of the Federal Water Pollution Control Act, and all provisions of such Act relating to violations of such section 301 shall apply.

(d) CONSENT DECREE DEFINED.—For purposes of this section, the term "consent decree" means the consent decree entered into by the Environmental Protection Agency, the city of New York, and the State of New York, on December 30, 1982, relating to construction and operation of the North River and Red Hook wastewater treatment plants.

(e) COOPERATION.—The Administrator shall work with the city of New York to eliminate the discharge of raw sewage by such city at the earliest practicable date.

(f) SAVINGS CLAUSE.—Nothing in this section shall be construed as modifying the terms of the consent decree.

(g) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator should not agree to any further modification of the consent decree with respect to the schedule

for achieving advanced preliminary treatment.

(h) TERMINATION DATES.—

(1) NORTH RIVER PLANT.—The provisions of this section shall remain in effect with respect to the North River drainage area until such time as the North River plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(2) RED HOOK PLANT.—The provisions of this section shall remain in effect with respect to the Red Hook drainage area until such time as the Red Hook plant has achieved advanced preliminary treatment (as defined in the consent decree) for a period of six consecutive months.

(i) MONITORING ACTIVITIES.—The Administrator shall promptly establish and carry out a program within available funds to implement the monitoring activities which may be required under subsection (a).

(j) ESTABLISHMENT OF METHODOLOGIES.—The Administrator shall establish the methodologies, data base, and any other information required for making determinations under subsection (b)—

(1) for the North River drainage area (as defined in the consent decree) by July 31, 1986, unless the requirements of subsection (h)(1) have been satisfied, and

(2) for the Red Hook drainage area (as defined by the consent decree) by July 31, 1987, unless the requirements of subsection (h)(2) have been satisfied.

(k) VIOLATIONS.—In carrying out this section, if the Administrator finds that a violation of subsection (a) has occurred, the Administrator shall also determine, within 30 days after such finding, whether a provision of subsection (b) applies. If the Administrator requires information from the city of New York in order to determine whether a provision of subsection (b) applies, the Administrator shall request such information. If the city of New York does not supply the information requested by the Administrator, the Administrator shall determine that subsection (b) does not apply. The city of New York shall be responsible only for such expenses as are necessary to provide such requested information. Enforcement action pursuant to subsection (c) shall be commenced at the end of such 30 days unless a provision of subsection (b) applies.

SEC. 512. OAKWOOD BEACH AND RED HOOK PROJECTS, NEW YORK.

(a) RELOCATION OF NATURAL GAS FACILITIES.—Notwithstanding any provision of the Federal Water Pollution Control Act, the Administrator shall pay, to the extent provided in appropriation Acts, in the same proportion as the Federal share of other project costs, all expenses for the relocation of facilities for the distribution of natural gas with respect to the entire wastewater treatment works known as the Oakwood Beach (EPA Grant Numbered 360392) and Red Hook (EPA Grant Numbered 360394) projects, New York.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1986, not to exceed $7,000,000 to carry out this section.

SEC. 513. BOSTON HARBOR AND ADJACENT WATERS.

(a) GRANTS.—The Administrator shall make grants to the Massachusetts Water Resource Authority for purposes of—

(1) assessing the principal factors having an adverse effect on the environmental quality of Boston Harbor and its adjacent waters;

(2) developing and implementing a management program to improve the water quality of such Harbor and waters; and

(3) constructing necessary waste water treatment works for providing secondary treatment for the areas served by such authority.

(b) FEDERAL SHARE.—The Federal share of projects described in subsection (a) shall not exceed 75 percent of the cost of construction thereof.

(c) EMERGENCY IMPROVEMENTS.—The Administrator is authorized and directed to make grants to the Massachusetts Water Resource Authority for a project to undertake emergency improvements at the Deer Island Waste Water Treatment Plant in Boston, Massachusetts. The Federal share of such project shall not exceed 75 percent of the cost of carrying out such improvements.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 to carry out this section for fiscal years beginning after September 30, 1986, to remain available until expended. Such sums shall be in addition to and not in lieu of any other amounts authorized to be appropriated under title II of the Federal Water Pollution Control Act.

SEC. 514. WASTEWATER RECLAMATION DEMONSTRATION.

(a) AUTHORITY TO MAKE GRANTS.—The Administrator is authorized to make a grant to the San Diego Water Reclamation Agency, California, to demonstrate and field test for public use innovative processes which advance the technology of wastewater reclamation and which promote the use of reclaimed wastewater.

(b) FEDERAL SHARE.—The Federal share of grants made under this section shall be 85 percent of the costs of conducting such demonstration and field test.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $2,000,000 to carry out this section for fiscal years beginning after September 30, 1986.

SEC. 515. DES MOINES, IOWA.

(a) GRANT.—The Administrator is authorized to make a grant to the city of Des Moines, Iowa, for construction of the Central Sewage Treatment Plant component of the Des Moines, Iowa, metropolitan area project. The Federal share of such project shall be 75 percent of the cost of construction.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not to exceed $50,000,000 for fiscal years beginning after September 30, 1986. Such sums shall be in addition to and not in lieu of any other amounts authorized to be appropriated under title II of the Federal Water Pollution Control Act.

SEC. 516. STUDY OF DE MINIMIS DISCHARGES.

(a) STUDY.—The Administrator shall conduct a study of discharges of pollutants into the navigable waters and their regulation under the Federal Water Pollution Control Act to determine whether or not there are discharges of pollutants into such waters in amounts which, in terms of volume, concentration, and type of pollutant, are not significant and to determine the most effective and appropriate methods of regulating any such discharges.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study along with recommendations and findings concerning the most effective and appropriate methods of regulating any discharges of pollutants into the navigable waters in amounts which the Administrator determines under such study to be not significant.

SEC. 517. STUDY OF EFFECTIVENESS OF INNOVATIVE AND ALTERNATIVE PROCESSES AND TECHNIQUES.

(a) EFFECTIVENESS STUDY.—The Administrator shall study the effectiveness on waste treatment of innovative and alternative wastewater treatment processes and techniques referred to in section 201(g)(5) of the Federal Water Pollution Control Act which have been utilized in treatment works constructed under such Act. In conducting such study, the Administrator shall compile information, by State, on the types of such processes and techniques utilized, on the number of facilities constructed with such processes and techniques, and a description of such processes and techniques which have not performed to design standards. The Administrator shall also determine which States have not obligated the full amount set aside under section 205(i) of such Act for such processes and techniques and the reasons for each such State's failure to make such obligations.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for providing more effective incentives for innovative and alternative wastewater treatment processes and techniques.

SEC. 518. STUDY OF TESTING PROCEDURES.

(a) STUDY.—The Administrator shall study the testing procedures for analysis of pollutants established under section 304(h) of the Federal Water Pollution Control Act. Such study shall include, but not be limited to, an analysis of the adequacy and standardization of such procedures. In conducting the analysis of the standardization of such procedures, the Administrator shall consider the extent to which such procedures are consistent with comparable procedures established under other Federal laws.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report on the results of the study conducted under this subsection, together with recommendations for modifying the test procedures referred to in subsection (a) to improve their effectiveness, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 519. STUDY OF PRETREATMENT OF TOXIC POLLUTANTS.

(a) STUDY.—The Administrator shall study—

(1) the adequacy of data on environmental impacts of toxic industrial pollutants discharged from publicly owned treatment works;

(2) the extent to which secondary treatment at publicly owned treatment works removes toxic pollutants;

(3) the capability of publicly owned treatment works to revise pretreatment requirements under section 307(b)(1) of the Federal Water Pollution Control Act;

(4) possible alternative regulatory strategies for protecting the operations of publicly owned treatment works from industrial discharges, and shall evaluate the extent to which each such strategy identified may be expected to achieve the goals of this Act;

(5) for each such alternative regulatory strategy, the extent to which removal of toxic pollutants by publicly owned treatment works results in contamination of sewage sludge and the extent to which pretreatment requirements may prevent such contamination or improve the ability of publicly owned treatment works to comply with sewage sludge criteria developed under section 405 of the Federal Water Pollution Control Act; and

(6) the adequacy of Federal, State, and local resources to establish, implement, and enforce multiple pretreatment limits for toxic pollutants for each such alternative strategy.

(b) REPORT.—Not later than 4 years after the date of the enactment of this Act, the Administrator shall submit a report on the results of such study along with recommendations for improving the effectiveness of pretreatment requirements to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 520. STUDIES OF WATER POLLUTION PROBLEMS IN AQUIFERS.

(a) STUDIES.—The Administrator, in conjunction with State and local agencies and after providing an opportunity for full public participation, shall conduct studies for the purpose of identifying existing and potential point and nonpoint sources of pollution, and of identifying measures and practices necessary to control such sources of pollution, in the following ground water systems and aquifers:

(1) the ground water system of the Upper Santa Cruz Basin and the Avra-Altar Basin of Pima, Pinal, and Santa Cruz Counties, Arizona;

(2) the Spokane-Rathdrum Valley Aquifer, Washington and Idaho;

(3) the Nassau and Suffolk Counties Aquifer, New York;

(4) the Whidbey Island Aquifer, Washington;

(5) the Unconsolidated Quaternary Aquifer, Rockaway River area, New Jersey;

(6) contaminated ground water under Litchfield, Hartford, Fairfield, Tolland, and New Haven counties, Connecticut; and

(7) the Sparta Aquifer, Arkansas.

(b) REPORTS.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the studies conducted under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $7,000,000 for fiscal years beginning after September 30, 1986, to carry out this section.

SEC. 521. GREAT LAKES CONSUMPTIVE USE STUDY.

(a) STUDY OF CONSUMPTIVE USES.—In recognition of the serious impacts on the Great Lakes environment that may occur as a result of increased consumption of Great Lakes water, including loss of wetlands and reduction of fish spawning and habitat areas, as well as serious economic losses to vital Great Lakes industries, and in recognition of the national goal to provide environmental protection and preservation of our natural resources while allowing for continued economic growth, the Secretary of the Army in cooperation with the Administrator, other interested departments, agencies, and instrumentalities of the United States, and the 8 Great Lakes States, is authorized to conduct a study of the effects of Great Lakes water consumption on economic growth and environmental quality in the Great Lakes region and of control measures that can be implemented to reduce the quantity of water consumed.

(b) MATTERS INCLUDED.—The study authorized by this section shall at a minimum include the following:

(1) a review of the methodologies used to forecast Great Lakes consumptive uses, including an analysis of the sensitivity of key variables affecting such uses;

(2) an analysis of the effect that enforcement of provisions of the Federal Water Pollution Control Act relating to thermal discharges has had on consumption of Great Lakes water;

(3) an analysis of the effect of laws, regulations, and national policy objectives on consumptive uses of Great Lakes water used in manufacturing;

(4) an analysis of the associated environmental impacts and of the economic effects on industry and other interests in the Great Lakes region associated with individual consumptive use control strategies; and

(5) a summary discussion containing recommendations for methods of controlling consumptive uses which methods maximize benefits to the Great Lakes ecosystem and also provide for continued full economic growth for consuming industries as well as other industries which depend on the use of Great Lakes water.

(c) GREAT LAKES STATES DEFINED.—For purposes of this section, the term "Great Lakes States" means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal years beginning after September 30, 1986, $750,000 to carry out this section. Sums appropriated under this section shall remain available until expended.

SEC. 522. SULFIDE CORROSION STUDY.

(a) STUDY.—The Administrator shall conduct a study of the corrosive effects of sulfides in collection and treatment systems, the extent to which the uniform imposition of categorical pretreatment standards will exacerbate such effects, and the range of available options to deal with such effects.

(b) CONSULTATION.—The study required by this section shall be conducted in consultation with the Los Angeles City and County sanitation agencies.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report on the results of the study, together with recommendations for measures to reduce the corrosion of treatment works, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section for fiscal years beginning after September 30, 1986.

SEC. 523. STUDY OF RAINFALL INDUCED INFILTRATION INTO SEWER SYSTEMS.

(a) STUDY.—The Administrator shall study problems associated with rainfall induced infiltration into wastewater treatment sewer systems. As part of such study, the Administrator shall study appropriate methods of regulating rainfall induced infiltration into the sewer system of the East Bay Municipal Utility District, California.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of such study, along with recommendations on reasonable methods to reduce such infiltration.

SEC. 524. DAM WATER QUALITY STUDY.

The Administrator, in cooperation with interested States and Federal agencies, shall study and monitor the effects on the quality of navigable waters attributable to the impoundment of water by dams. The results of such study shall be submitted to Congress not later than December 31, 1987.

SEC. 525. STUDY OF POLLUTION IN LAKE PEND OREILLE, IDAHO.

The Administrator shall conduct a comprehensive study of the sources of pollution in Lake Pend Oreille, Idaho, and the Clark Fork River and its tributaries, Idaho, Montana, and Washington, for the purpose of identifying the sources of such pollution. In conducting such study, the Administrator shall consider existing studies, surveys, and test results concerning such pollution. The Administrator shall report to Congress the findings and recommendations concerning the study conducted under this section.

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

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 passage of the bill.

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

Mr. HOWARD. 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 406, nays 8, not voting 18, as follows:

[Roll No. 8]

YEAS—406

Ackerman	Borski	Conyers
Akaka	Bosco	Cooper
Alexander	Boucher	Coughlin
Anderson	Boulter	Courter
Andrews	Boxer	Coyne
Anthony	Brooks	Craig
Applegate	Broomfield	Crockett
Archer	Brown (CA)	Daniel
Armey	Brown (CO)	Darden
Aspin	Bruce	Daub
Atkins	Bryant	Davis (IL)
AuCoin	Buechner	Davis (MI)
Badham	Bunning	de la Garza
Baker	Bustamante	DeFazio
Ballenger	Byron	DeLay
Barnard	Callahan	Dellums
Barton	Campbell	Derrick
Bateman	Cardin	DeWine
Bates	Carper	Dickinson
Beilenson	Carr	Dicks
Bennett	Chandler	Dingell
Bentley	Chapman	DioGuardi
Bereuter	Chappell	Dixon
Bevill	Clarke	Donnelly
Biaggi	Clinger	Dorgan (ND)
Bilbray	Coats	Dornan (CA)
Bilirakis	Coble	Dowdy
Bliley	Coelho	Downey
Boehlert	Coleman (MO)	Dreier
Boggs	Coleman (TX)	Duncan
Boland	Collins	Durbin
Bonior (MI)	Combest	Dwyer
Bonker	Conte	Dymally

Dyson	Konnyu	Price (IL)
Early	Kostmayer	Price (NC)
Eckart	Kyl	Pursell
Edwards (CA)	LaFalce	Rahall
Edwards (OK)	Lagomarsino	Rangel
Emerson	Lancaster	Ravenel
English	Lantos	Ray
Erdreich	Latta	Regula
Espy	Leach (IA)	Rhodes
Evans	Leath (TX)	Richardson
Fascell	Lehman (CA)	Ridge
Fawell	Lehman (FL)	Rinaldo
Fazio	Leland	Ritter
Feighan	Levin (MI)	Roberts
Fields	Levine (CA)	Robinson
Fish	Lewis (CA)	Rodino
Flake	Lewis (FL)	Roe
Flippo	Lewis (GA)	Roemer
Florio	Lightfoot	Rogers
Foglietta	Lipinski	Rostenkowski
Foley	Livingston	Roth
Ford (MI)	Lloyd	Roukema
Ford (TN)	Lott	Rowland (CT)
Frank	Lowery (CA)	Rowland (GA)
Frenzel	Lowry (WA)	Roybal
Frost	Lujan	Russo
Gallegly	Luken, Thomas	Sabo
Gallo	Lungren	Saiki
Garcia	Mack	Savage
Gaydos	MacKay	Sawyer
Gejdenson	Madigan	Saxton
Gekas	Manton	Schaefer
Gibbons	Markey	Scheuer
Gilman	Martin (NY)	Schneider
Gingrich	Martinez	Schroeder
Glickman	Matsui	Schuette
Gonzalez	Mavroules	Schulze
Goodling	Mazzoli	Schumer
Gordon	McCandless	Sensenbrenner
Gradison	McCloskey	Sharp
Grandy	McCollum	Shaw
Grant	McCurdy	Shumway
Gray (IL)	McDade	Shuster
Gray (PA)	McEwen	Sikorski
Gregg	McGrath	Sisisky
Guarini	McHugh	Skaggs
Gunderson	McKinney	Skeen
Hall (OH)	McMillan (NC)	Skelton
Hall (TX)	McMillen (MD)	Slaughter (NY)
Hamilton	Meyers	Slaughter (VA)
Hammerschmidt	Mfume	Smith (FL)
Hansen	Mica	Smith (IA)
Harris	Michel	Smith (NE)
Hastert	Miller (CA)	Smith (NJ)
Hatcher	Miller (OH)	Smith (TX)
Hawkins	Miller (WA)	Smith, Denny (OR)
Hayes (IL)	Mineta	
Hayes (LA)	Moakley	Smith, Robert (NH)
Hefley	Molinari	
Hefner	Mollohan	Smith, Robert (OR)
Henry	Montgomery	
Herger	Moody	Solarz
Hertel	Moorhead	Solomon
Hiler	Morella	Spratt
Hochbrueckner	Morrison (CT)	St Germain
Holloway	Morrison (WA)	Staggers
Hopkins	Mrazek	Stallings
Horton	Murphy	Stangeland
Houghton	Murtha	Stark
Howard	Myers	Stenholm
Hoyer	Nagle	Stokes
Hubbard	Natcher	Stratton
Huckaby	Neal	Studds
Hughes	Nelson	Sundquist
Hunter	Nichols	Sweeney
Hutto	Nielson	Swift
Hyde	Nowak	Swindall
Inhofe	Oakar	Synar
Ireland	Oberstar	Tallon
Jacobs	Obey	Tauke
Jeffords	Olin	Tauzin
Jenkins	Owens (NY)	Taylor
Johnson (CT)	Owens (UT)	Thomas (CA)
Johnson (SD)	Oxley	Thomas (GA)
Jones (NC)	Packard	Torres
Jones (TN)	Panetta	Torricelli
Jontz	Parris	Towns
Kanjorski	Pashayan	Traficant
Kaptur	Patterson	Traxler
Kastenmeier	Pease	Udall
Kennedy	Penny	Upton
Kennelly	Pepper	Valentine
Kildee	Perkins	Vander Jagt
Kleczka	Petri	Vento
Kolbe	Pickett	Visclosky
Kolter	Porter	Volkmer
Vucanovich	Wheat	Wyden
Walgren	Whitten	Wylie
Walker	Williams	Yates
Watkins	Wilson	Yatron
Waxman	Wise	Young (AK)
Weber	Wolf	Young (FL)
Weiss	Wolpe	
Weldon	Wortley	

NAYS—8

Bartlett	Crane	Marlenee
Burton (IN)	Dannemeyer	Stump
Cheney	Lukens, Donald	

NOT VOTING—18

Annunzio	Green	Pickle
Berman	Kasich	Quillen
Boner (TN)	Kemp	Rose
Burton (CA)	Lent	Slattery
Clay	Martin (IL)	Snowe
Gephardt	Ortiz	Spence

□ 1440

Mr. BURTON of Indiana 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 on the table.

GENERAL LEAVE

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

The SPEAKER pro tempore (Mr. FORD of Tennessee). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROVIDING FOR THE ESTABLISHMENT OF THE SELECT COMMITTEE ON HUNGER, THE SELECT COMMITTEE ON CHILDREN, YOUTH AND FAMILIES, AND THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 26 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 26

Resolved,

TITLE I—SELECT COMMITTEE ON HUNGER

ESTABLISHMENT

SEC. 101. There is hereby established in the House of Representatives a select committee to be known as the Select Committee on Hunger (hereinafter in this title referred to as the "select committee").

FUNCTIONS

SEC. 102. (a) The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of hunger and malnutrition, including but not limited to, those issues address in the reports of the Presidential Commission on World Hunger and the Independent Commission on International Development Issues, which issues include—

(A) the United States development and economic assistance program and the executive branch structure responsible for administering the program;

(B) world food security;

(C) trade relations between the United States and less developed countries;

(D) food production and distribution;

(E) corporate agribusiness efforts to further international development;

(F) policies of multilateral development banks and international development institutions; and

(G) food assistance programs in the United States;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting hunger or malnutrition; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting hunger or malnutrition.

(b) Nothing contained in this title shall be construed to limit or alter the legislative and oversight jurisdiction of any standing committee of the House under rule X of the Rules of the House of Representatives.

APPOINTMENT AND MEMBERSHIP

SEC. 103. (a) The select committee shall be composed of twenty-three Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 104. (a) For the purpose of carrying out this title, the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee except the provisions of clause 2(m)(1)(B) of rule XI relating to subpoena power.

(c) Nothing contained in subsection (a) of this section shall be construed to limit the applicability of clause 2(i) of rule XI of the Rules of the House of Representatives to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 105. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this title.

(b) In carrying out its functions under this title, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to utilize the services of the staffs of those committees of the House from which

Members have been selected for membership on the select committee;

(3) to prescribe the duties and responsibilities of such staff;

(4) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(5) to terminate the employment of any such staff as the select committee considers appropriate; and

(6) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS AND RECORDS

SEC. 106. (a) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) The records, files, and materials of the select committee shall be transferred to the Clerk of the House.

TITLE II—SELECT COMMITTEE ON CHILDREN, YOUTH, AND FAMILIES

ESTABLISHMENT

SEC. 201. There is hereby established in the House of Representatives a select committee to be known as the Select Committee on Children, Youth, and Families (hereinafter in this title referred to as the "select committee").

FUNCTIONS

Sec. 202. (a) The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of children, youth, and families, including but not limited to income maintenance, health (including medical and child development research), nutrition, education, welfare, employment, and recreation;

(2) to study the use of all practical means and methods of encouraging the development of public and private programs and policies which will assist American children and youth in taking a full part in national life and becoming productive citizens; and

(3) to develop policies that would encourage the coordination of both governmental and private programs designed to address the problems of childhood and adolescence.

(b) Nothing contained in this title shall be construed to limit or alter the legislative and oversight jurisdiction of any standing committee of the House under rule X of the Rules of the House of Representatives.

APPOINTMENT AND MEMBERSHIP

SEC. 203. (a) The select committee shall be composed of no more than thirty Members of the House, who shall be appointed by the Speaker, and one of whom he shall designate as chairman.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 204. (a) For the purpose of carrying out its responsibilities under this title, the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

(c) Nothing contained in subsection (a) of this section shall be construed to limit the applicability of clause 2(i) of rule XI of the Rules of the House of Representatives to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 205. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this title.

(b) In carrying out its functions under this title, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to utilize the services of the staffs of those committees of the House from which Members have been selected for membership on the select committee;

(3) to prescribe the duties and responsibilities of such staff;

(4) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(5) to terminate the employment of any such staff as the select committee considers appropriate; and

(6) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS AND RECORDS

SEC. 206. (a) The select committee shall report to the House as soon as practicable during the present Congress, the results of its investigation and study, together with such recommendations as it deems advisable.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) Any such report shall be referred to the committee or committees having jurisdiction over the subject matter thereof.

(d) The records, files, and materials of the select committee shall be transferred to the Clerk of the House.

TITLE III—SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

ESTABLISHMENT

SEC. 301. There is hereby established in the House of Representatives a select committee to be known as the Select Committee on Narcotics Abuse and Control (hereinafter in this title referred to as the "select committee").

FUNCTIONS

SEC. 302. The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing oversight and review of the problems of narcotics, drug, and polydrug abuse and control, including (but not limited to) the study and review of (A) the abuse and control of opium and its derivatives, other narcotic drugs, psychotropics, and other controlled substances, as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970, and any such drug or substance when used in combination with any other substance; (B) domestic and international trafficking, manufacturing, and distribution; (C) treatment, prevention, and rehabilitation; (D) narcotics-related violations of the Internal Revenue Code of 1986; (E) international treaties and agreements relating to the control of narcotics and drug abuse; (F) the role of organized crime in narcotics and drug abuse; (G) problems of narcotics and drug abuse and control in the Armed Forces of the United States; (H) problems of narcotics and drug abuse and control in industry; and (I) the approach of the criminal justice system with respect to narcotics and drug law violations and crimes related to drug abuse;

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting narcotics or drug abuse or control; and

(3) to recommend to the appropriate committees of the House legislation or other action the select committee considers necessary with respect to programs or policies affecting narcotics or drug abuse or control.

APPOINTMENT AND MEMBERSHIP

SEC. 303. (a) The select committee shall be composed of twenty-five Members of the House, who shall be appointed by the Speaker, one of whom he shall designate as chairman. At least one member of the select committee shall be chosen from each of the following committees of the House: The Committee on Agriculture, the Committee on Armed Services, the Committee on Government Operations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, the Committee on Veterans' Affairs, and the Committee on Ways and Means.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(c) For purposes of this section, the term "Members" shall include any Representative in, or Delegate or Resident Commissioner to, the House of Representatives.

AUTHORITY AND PROCEDURES

SEC. 304. (a) For the purpose of carrying out this title, the select committee is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or elsewhere, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the Rules of the House of Representatives shall apply to the select committee.

ADMINISTRATIVE PROVISIONS

SEC. 305. (a) Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House of Representatives, the select committee may incur expenses in connection with its duties under this title.

(b) In carrying out its functions under this title, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the compensation of such staff at a single per annum gross rate which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(4) to terminate the employment of any such staff as the select committee considers appropriate; and

(5) to reimburse members of the select committee and of its staff for travel, subsistences, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the the select committee, other than expenses in connection with any meeting of the select committee held in the District of Columbia.

REPORTS

SEC. 306. (a)(1) The select committee shall report to the House with respect to the results of any field investigation or inspection it conducts.

(2) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which the report applies.

(3) The select committee shall report to the House its recommendations for a comprehensive program to control the worldwide problem of drug abuse and drug trafficking.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

Mr. WHEAT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, in bringing this resolution before the House, it has been our intention to ask for a division of the question, so that the House may vote separately on each of the three titles of the resolution.

Therefore, Mr. Speaker, at this time I demand that House Resolution 26 be divided, so that there may be a separate vote on each of its three titles.

The SPEAKER pro tempore. The resolution is divisible and will be divided at the appropriate time.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 26 would establish three House select committees for the 100th Congress: The Select Committee on Hunger; the Select Committee on Children, Youth, and Families; and the Select Committee on Narcotics Abuse and Control.

None of the select committees would have legislative jurisdiction, but each would be charged with the responsibility of studying problems in their respective subject areas and recommending practical solutions to the House. The Select Committee on Hunger would consist of up to 23 members; the Select Committee on Children, Youth, and Families could have up to 30 members; and the Select Committee on Narcotics Abuse and Control could have as many as 25 members. The Speaker appoints members to the select committees, and will appoint one of those members from each select committee to serve as chairman.

The select committees would be authorized to sit and act and would be bound by House rules which relate to standing committees. Each select committee could hire staff and incur expenses only upon the adoption by the House of a separate funding resolution reported from the committee on House Administration.

The House has seen fit to authorize the establishment of these select committees in past Congresses, and the Rules Committee feels that their establishment once again is an important step which the House of the 100th Congress ought to take.

Yesterday, the House approved the establishment of a Select Committee To Investigate Covert Arms Deals With Iran. By an overwhelming vote, the House agreed to assign 15 of its Members the responsibility for investigating a situation which has brought our Nation to a crisis point. The result of that committee's investigation can be expected to lead to the establishment of laws that will repair any damage that has been done and that will prevent the recurrence of similar crises in the future.

Today, Mr. Speaker, I would remind my colleagues that there are other serious crises which face our Nation and our world. Hunger is perhaps the most pervasive and difficult to solve. Since the end of World War II, our Nation has industriously endeavored to find ways to solve the problem of world hunger. At best, we have achieved disappointing results. Every day, more than 40,000 people die from the effects of hunger. Over 500 million people in our world suffer from chronic malnutrition. By establishing the Select Committee on Hunger, the House will demonstrate its continuing commitment to seek out practical solutions that chip away at hunger and its consequences. In the past two Congresses, the Select Committee on Hunger and its task forces on international hunger and on domestic hunger have brought such proposals before the legislative committees of the House. Adoption of House Resolution 26 will allow the select committee to continue the provision of this valuable service to the House.

Mr. Speaker, the Select Committee on Children, Youth, and Families which House Resolution 26 would establish is well-suited to deal with a number of other crises our Nation faces. Select committee investigations in the last Congress revealed that the proportion in which children are represented among those who live in poverty is increasing at staggering rates. More women of child-bearing age abuse alcohol and narcotics than ever before, leading to low birth weights and chronic health conditions that follow children throughout their lives. The select committee also found that in 1984, more than 9 million children lived in single-parent homes.

These findings are of crucial importance and call us to bring forth responsible social and economic legislative proposals to deal with the problems. Reestablishment of the Select Committee on Children, Youth, and Families will allow the House to benefit from further investigations from a group of members that has already demonstrated great expertise in the exposure of the problems facing families in our Nation.

The past work of the Select Committee on Narcotics Abuse and Control is well-known for its thoroughness and profundity. On October 27, 1986, the President signed into law the Anti-Drug Abuse Act of 1986. That bill represents the most coordinated and comprehensive response that this Congress has yet taken to arrest the drug abuse scourge that robs our children of their youth, destroys productivity in the work place, and threatens the lives and well-being of countless Americans. While a dozen House committees contributed to the composition of this landmark bill, the Select Committee on Narcotics Abuse and Control—under the able leadership of our colleague, Mr. RANGEL—provided much of the background support for the findings which led to the development of many of the specific responses which were included. As the implementation of those policies begins, it will be important for the select committee to examine their effects and be in place to propose to the House any changes in that law or additional steps which need be taken to help end the crisis of drug abuse in our Nation.

□ 1450

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

Mr. Speaker, this resolution asks that we reestablish three select committees of the Congress, the Select

Committee on Hunger, the Select Committee on Children, Youth and Families, and the Select Committee on Narcotics Abuse and Control.

Mr. Speaker, this brings up the question as to whether or not we should continue every single Congress various select committees, or whether or not their functions could not be combined with a standing committee, or if they are of such importance and have such widespread support here in the Congress and throughout the country, whether or not they should not be made full committees of this House. These are a couple of questions I think that we should ponder, not particularly today, but in the future as we consider the matter dealing with select committees.

Certainly the funding of each of these select committees is something that we should look at and consider. I have checked on each one of the three now under consideration as to how much they spent in the last 11 months of this past year. The Select Committee on Children, Youth and Families spent $622,065. The cost of the Select Committee on Hunger, $530,638. Believe it or not, the cost of the Select Committee on Narcotics, which in my humble judgment is a very, very important select committee, was $578,786. So we ought to take a look at the cost of these committees and see what is actually being done with the money and whether or not more could be accomplished with the money, or perhaps we might eliminate them altogether.

Mr. Speaker, in light of the fact that the jurisdiction of select committees is usually already included in the jurisdiction of existing standing committees of the House, the value of each select committee must be weighed carefully against the dollars and the time being consumed.

Mr. Speaker, I have several requests for time and for that reason will reserve the balance of my time.

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

Mr. WHEAT. Mr. Speaker, I yield to the gentleman from New York [Mr. RANGEL] such time as he may consume.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. (Mr. GRAY of Illinois). The gentleman from New York will state his parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, I would like to inquire of those managing the time, since we are dealing with three select committees, whether or not the managers of this bill have agreed to how the time is going to be allocated, whether they intend to divide in 10 minutes for time with each of the three committees, or whether or not the votes are going to be taken separately on each and every committee.

The SPEAKER pro tempore. The Chair would state to the distinguished gentleman from New York that that is a question that should be propounded to the manager of the resolution. The gentleman from Missouri [Mr. WHEAT] would yield for that purpose.

Mr. WHEAT. Mr. Speaker, to explain to the gentleman the process we are going to go through, I have requested a division so that there will be a separate vote on each title of the bill, one vote for each select committee. We will also try to divide the time approximately equally among the three committees so on our side of the aisle there will be approximately 10 minutes for each of the select committees for debate on each of the select committees, and there will also be another 10 minutes approximately on the other side for each select committee.

Mr. RANGEL. Mr. Speaker, could I hear from the manager on the other side whether or not that procedure is going to be followed? If you will, it is my understanding from the manager of the bill on this side that they are going to attempt to have the debate on the three select committees divided approximately 10 minutes apiece for each committee, and then at the conclusion of the total 1-hour debate to have separate votes on each select committee. I am making a parliamentary inquiry as to whether or not your side intends to divide the time approximately 10 minutes for each of the select committees.

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

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. WHEAT] yield to the gentleman from Missouri [Mr. TAYLOR] for an answer to that question?

Mr. WHEAT. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. TAYLOR. Mr. Speaker, it is my understanding that the chairman of the Rules Committee would make this decision, and we will be willing to go along with whatever decision he decides relative to the division of time on the three issues.

Mr. RANGEL. If I may proceed, will the gentleman yield further?

Mr. WHEAT. Mr. Speaker, I yield to the gentleman from New York certainly for the purposes of the inquiry.

Mr. RANGEL. Mr. Speaker, I would like to inquire, it seems to me that the debate would be better understood if we did not have the Select Narcotics Committee, the Select Committee on Children, Youth and Families, and the Select Committee on Hunger, to have people going into the well just because they are recognized on your side for time discussing three different committees. I understand on this side of the aisle, to avoid that type of confusion, thay have divided the time so that each of the select committees would have roughly 10 minutes apiece. It would seem to me if that type of agreement could be reached on the other side of the aisle it would be a better understanding by the Members.

Mr. TAYLOR. That would be satisfactory with this side of the aisle. We do have a few Members who want to make speeches relative to the entire spread of the three committees, so we might have some time on that. But other than that, we would be willing to divide the time addressing remarks to the three separate issues.

Mr. RANGEL. Thank you, Mr. Speaker.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. HALL]

Mr. HALL of Ohio. Mr. Speaker, I want to thank my fellow member of the Rules Committee, the gentleman from Missouri [Mr. WHEAT], for yielding me this time.

Mr. Speaker, I rise in support of title I of the resolution, which establishes in this Congress the Select Committee on Hunger.

I have been a longtime supporter of the Select Committee on Hunger, and I have been pleased to chair its international task force since the committee's creation in 1984.

Before the creation of the Select Committee on Hunger, jurisdiction over hunger issues was divided among 8 of the 22 standing committees and numerous subcommittees. Establishment of the Hunger Committee has provided a single, unified forum for the consideration of the diverse issues related to hunger.

Since 1984, the Select Committee on Hunger has made important contributions to the work of the Congress on issues relating to both domestic and international hunger. The record demonstrates that the select committee's work has complemented that of the standing committees with jurisdiction over hunger. As the committee's progress report on its activities in the 99th Congress indicates, it has succeeded in focusing special attention on issues that might not have received such congressional consideration without the work of the select committee.

Most importantly, the select committee has made contributions to the enactment of legislation to aid the hungry, both here and abroad. Domestically, legislation was passed with the help of the Hunger Committee to provide supplemental funding for the Temporary Emergency Food Assistance Program. Legislation was also passed to improve the use of the Food Stamp Program to aid the homeless.

As chairman of the international task force, I am especially pleased with the contributions made by the

select committee to legislation relating to international hunger issues. A bill I introduced, H.R. 3894, the Universal Child Immunization Act, was incorporated into the fiscal year 1987 foreign aid appropriations bill as an increase in AID's child survival fund to $75 million, with an earmark of $50 million for global immunization activities. Overall, the committee has had success in working with the committees of legislative jurisdiction on initiatives to sustain solid funding support for essential international hunger and health-related programs.

Evidence uncovered by the select committee led to an earmarking of $8 million for vitamin A supplementary and research programs in 1986 funding and $6 million in fiscal year 1987.

The committee also worked on successful legislation to increase the commodity levels under Public Law 480 and section 416, as well as increased monetization authority for certain commodities. Multiyear programming agreements and the inclusion of processed foods were also elements of the legislation adopted.

I was pleased to work with the committee on these and other initiatives that resulted in legislation that has helped to save lives and improve the health and nutrition of those in need throughout the world.

While the Select Committee on Hunger already has made significant contributions to international hunger and health issues, it is clear that there is much work ahead of us. The committee has identified a number of issues and projects to be pursued in this Congress. I believe we continue to need the work of the Select Committee on Hunger to assist the Congress in responding to the many challenges that face our country and the rest of the world in matters relating to hunger, health, and poverty alleviation.

The select committee has demonstrated that it has an important role to play in the 100th Congress. I urge my colleagues to support the reauthorization of the Select Committee on Hunger contained in the resolution before us.

□ 1500

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA], the ranking member of the Select Committee on Hunger.

Mrs. ROUKEMA. Mr. Speaker, I rise in support of the resolution and ask unanimous consent to revise and extend my remarks.

House Resolution 14 will reauthorize the Select Committee on Hunger and allow it to continue its important work during this Congress.

First, let me commend Chairman LELAND for his outstanding leadership. He has guided the panel in a bipartisan fashion, and, as the ranking minority member, I appreciate his willingness to strive for consensus.

This committee is not quite 3 years old. When the House created it in 1984, the committee was told to examine all issues related to hunger both at home and abroad. The committee has made an excellent beginning, but one need only glance at the headlines to know that problems related to malnutrition and hunger in the world are severe.

The committee was first formed around the time we were beginning to understand the magnitude of the famine in Africa. The committee responded promptly, helped to focus attention on the problem, worked with the Foreign Affairs and Appropriations Committees on a suitable response, and coordinated with the administration in seeing that U.S. aid was delivered in an appropriate fashion. The committee also successfully enlisted the assistance of the private sector, and, as a result, we saw the donation of significant amounts of pharmaceuticals and other critically needed supplies, saving the lives of hundreds of thousands of people.

The United States response to that tragedy was overwhelming, but there were things to learn from that experience. The committee has spent considerable time since then studying how to improve our response to any such future catastrophe. Our efforts have been coordinated with the other committees of the House and the Agency for International Development (AID).

The committee has also looked at health problems abroad, the effectiveness of vitamin A supplement, and environmental degradation in developing countries. I would note in particular legislation introduced by our colleague, the gentleman from Ohio [Mr. HALL]. He sponsored H.R. 3894 and, as chairman of the Hunger Committee's international task force, conducted hearings on immunizing the world's children. Largely because of the Hunger Committee's focus on the problem and the leadership of the gentleman from Ohio, the foreign assistance appropriation for fiscal year 1987 contained $75 million for the child survival fund, of which $50 million was earmarked for child immunization. This was a tremendous legislative victory which we anticipate will have dramatic benefits abroad. Indeed, worldwide immunization against childhood diseases before the turn of the century is within our reach.

Here at home the committee has begun to study the various social and economic causes of poverty and hunger. Obviously, economic factors are paramount here. But our committee recognizes that the situation is more complex than that. We have also looked at the changes in the American family, the growing number of single-headed families, and the complications of drug and alcohol abuse. We have also examined the social policy of deinstitutionalizing the mentally ill. This social experiment has resulted in countless people unable to care for themselves, out on the street, hungry and homeless. We intend to hold further hearings on this complex set of factors.

This will logically lead into an evaluation of proposals for comprehensive welfare reform and their effect on food assistance programs. This should not be a partisan issue. We have already seen several credible studies conducted over the last few years critiquing the present welfare system. There is general consensus that we need to reform the "hodge-podge" system we have now. Even the President has decried the current situation in which $35,000 is paid to house a homeless welfare family in a substandard New York hotel. This is a system which cries out for reform. There is not yet agreement on how we ought to restructure it.

Our committee has taken the first steps down that road toward a consensus on reform. We have held hearings which have reaffirmed that there are gross inefficiencies in the current system, and we have begun to look at the experiments which are being conducted in some of the States. These offer us hope. Several nationally respected organizations have already presented proposals for comprehensive reform and more are expected to follow suit in the coming months. I stress the importance of the welfare reform effort, and I reiterate that we should proceed with the notion that consensus can be reached.

At the request of the Hunger Committee, Ways and Means, and the Agriculture Committee, GAO began a major study exploring proposals to coordinate and simplify public assistance programs. This is an effort to identify gaps and duplication in providing assistance and to recommend methods for more efficient and effective delivery of assistance. The GAO team working on this has already produced four preliminary reports, and I would estimate that there is approximately another year's worth of work ahead before GAO has completed its task and made its final report to the three committees.

One rationale for the select committee is to serve as a spotlight. Seven different committees of the House have jurisdiction over at least one component of the hunger problem. No one of those committees could give the problem the attention it deserves, and no one of them could see the big picture. The various problems related to hunger have complex interrelationships and need to be studied in conjunction with one another.

For example, I also serve on the Education and Labor Committee, which has jurisdiction over many education and job training programs intended to help poor people become more independent. When we look at welfare reform, we need to look not only at food stamps and AFDC, we also need to look at all of the other assistance programs and see to it that they serve the public in a coordinated and comprehensive fashion.

Now more than ever, the need for the Select Committee on Hunger is apparent. The purpose of the select committee is to focus in a concentrated fashion on the multiplicity of issues contributing to the spread of hunger at home and abroad. Almost every day, our Nation's newspapers are filled with stories of growing poverty among children, hunger among the homeless, and the need for comprehensive welfare reform. The President himself has decried current situations where we pay as much as $35,000 to house a homeless welfare family in a substandard New York hotel. Almost every day the Members of this body can read about the international paradox of hunger: We have a world awash in grain, and yet many parts of the world still suffer from malnutrition and starvation, and have populations rising out of control. These are all issues which demand greater study and the focused attention of the select committee.

Hunger is not a partisan issue. The national outpouring of support exhibited by Americans during the African famine crisis and the current plight of the homeless demonstrates the broad-based concern Americans have. This has led to the cries for welfare reform which have been made by leaders across the political spectrum. Republican and Democratric Governors, Americans of all political persuasions, believe that something more can and should be done, that we can do a better job. We do not want to waste any resources, but a country as vastly rich in natural and human resources cannot permit hunger and malnutrition to exist.

The committee's task is a crucial one, and it is far from completed. I urge the Members to vote for the resolution before us today.

Mr. WHEAT. Mr. Speaker, I ask unanimous consent that if a record vote is ordered on more than one title of House Resolution 26 on which a division of the question has been demanded that the second and third votes be reduced to a minimum of 5 minutes each; those votes would immediately follow the first record vote, which would be a 15-minute vote.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WHEAT. Mr. Speaker, it is my privilege to yield time to the distinguished gentleman from Texas [Mr. LELAND], chairman of the Select Committee on Hunger, who, along with my colleague from the Rules Committee, the gentleman from Ohio [Mr. HALL], has done such an exemplary job pointing out to the Members of the Congress and to the world the need for the U.S. Government to do more to control the problems of hunger.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Mr. Speaker, I thank the gentleman from Missouri [Mr. WHEAT] for those kind remarks.

Mr. Speaker, I rise to ask my colleagues to support this legislation that would reinstitute the Select Committee on Hunger. I join with my friend, the gentlewoman from New Jersey [Mrs. ROUKEMA], the ranking minority member of the committee, in the continued challenge to end hunger through this concerted bypartisan effort.

I am proud to say that more than 195 Members of Congress and a broad-based coalition of more than 200 religious, community, charitable, medical, farm, and labor organizations are supporting reauthorization of the committee through House resolution.

This overwhelming and increased support from across the Nation is testimony to the accomplishments of the committee in investigating hunger, expanding understanding of its complexities and developing practical policy options to end these conditions. Citizens at the grassroots are aware that Congress has taken the initiative in responding to the devastation of hunger and malnutrition in our country and the world.

During the 99th Congress the committee's work was extensive. Twenty-three hearings, six basic human needs seminars and numerous briefings were held; nine formal reports and monthly status reports on international and domestic hunger matters were published.

Issues related to hunger are under the jurisdiction of several standing committees including Agriculture, Appropriations, Banking, Education and Labor, Foreign Affairs, Government Operations, Interior and Insular Affairs, and Ways and Means. Through coordinated efforts such as joint hearing and member and staff consultation, the committee has worked effectively to bring attention and action to those matters relating to hunger.

Through bipartisan efforts that assured adequate relief funding to famine victims in Ethiopia, Sudan, and other African nations, the committee played a major role in saving millions of lives. Beyond this emergency assistance, millions of children in poor countries will survive because the committee demonstrated the value of increased support for vitamin A supplementation, immunization, oral rehydration and other primary health care interventions in the cycle of malnutrition and disease that wipes out the lives of more than 30,000 children every day.

A belief that the great productivity of American farmers should be more effectively used to eliminate hunger has been an operating principle of the committee. Members took the lead in expanding the kinds and quantities of commodities available to less developed countries—through the section 416 surplus removal program. The developmental impact of the Food for Peace Program was strengthened.

The committee pursued new approaches to assisting small farmers in Africa and other countries around the globe through hearings, reports, and a major study by the Office of Technology Assessment. It also demonstrated the potential of providing credit to the poor to help them achieve a level of economic sufficiency that meets basic needs for food and shelter.

Hungry people in the United States have been an equal concern of the committee, particularly children, the homeless, the elderly, migrants and others vulnerable to the damaging effects of malnutrition. The committee's documentation of barriers to food program participation and recommendations for improved access are of vital importance to the coming examination of welfare reform. The study of coordination and simplification of assistance programs called for by the committee will contribute substantively to that discussion.

While there have been bumper crops of basic grains in many countries and famine conditions now exist in only six nations, the underlying political, economic and social structures that create and sustain poverty and hunger endure. Although the world produces enough food every year to feed every person, millions of people lack the land, water, seeds, and tools to produce enough food for themselves; and tens of millions more lack the income to buy it.

The world continues to feel the destabilizing effects of hunger. Food riots in Zambia and guerrilla warfare over rice in Haiti last month are examples of the volatility of hungry populations. Our efforts against hunger are an expression of a national humanitarian impulse—but they can also be justified as self interest. There will be no peace as long as people are hungry.

The establishment of a Select Committee on Hunger in no way alters the mandate of any standing committee, nor does it lessen the role played by these committees in meeting the obligation to combat hunger. Rather, the select committee supports the work of these committees by specific research and by providing a single focus on the

commitment of this Congress and this country to eliminate hunger.

One in five children in Latin America is hungry and malnourished, one in three in Africa and Asia. The grim specter of hunger lingers in the world. The moral requirements of justice and the human desire for peace oblige us to continue the effort to assure a decent diet to every person on this planet.

Through the reauthorization of the Select Committee on Hunger this Congress will demonstrate to generous and concerned Americans and to the world community that our country is committed to wiping out hunger. It will send a message that the United States continues to maintain its leadership as a humanitarian nation. I urge your support for reauthorization.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BADHAM], a member of the Committee on House Administration.

Mr. BADHAM. Mr. Speaker, while some of us get up today to argue against this resolution, not one of us wants to sound unsympathetic to the causes these select committees take up. All three of these selects: Children, Hunger, and Narcotics, examine issues we all care about. That is not our point. Our point is that, given present-day budgetary restraints, we are wasting time and money by staffing and funding these selects. Several of us on the House Administration Committee have long argued for restoring order to the House committee system by folding these select issues into other standing committees. With over 140 subcommittees, these issues could fit in somewhere. By design, select committees are to be short-termed panels with clearly defined objectives. The new Iran Select Committee is a perfect example. We know the objective and we have a termination date. Apparently, these others plan to continue to exist as long as families, hunger, and drugs exist.

The argument that may sway some of you to defeat this resolution is the cost factor. In 1985 we authorized over $2 million for these three selects. In 1986 we reduced that to $1.8 million because of Gramm-Rudman but there is every indication that the three will be asking for increases at committee funding time. There is no termination date set for any of them. We will keep spending and spending and spending on panels with absolutely no legislative authority. Since 1983, when the Select Committee on Children, Youth and Families was established, we have authorized $6,763,440 for the operations of these three selects and they have spent 87 percent of that. Wouldn't all this time and money and effort be better spent supporting the standing committees of the House? We should be able to recognize by now that the select committee format is not the right avenue to take to examine these issues.

I urge the defeat of this resolution not as a vote against what select committees do but as a vote for restoring the effectiveness of the standing committee system.

□ 1510

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, if ever in the history of the world there was a need for a focus, a specific focus on the problem of world hunger, it is now. Six hundred million people in this world go to bed at night with an ache in their bellies because they did not get enough to eat. And yet in this part of the world, in the United States, our grain bins bulge because we produce more than we are able to consume and do not know how to get rid of it.

In this country we have hunger. It is not just international hunger in Africa, it is hunger in this country as well.

I would like to share with the Members of this House testimony from a 10-year-old boy because it was the most poignant testimony that I think is representative of the fact there is hunger in this country. It is the most poignant testimony I have ever heard. A 10-year-old, named David Bright from New York, comes from a homeless family in New York. Here is what he said:

> No 10-year-old boy like me should have to put his head down on the desk at his school because it hurts to be hungry.

There is hunger in this country. There is hunger in the sub-Saharan region of Africa, there is hunger in India, and I have seen the hunger in Nicaragua, Honduras, and Guatemala. We have to do something about it, around the world and here at home.

We live in a very unstable world, and part of that instability is caused by world hunger. We have the instruments, the opportunity to do something about it. We produce food in abundance here in this country. In my judgment we must build bridges of peace by using our food to fight world hunger and build fewer bombs. That is the issue. What is our priority and what kind of choices will we make? I hope we will make the choice to continue to fight against world hunger. Nowhere is that fight being waged more effectively than through the instrument of a Select Committee on Hunger here in the U.S. House of Represenatives with the chairmanship of Congressman LELAND and so many others who are working hard on what I think is a most compelling issue facing mankind today.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], a member of the Select Committee on Hunger.

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

Mr. GILMAN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

Mr. Speaker, as a member of the Committee on Foreign Affairs, the International Development Organization Subcommittee of the Committee on Banking and Currency and a member of the Select Committee on Hunger, I rise in strong support of this legislation.

I also speak as a Member who comes from an agricultural State. I think that what we have been able to accomplish by the recommendations for action to the legislative committees from this Select Committee on Hunger is well worth the effort, the expense of the committee. I strongly encourage my colleagues to continue to support the Select Committee on Hunger.

Mr. Speaker, today I rise in support of the reauthorization of the Select Committee on Hunger. Although I generally do have reservations about the establishment of select committees in the Congress, I believe the Select Committee on Hunger has performed a valuable service to this House and to our Nation. And I believe that it has further important contributions to make to this House and to the foreign and domestic hunger programs of the United States and to private and multinational efforts as well. To back up that conclusion I will share some examples of the committee's efforts and achievements in just one area of our effort to stem the incredible hunger and starvation problems in numerous foreign countries, especially Africa.

During its first 3 years the Select Committee on Hunger has conducted important investigations into the problems and extent of malnutrition both domestically and internationally. Members of the committee took a leading role, along with members of key standing committees, in fashioning a proposal to aid the overwhelming number of people threatened with starvation by the devastating African famine of 1984 and 1985. This initiative led to a record amount of food assistance provided by the citizens of the United States to the people of Africa. And, I believe that less of our food and assistance was diverted from its proper destination in feeding hungry people than was the case with aid from other sources. Yet in 1985 alone, we sent over 3 million metric tons of food to sub-Saharan Africa, by far the highest of any donor nation.

As a Representative from one of America's agricultural States, I have been interested in how the abundance from our Grain Belt can be used more effectively overseas to ease the prob-

lems of malnutrition in lesser developed countries without damaging domestic agriculture in recipient countries. During the past 2½ years, the committee has emphasized the need for continued support and adaptation of U.S. overseas food assistance. We found, for example, that the Public Law 480 Food for Peace Program has very significantly reduced the chronic food deficit countries in its 32 years of operation, through both the concessional sales and food donation titles.

The U.S. farm economy has benefited by exports under the Food for Peace Program. The select committee pushed for an increase in the commodity levels provided under Public Law 480 and the section 416 Program, as well as increased monetization authority for certain commodities. Multiyear programming agreements and the inclusion of processed foods in our overseas programs have also been adopted with the help of the latest committee's efforts. We are just beginning to see how the creative use and expansion of our food assistance programs can simultaneously aid in the development needs of poorer nations and the provision of new markets for our own agricultural production. The select committee will continue to be a valuable investigative resource in this regard.

To cite a further area of accomplishment for the select committee I would mention that recent research shows that expanding the availability of credit to the poor in these same developing countries can have a positive impact on creating jobs and spurring economic growth where it is vitally needed. The select committee, in conjunction with the Banking Subcommittee on International Development Institutions on which this Member also serves, has drawn to our attention the remarkable success that the U.S. Agency for International Development initiatives aimed at microenterprises—one- and two-person businesses—can have with a minimum of funding. The select committee has issued a report detailing the benefits of such credit expansion for fledgling, microenterprises and has outlined a modest plan whereby a portion of the proceeds from Public Law 480, title I, commodity sales, would be utilized to finance microenterprises in developing countries.

In summary, Mr. Speaker, the activities of the committee are worthy of continuation. This Member hopes that my colleagues can reach that same conclusion by reveiwing again only the examples that I have presented here which represent but one facet of the investigations and stimulated actions by the Select Committee on Hunger. I urge our colleagues to support the resolution before us today.

Mr. GILMAN. Mr. Speaker, I rise in strong support of this measure. I commend the distinguished chairman from Texas [Mr. LELAND], and our ranking minority member, the gentlewoman from New Jersey [Mrs. ROUKEMA], for their leadership efforts.

Mr. Speaker, I appreciate this opportunity to appear before you in support of the reauthorization of the House Select Committee on Hunger.

I am proud to say that over 180 Members are cosponsors of this legislation and at least 200 organizations have expressed support for reauthorization of the committee.

It would be encouraging if I could state that since the establishment of the committee in 1984, hunger had decreased in the world. Certainly the famine-related hunger which the Select Committee on Hunger did so much to alleviate in the crisis of 1985 has declined. As of June 1986, the U.N. food and agriculture organization reduced its list of famine-sticken countries in sub-Saharan from 21 to 6.

But even as yields of wheat, rice, and other basic staples are increased, hunger persists. Half the people of the world still go to bed hungry every night and millions of children die each year because their malnourished little bodies cannot fight infection and disease.

The causes of hunger are complex. Through more than 20 hearings and many significant reports the committee has shown that a cluster of complex and interrelated problems that that are keeping the poor nations of the world in debt, destitution, poverty, and hunger. The myriad causes of hunger include environmental damage because of erosion and poor farming practices, deforestation, population pressures, waterborne disease, lack of credit that could enable the poorest of the poor to generate income for themselves.

Through coordinated efforts with committees of jurisdiction the Select Committee on Hunger has been faithful to its mandate to both study and review the problems of hunger and to make recommendations to alleviate it. The select committee in no way diminishes the work of the committees, rather it provides a focus for attention and energy in ending this worldwide tragedy.

Hunger eats away at the solidarity of the human family and tests the depth and sincerity of the moral commitment of every nation and individual. Do we truly believe that all members of the human family have a right to survive and the means of providing for their lives? If our answer is affirmative, we must as a nation demonstrate that belief.

We acknowledge that it is the obligation of society to provide the food necessary for the survival of every human being. Through the reauthorization of the Select Committee on Hunger, we can show the world and our fellow Americans that this humanitarian Nation is willing to commit itself to probing the difficult questions about hunger and making the long-term effort to eliminate it from the world.

Accordingly, I urge my colleagues to support this important legislation.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I rise in support of House Resolution 26 and in particular support for the Select Committee on Hunger on which I serve as chairman of the Domestic Task Force.

I recognize that select committees by their very nature are temporary. There is no question about that. But the test of whether we maintain a select committee is whether the need for that committee was designed to respond to is still there. Certainly with regard to the Select Committee on Hunger, the need is very much there. Let me just direct your attention to the statistics from the U.S. Conference of Mayors which reported just a few days ago on the situation of hunger in our cities. They reported that there is a 25-percent increase in those that seek emergency food assistance in 1986. In almost 90 percent of the cities that were surveyed there is a 23-percent lack of response to even the demand. The demand exceeds the ability of these communities to respond in most of these cities, and most of them are predicting that there will be an increase of almost 21 percent over the next year in terms of hunger needs. The attention of the public needs to be directed toward the need for emergency food assistance in our Nation. If we are going to respond to the problem, you need to have the attention of the public directed to it, not just a single event like Hands Across America or the kind of concerts that have been held. Indeed, those are good events, and we appreciate them. But you need a dedicated and continuing commitment to bring this issue to the attention of the American people. This committee provides it.

Lastly, it provides for coordination of policies, policies that are now dispersed among a number of authorizing committees which have to be coordinated in order to respond to the problem.

The select committee, I think, has done an outstanding job in trying to respond to that need and trying to bring to the attention of the American people this problem.

Just ask yourselves this question: At a time when hunger is on the increase, what kind of message does the Congress of the United States want to send to the American people? I think that message ought to be the retention of the Select Committee on Hunger.

Mr. TAYLOR. Mr. Speaker, we have no more speakers on the hunger section.

The SPEAKER pro tempore. (Mr. GRAY of Illinois). The gentleman from Missouri reserves the balance of his time.

Mr. WHEAT. Mr. Speaker, I am privileged to serve on the Committee on Children, Youth and Families and am now privileged to yield 3 minutes to its distinguished chairman, the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Let me say from the very outset that the strength of select committees is that they are not legislative committees. They are not burdened with the day-to-day obligation to try to report out legislation whether it is new legislation or reauthorization. The strength of the select committees is that we are able to get out of the limelight, get out of the line of fire and talk about how we can solve some of these problems. In the case of the Select Committee on Children, Youth and Families, I think we have forced the Congress to rethink how we look at programs that affect children and families in which they live and how we affect the livelihood of those families, whether it is from taxation or the agendas raised by my Republican colleagues or whether it is how we address children and poverty. Because the debate that we have started in this country that is now in full flame is the debate about the investment that we are prepared to make in this Nation's children, not the debate on how much money are we willing to spend, but how much are we willing to invest? That says to Members of Congress and says to the public that what we want to know is if we spend a Federal dollar will we get more than a dollar back in return, will we get a healthier child, a healthier family, a better society?

As a result of that, what we have seen is the select committee lead the way between those programs that have worked in the past and those that have not. For those that have, we have asked and received on a bipartisan basis, in the select committee, in the Budget Committee and on the floor of this House support for programs to help children who are the most vulnerable in our society, children who at the time of birth, mothers at the time of pregnancy at high risk of having a child or a pregnancy go wrong, we have been able to show this Congress how with the investment of dollars at that time we have been able to forestall Federal spending that far exceeded that.

So the job of the select committee is to tackle the tough questions and to tackle them comprehensively, whether that is child nutrition, whether that is teenage pregnancy, whether that is teenage suicide, the drug-related problems, what have you. Our ability is not to be under the pressure simply to reauthorize a program but to step back and to provide the basis on which this Congress can make informed decisions. I am proud and delighted that on a bipartisan basis this committee, I think, has provided the data base on which this discussion has taken place. You cannot go anywhere in this country and read the literature affecting children and families, whether that literature is from the political left or from the political right, without seeing the fingerprints of this committee in developing an honest data base about those problems. The solution to those problems we still will have a great debate about. But what we have done over the last 3 years is provide for the integrity and the honesty in the basis on which that debate will be held. I am honored to serve as the chairman of this committee. I think the attendance of its members, its compassion, their understanding of these problems has led us to be involved in major legislative initiatives based upon the information that we have developed and the expertise that the members of this committee have developed and have brought that to the full House.

I urge support of this legislation.

Mr. Speaker, I rise in support of House Resolution 26 to reauthorize the Select Committee on Children, Youth, and Families for the 100th Congress. I ask for the support of the entire House.

In 1983, when the House established the Select Committee on Children. Youth, and Families, it did so because of very strong bipartisan commitment to the concerns of children and their families. At that time, there was no forum within Congress to address solely the particular and critical needs of America's children, youth, and families. By creating this committee, Congress took a major step toward solving that problem.

In 1983 Congress charged the select committee with three functions:

First, to conduct a continuing comprehensive study and review of the problems of children, youth, and families;

Second, to study the use of all practicable means and methods of encouraging the development of public and private programs and policies which will assist American children and youth in taking a full part in national life and becoming productive citizens, and

Third, to develop policies that would encourage the coordination of both governmental and private programs designed to address the problems of childhood and adolescence.

We've enjoyed an extremely productive and effective 3½ years.

In the course of conducting more than 50 hearings and 14 site visits, and in drafting a dozen major reports and studies, I believe we've done what you asked us to do: we've very vigorously attacked the most serious problems affecting America's families and the children who live in those families. In so doing we have helped pave the way to treating, and even more importantly, to preventing those problems before they become too serious.

I think you'll agree that we have not ducked our responsibilities. This year alone we have taken on the problems of addicted infants, drug abuse and youth, childhood poverty, the impact of divorce on children, and the abuse of children in State care, to name just the highlights.

These are the issues that you and the American public wanted us to address, to find solutions to. As a result, we have focused attention on the hundreds of successful programs which exist across the country. Whether they're run by the private sector, by volunteers or by State and local governments.

These are also the issues which have captured the attention of thousands of organizations representing parents, caregivers, teachers, and volunteers. Before we existed many of these groups felt frustrated in their efforts to tell Congress about the problems they see and work with in their community every day.

That we have been able to raise the visibility of many of these issues is a testament to their dedication, as much as to the hard work of the members of the committee. Again, I am gratified that dozens of disparate groups, ranging from the PTA and the Junior League to the National Child Abuse Coalition and the National Black Child Development Center, have come forward once again to endorse and support the reconstitution of the committee. I am attaching a complete list of those groups for today's RECORD.

I'm also gratified that we've been able to assist in a meaningful way many of the standing committees which are also addressing tough family and children issues. We know you expect us to contribute in this way, and we have.

To cite just a few examples of our ability to substantially assist others with our analysis of key issues. Let me cite three bipartisan studies which directly influenced other major House efforts.

Our "Family and Tax Report Cards," which graded every tax reform proposal from the perspective of how it effected the family, were very widely covered in the press, and were cited by the chairman of the Ways and Means Committee for their contribution to his bill, and to the tax reform debate.

Our "Opportunities for Success" report, which described the cost-effectiveness of eight children's programs, later became the basis for a "Childrens Initiative" in the budget, which will substantially enlarge our capacity to prevent the most serious health and learning problems in children.

Lastly, I would point to the omnibus drug bill, part of which was influenced by our early hearing at Children's Hospital on the increase in addicted infants, and a later joint hearing with the Select Committee on Narcotics, on the crack cocaine crisis.

Again, each of these influential projects was bipartisan.

In short, we have, as promised, gone beyond the "snapshot" of conditions of our first year, or even the more targeted investigations and recommendations of the following 2 years. Without relinquishing this role, we have recently been able to enhance more concretely the important work of other committees. We see this as one of our most important jobs.

There is no doubt such a contribution will be needed, indeed is necessary, in the months ahead.

For example, Congress will be reauthorizing the Child Abuse and Protection and Treatment Act this spring. This month we will be releasing a comprehensive State-by-State study of what is currently being done to prevent and treat child abuse. There is no other study like this, and I am certain that, like our State-by-State survey on teen pregnancy, it will become an invaluable resource tool for the public as well as the standing committees.

Welfare reform is another key substantive area we are poised to contribute to. It is high on Congress' agenda, as well as the administration's.

We have done the ground-breaking study on children and safety net programs; we have conducted a nationwide study on child care. With specific recommendations for reform; we have held extensive hearings on families and work, on training, on the problems of families without health insurance.

In short, we have learned enough about impoverished children, and the programs designed to serve them, to make a very real contribution to the welfare reform debate. It is too often forgotten that two-thirds of those on AFDC are dependent children. Any "reform" of welfare has to keep them in mind, or we will have another reform that creates as many problems as it solves.

A Lou Harris poll earlier this year showed that the public views Government as doing the poorest job of any institution in addressing the needs of children. The poll also showed that the public feels all institutions should do more, and spend more, to protect the future of children.

We have done the right thing by creating this committee, and will do the right thing by reconstituting it.

Obviously, the Senate feels the same way, since last year the Senate Rules Committee called DAN COATS and me over to testify on the creation of a Senate Select Committee on Children, Youth, and Families, supported by influential liberal and conservative members of the Senate. We should be proud that we are being emulated.

I'd ask you to consider the overwhelming interest of every community, the press, and members of both bodies, in the responsible resolution of the serious problems affecting children and families. It is our obligation to take forward the things we have learned about prevention, child abuse, drug dependency, teen pregnancy, foster care, child care, and so many other equally critical issues. The American public cares as much about these issues as any, and I believe they want us to do more.

We have shown we can make a timely and concrete contribution, and ask only for the opportunity to continue to do so.

SAMPLING OF ENDORSING ORGANIZATIONS

AFL-CIO.
American Bar Association.
American Federation of State, County and Municipal Employees.
American Academy of Pediatrics.
American Association of University Women.
American Nurses Association.
American Public Health Association.
American Public Welfare Association.
American School Food Service Association.
American Youth Work Center.
Association for Retarded Citizens (DC).
Association of Junior Leagues.
Campfire.
Center on Budget and Policy Priorities.
Child Welfare League of America.
Children's Defense Fund.
Council for Exceptional Children.
Family Service America.
March of Dimes.
National Association for the Education of Young Children.
National Association of Children's Hospitals.
National Black Child Development Institute.
National Child Abuse Coalition.
National Committee for Adoption.
National Committee for Prevention of Child Abuse.
National Conference of Catholic Charities.
National Council of Jewish Women.
National Crime Prevention Council.
National Education Association.
National PTA.
NAACP.
YWCA of the USA, National Board.

The SPEAKER pro tempore. Does the gentleman from Missouri [Mr. TAYLOR], wish to yield time? The gentleman had reserved the balance of this time.

Mr. TAYLOR. Mr. Speaker, I thought we had used up all of our speakers on the subject of hunger, but this is on the subject of children and families, as I understand it.

The SPEAKER pro tempore. The Chair would state to the gentleman he has approximately 21 minutes remaining, which can be used on any title.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. COATS], the ranking member of the subcommittee.

Mr. COATS. Mr. Speaker, I understand the concerns of some of my colleagues and friends about the permanence of select committees and the costs and how sometimes these things are organized for select purposes and then expand and end up being a perpetual committee without legislative authority. That is a legitimate concern and I think one that this Congress ought to address. The charge has been made that we do not write legislation. It is true. But select committees are in a unique position, and if crafted for a particular period of time and designed for a particular period of time, can take a comprehensive overall look that standing committees cannot. Perhaps we should reorganize standing committees and make the subject of children, youth, and families part of a legislative committee. I would support that. I think we ought to consider that. The fact is that we have not yet done this. Until we have, I think there is an important place for a select committee such as the Children, Youth, and Families Select Committee.

Thirteen standing committees currently divide jurisdiction on issues and subjects that affect children, youth, and families. What we have found in the 3 years of the existence of the Children, Youth, and Families Committee is that the problems of the children, youth, and families do not come neatly divided into packages labeled Ways and Means, Education and Labor or other committees. Only the select committee has the opportunity to take a comprehensive look and a whole look at the entire problem. We have found that these problems in looking at them we can fashion through our committee recommendations to the standing committees that integrate the solutions, bring about an integrated approach to the solutions that our families and our children face.

I am not sure how long the Select Committee on Children, Youth, and Families should last. We have not exhausted the subjects that we need to study and not done the work that we need to do in just the 3 years that it has now been in existence. We have an ambitious program outlined ahead for it in the 100th Congress. We want to carefully scrutinize which Federal programs that affect children, youth, and families work and which ones do not work. We want to be honest in reporting back to Congress those which do not. I urge my colleagues to support this committee.

This is a time when all of America seems to be awakening to the need to strengthen families and I'm pleased to be here today to support reauthorization of the Select Committee on Children, Youth, and Families that has been a part of this awakening.

It is the only committee in Congress charged with the responsibility of looking at the family as a whole. Since legislative responsibility for programs affecting families is shared by 13 standing committees, the focus is therefore narrow; yet the problems faced by families don't come neatly divided into parts labeled Education and Labor, Energy and Commerce, or Ways and Means.

Since this committee was formed, we have examined a broad range of problems facing families. It has become apparent that many, if not most, of the problems are interrelated. We need to be looking for ideas that break the traditional approach of designing a particular Federal program for each problem.

The select committee will continue to examine the critical link between many of the social problems we analyze such as family dysfunction, lack of education, and the abuse of alcohol and other drugs. We need to pursue aggressively these interrelationships since they seem to be among the keys to solving many of our social problems.

We need to continue to look for the best examples of programs which assist the development of stronger families and we need to examine more closely those existing programs that may harm families. We especially need to encourage the many local initiatives that have

made an impact. In our committee hearings these past few years we have seen that most of the programs that show a spark of originality and seem to be having potential dramatic effects, are locally based and family-oriented. Many have Federal dollars involved, but the ideas and effectiveness seem almost inversely correlated with the amount of Federal control.

It has become evident that many of these problems are not only income-related but attitude-related. As we do more followup research both in and out of Washington, and look more at how to best solve—and when possible prevent—these problems, I would expect that we will find that while in situations of destitution income transfers are essential, in most situations the key to lasting change has been altering behavorial patterns.

In the past it has been possible for families and their children to get lost in the shuffle of Washington. This committee has helped to keep family issues in the forefront of the debate. For example, we played an important role in achieving partial fairness for families in the last year's tax reform bill. Our extended research on the problems facing military families directly resulted in recent DOD–HHS interagency agreement to help families in the military. The select committee has also played a continuing role in analyzing and investigating ideas in the area of children's health. Our hearings on the impact of divorce and on developing family strengths were extremely significant steps toward understanding the critical role strong families play in reducing social problems.

The majority and minority have at times agreed, and at times we have had some strongly worded dissents, but I believe that the dialog between a fairly strong liberal perspective and a fairly strong conservative perspective has been healthy and important to the work of the committee and to the country.

The Government, and certainly this committee, will not eliminate most of the social problems we face. But I strongly believe that the ongoing discussion and debate we are conducting on family and children's issues in the Select Committee on Children, Youth, and Families is important if we are going to at least make some inroads into the discouraging trends we are currently witnessing.

I urge you to join me in continuing to look for ways to assist families by voting to reauthorize the Select Committee on Children, Youth, and Families.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from Louisiana [Mrs. BOGGS].

Mrs. BOGGS. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the reauthorization of the Select Committee on Children, Youth, and Families. The committee's investigation of the most fundamental and cost-cutting issues affecting the Nation's children, youth, and families, as well as its alertness in identifying new trends and in suggesting new solutions, has provided good information to help every Member of this House and every committee of this House make informed decisions on very, very important issues.

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Organizations across the country look to this committee as well. I am invited to many, many places from national organizations to speak on a whole range of issues affecting the Nation's children, youth, and families: day-care, child abuse, prenatal and paranatal health care, just an entire range of issues that affect us all.

During the 99th Congress, I was privileged to chair three hearings on the committee, two on the family and alcohol abuse and one on the very, very interesting and new difficulty that we find ourselves in, in the sexual and criminal exploitation of children.

I urge the reauthorization of this committee.

Mr. TAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in support of legislation to reauthorize the Select Committee on Children, Youth, and Families.

The select committee is the only committee in the U.S. Congress that focuses on the role of the family. The problems that face American families today are complex and the select committee offers a forum for discussion of the difficult issues which families encounter.

As a member who has served on the select committee since its establishment in the 98th Congress, I have seen the critical role the select committee has played in understanding the importance of strong families in reducing social problems. Hearings that were conducted last year regarding family strengths and the impact of divorce on children were extremely useful in bringing public attention to these issues. While there is often disagreement regarding solutions to these problems, I believe we must continue to provide a forum for discussion and debate. Only through a continuing dialog can we hope to understand and solve the problems facing our families.

I urge my colleagues to support this legislation when it comes before the full House.

Mr. WHEAT. Mr. Speaker, for the purposes of debate only, I yield 1 minute to the gentleman from Arkansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, I rise in support of House Resolution 26, title II, to reestablish the Select Committee on Children, Youth, and Families. I can tell you from first hand as a member of the select committee that it has proved to be a very valuable resource and voice for the children advocacy groups around the country.

I know from experience that the interested agencies in Arkansas have had a stronger voice through which to speak out for the children in our State. The select committee provides intellectual as well as political expertise to equip these very important groups with the means to make an impact in the legislative process. In turn the organizations in my State such as the Arkansas Advocates for Children have been very helpful to me and the select committee in supplying necessary information and grassroots experience in our continued efforts to help the many struggling children in Arkansas.

As Winston Churchill once said, "There is no finer investment for any community than putting milk into babies." These are wise words, yet without the time and energy that this select committee has provided to reach out to communities, we might not be as knowledgeable or as well equipped to know where our funds can be most effective for our Nation's young.

For the good of our Nation, our families, and our children I ask this Congress to recognize the significance of the Select Committee on Children, Youth, and Families and the important role it has played in the valuable work of organizations across our country. Our children are our Nation's future and its a future they should be able to look forward to.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, this is one of those resolutions that we pass every 2 years at the beginning of the session that is deemed necessary and routine and business as usual.

This resolution reconstitutes the three Select Committees on Children, Youth and Families, Hunger, and Narcotics. Now, what on Earth could be wrong with that?

In my personal opinion, I think there is nothing wrong with the intent of the select committee per se or their work or even this resolution. But, Mr. Speaker, in terms of the business of this House and what we can and need to do in behalf of children, youth, families, those suffering from malnutrition and hunger and drug abuse, I think there is a better way to go about our business.

This body did something yesterday to bolster my point. We established a select committee to investigate the Iran situation. That is what select committees are supposed to do: deal with significant and major "crest of the wave" issues better served by this process and to do it in a timely fashion.

The select committees originally were viewed to be temporary in nature, a means by which we could arrive at short-term recommendations turned over to our standing committees. But that is no longer the case. For all intent and purpose, these select committees are as permanent as the Washington Monument, and I might add with the same kind of public profile. My point is that through the good work and leadership provided by the chairman and

ranking members and all of the members of these select committees we should be reporting our findings, and turning the legislative functions back to the standing committees. If we are serious about addressing hunger, family, or drug abuse issues, let us address these problems with the power of our standing legislative committees.

I do not intend to perjure anyone's intent or performance in my remarks today but I think it would be less than candid if I did not point out that after countless hearings, fact findings, more than ample press and headlines, and yes, needed public support in regard to these issues, that at some time and place these activities should culminate in legislation or recommended policy changes before a standing committee. The tail should not wag the dog, Mr. Speaker.

Let me briefly mention another prime factor—that of cost. Since the Select Committee on Children, Youth, and Families was established in 1983, it has been authorized approximately $2.6 million, the Select Committee on Hunger, $1.6 million since 1984, and the Select Committee on Narcotics, about $6.5 million since 1976. I wish to commend these chairmen and ranking members for their diligence in running a taut ship under difficult budget circumstances. For the purposes intended, these costs are not exhorbitant but I must pose the question: If these tasks could be eased under the umbrella of a full committee could we have achieved the same results for the same cost—or even less? I assure you when members of the House Administration Committee have the rare biennial privilege of discussing our standing committee budgets—with the appropriate chairmen and ranking members, the competition for budget dollars is a lot like the NFL playoffs. The question is not whether we are getting our money's worth but could we not achieve our goals at less cost under the regular committee system.

Finally, let me close by suggesting that somehow, some way, some day, we had better get to the business of addressing the problem of duplication of effort and Member's time and energy. Today, in this House, we have 13 major committees, 8 others assigned equally important tasks and an astounding total of 148 subcommittees. You know, every once in while some think-tank outfit management comes in and studies in depth how we can improve the policymaking progress. They are startled to find out that Members of Congress are supposed to be in at least two places at the same time over half of a normal day's work time.

Now, we Republicans have already proposed something called a "Bicentennial House restoration project." In that proposal there could be no more than six subcommittees under one committee, and members would be limited to no more than four subcommittees. Now, in all candor, no one should stay awake nights waiting for these and other reforms to take place but at least we should fully discuss the reconstitution of select committees.

I admit a personal bias. Since select committees have no legislative power, since I believe the cost both on money needed by the full committees and in members' time and energy is too great, and since I think these topics could be phased into standing committee jurisdiction, I favor their abolishment.

And, it was not my desire to ask for a division of these select committees for separate votes. But we should have a vote, Mr. Speaker, not on the merits of each select committee and the work done by the members but in the future upon reasonable alternatives to this process. Maybe that is euthanasis for select committees, maybe it is phasing them out, with appropriate jurisdiction by standing committees. I challenge my colleagues to see if we cannot address this needed reform.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding and I appreciate the time.

I have to say that I really believe select committees are a luxury that this House and this Nation cannot afford. Certainly there can be no doubt that the subject matter addressed by the various select committees is all important and we are all concerned about it. I share the same concerns as every other Member.

But at the same time, we must recognize that each and every one of these select committees being proposed today will duplicate the jurisdiction of other standing committees that not only will do the work, do the research, but will frame the legislation, mark up the legislation and actually bring the legislation to the floor.

Another speaker earlier in this debate said this is a legislating body. This is not a study club here. We have more than enough resources devoted to study these problems.

The problems are ample in evidence. Last night, I heard a press conference from one of the committees where the point was made that we need resources to educate people that drugs are bad for them. I submit that people who are able to get the money to buy the expensive drugs ought to be able to also have enough sense to know that drugs are bad for them.

We do not have to duplicate the information process through these kinds of committees. What we need, instead, is to husband our resources, get our standing committees that can legislate, can affect the outcome of legislation and the behavior of the Government and the people in this country, give those resources either to them or give the taxpayers of this country the relief that they deserve from bearing the cost of committees who do redundant work and do not do legislative work.

I thank the gentleman for the time.

Mr. WHEAT. Mr. Speaker, part of the reason that the drug crisis has come to the forefront of public attention now has been because of the work of the Select Committee on Narcotics Abuse and Control, ably chaired by the distinguished gentleman from New York [Mr. RANGEL].

I yield 3 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, first, let me thank the House Members for the support that they have given to the Select Committee on Narcotics Abuse and Control over the years. I would like to say that we are not a legislative group, and we do not intend to be.

What we have been able to do is to work closely with the Democrats and the Republicans of the standing committee to have our hearings, to have our study missions, to make certain that we avoid duplicity, and yes, indeed, in the 99th Congress, we were able to bring the legislation that had been drafted, much of it in our committee, to the standing committees and the subcommittees for the chairmen to come together to have this omnibus bill.

□ 1535

We knew when we enacted this bill that it was not the solution to the problem. We had the leadership not only of our now Speaker but of the minority leader, the gentleman from Illinois, Mr. BOB MICHEL, and we had hoped, when the President reached out and signed the legislation, that perhaps this was the beginning of firing at least the first volley in the war against drugs. It seems as if today the President, and if not he, the Office of Management and Budget would like the American people to know that it was only meant for 1987, because the funds are deleted at least as this relates to local and State law enforcement for 1988.

But we need the Congress to be strong. We have sent the message out to the American people and certainly to our friends and allies who are concerned about getting assistance to eradicate the opium fields and the marijuana fields, as well as the cocoa leaf fields.

We have gone to the jungles of the Amazon on our study missions, as well as the mountains of Colombia. We have gone to New York, Newark, Los Angeles, Tucson, El Paso, and San Diego. We are prepared to do the work that has to be done, not in providing the leadership legislatively but in

making certain that the facts are known and the oversight is made and that we can make the standing committees and, therefore, the Congress stronger.

But if you believe that the question of education can be resolved just by the Committee on Education and Labor or that the oversight that is necessary in dealing with countries that are receiving military assistance from us has to be handled all by the Foreign Affairs Committee, if you believe even in getting the military to move more swiftly and giving its support to protect our borders, which is so necessary, and that the Armed Services Committee can do it by itself, then you do not need any select committee. But if you truly believe that this effort can be coordinated, if you truly believe that no chairman, no subcommittee chairman, no Republican, or no Democrat can say that we have attempted to step on their toes, and that what we have wanted to do is to be supportive, then you have to support your select committee, because we are only here to serve you and make some contribution to the Nation.

I would like to make the point now by saying this: That we do not have Republicans and Democrats on our committee. The gentleman from New York, Mr. BEN GILMAN, serves as a partner and a guiding member of the committee. The Members have never heard any issues raised with us on that committee, and we hope that we can transcend even the partisanship that exists in the House on this one issue. When the House passed the omnibus bill, it was a signal to the Senate, and the President of the United States joined in that.

Mr. Speaker, I think a vote for the select committee would be a vote for the Nation, and I thank the Members for their past support.

Mr. Speaker, I rise in support of House Resolution 26 to reestablish the Select Committee on Narcotics Abuse and Control in the 100th Congress.

The reconstitution of the select committee will signal the continuing commitment of the House of Representatives to developing a comprehensive legislative approach to drug abuse concerns. This commitment began in the last Congress with the enactment of the Anti-Drug Abuse Act of 1986. This great bipartisan effort under the leadership of the majority leader, JIM WRIGHT, and the minority leader, BOB MICHEL, was a clear demonstration to the American public that the Congress intends to be vigilant in the fight against drug trafficking and drug abuse.

The Anti-Drug Abuse Act is a significant congressional statement because it addresses all aspects of our Nation's drug abuse problem; international narcotics control, tougher criminal penalties against drug dealers and money launderers, significant additional resources to employ in drug interdiction, and improved drug treatment, rehabilitation, prevention and education. The involvement of most of the standing committees of this House in the development of the bill was reflective of the fact that drug abuse issues are extremely complex and cut across a wide range of public policy concerns and committee jurisdictions.

The Select Committee on Narcotics Abuse and Control is proud to have been able to play a unique role in the fashioning of the Anti-Drug Abuse Act. The select committee served as a resource to the leadership, the standing committees, and individual Members during the development of the bill and assisted the leadership in managing the bill on the House floor. During consideration of the bill in committee and on the floor the select committee provided information to the Members on a daily basis concerning the nature and extent of drug abuse in America.

The Anti-Drug Abuse Act makes a good start toward bringing drug abuse and drug trafficking under control. It is only a first step, however, in developing a comprehensive national drug abuse policy. Much more needs to be done.

The legislation was a bipartisan effort of the Congress that the President fully embraced. In that legislation, changes were negotiated to accommodate many of the administration's concerns, particularly in the area of funding. Unfortunately, the President's recent budget proposals not only do not continue the momentum begun in the last Congress, but would cut back critically needed programs authorized in the Anti-Drug Abuse Act.

For example:

The State and Local Narcotics Control Assistance Program, which provides $225 million to State and local governments for drug enforcement activities is zeroed out in fiscal year 1988. Congress has authorized this program through fiscal year 1989.

Funds for drug abuse education programs are slashed in half from $200 million in fiscal year 1987 to $100 million in fiscal year 1988. The 1988 request is $150 million below the amount authorized by Congress in the Anti-Drug Abuse Act. This program, too, is authorized through 1989.

No additional funds are requested for drug abuse treatment. The alcohol drug abuse and mental health block grant is frozen at the 1987 level—$495 million.

A total of 2,000 positions are eliminated from the Customs Service in fiscal year 1987 and fiscal year 1988, more than wiping out the gains Congress intended for the Customs Service in the drug law. The 1988 request of $86 million for the Customs Air Program—a critical link in our interdiction effort—is half of the 1987 funding level of $171 million. This jeopardizes the development of facilities to coordinate interdiction activities effectively, the deployment of radar on drug surveillance aircraft and the operation of aircraft to track marine drug smugglers.

At $98.8 million, the 1988 proposed funding level for international narcotics control efforts by the State Department's Bureau of International Narcotics Matters is $20 million below the 1987 funding provided by Congress.

When Congress enacted this legislation last year we were criticized for responding to pressure from the media in an election year. The administration's proposed cuts certainly give the appearance that the antidrug effort last year was nothing more than political fanfare. This sends the wrong signal to the American public about our seriousness to combat drug abuse and undermines our ability to encourage foreign producing nations to meet their responsibility to halt their production and traffic of illicit drugs.

Reconstitution of the Select Committee on Narcotics will send a strong signal to our constituents that the Congress will continue its commitment to an effective war on drugs. I pledge to you that our committee will work in a bipartisan way to ensure that adequate resources are made available and that drug abuse issues receive the top priority they deserve.

In 1986 we experienced more illegal drugs entering the country than ever before. Every major drug producing country produced bumber crops of illicit drugs. The levels of drug abuse among Americans are among the highest in the world; 5 to 6 million people are regular cocaine users and another 25 million Americans have tried the drug. And 25 million Americans abuse marijuana, and there are 600,000 heroin addicts. The select committee estimates that the drug industry is responsible for $130 billion in street sales annually, and to this amount can be added an additional $100 billion in health care costs, criminal justice costs, lost productivity in the workplace and other social costs.

I believe the Select Committee on Narcotics Abuse and Control can continue to provide the kind of bipartisan, comprehensive oversight and analysis that will assist the House in evaluating drug abuse problems and formulating effective policies. The select committee's unique jurisdiction and its accumulated expertise are valuable resources that will help the House maintain its leadership role in drug abuse prevention and control.

I again urge the House to approve the reconstitution of the Select Committee on Narcotics Abuse and Control for the 100th Congress, and I thank

you for your continued support of our efforts.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the ranking minority member of the committee.

Mr. GILMAN. Mr. Speaker, as ranking minority member of the Select Committee on Narcotics Abuse and Control, I rise in strong support of the reconstitution of the Select Committee and commend our distinguished chairman, the gentleman from New York, [Mr. RANGEL], for his leadership.

The magnitude of the problems facing drug trafficking and drug abuse go far beyond our own borders and have reached epidemic proportions on a global scale. The wealth and power of the drug traffickers threatens governmental institutions around the world. Efforts by the Federal Government to halt the flood of drugs to our shores have been far from successful, and our diplomatic initiatives with drug producing nations have suffered a similar fate.

Between 1976 and 1986, the select committee has held 143 hearings, conducted numerous study missions to drug producing and trafficking nations, and met with foreign officials to promote narcotic control activities. These efforts were designed to prevent an ever-growing and dangerous situation from getting completely out of control.

By far, however, the select committee's most successful session must be considered the recently completed 99th Congress. With the strong support of the leadership of both parties in Congress, and the chairman of the various legislative committees with legislative jurisdiction over narcotics related issues, we were successful in having enacted the Anti-Drug Act of 1986. This comprehensive antidrug package attacks both the supply and demand factors in our war against drugs, and provides the necessary resources to see that the goals are accomplished. Clearly the comprehensive oversight function performed by the Select Committee on Narcotics Abuse and Control will be a key element in seeing that the law is fairly and effectively administered.

In closing, Mr. Speaker, I would only add that there is strong support for the Select Committee on Narcotics Abuse and Control not only in the Congress but throughout our Nation and among friendly nations throughout the world. Concerned citizens, the law enforcement community, and State and local governments look to the select committee for guidance and support, and they will be looking to us now more than ever before.

Mr. Speaker, I urge my colleagues to support the reconstitution of the Select Committee on Narcotics Abuse and Control.

Mr. WHEAT. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Speaker, the Select Committee on Narcotics and Drug Abuse is in the forefront of America's fight against the evil of drugs—a battle that must be continued.

Drugs are the major threat to this Nation; they have invaded every aspect of our society. I'm sure that there is not a Member here whose district is not under attack by PCP, cocaine, marijuana, and crack.

In my district there are places where no one can walk the streets at night for fear of being mugged and robbed by some junkie in search of money for a quick fix. Elementary schools are invaded by pushers, leaving children so spaced out that they can't learn. Teenagers drop out of society, condemned to drug induced oblivion. The lives and minds of our youth, the future of America, are being sacrificed to drugs.

Last year, Congress enacted what may prove to be the most important legislation of the century, the Omnibus Drug Act. The major thrust of which came from the Select Committee on Narcotics Abuse and Control. This law gives America the weapons for its fight against drugs and provides us with the tools needed to reverse the slide into the black hole of addiction. The Select Committee on Narcotics played a major role in its passage, helping the House to combine the many antidrug proposals into a comprehensive and effective bill.

But this is not the final chapter in the fight. The pushers and drug kingpins have a head start. The Narcotics Committee is still urgently needed—to oversee the enforcement of the drug law, to plug any loopholes, and to point the way for future action. And the committee is particularly needed to block President Reagan's ill-conceived proposal to cut antidrug funding. His new budget cuts out entirely the $225 million appropriated for State and local drug law enforcement assistance; and cut in half the appropriated $200 million for drug education.

We have won a major battle, we need the Narcotics Committee to win the war. I urge my colleagues to support this fight for America's future and join me in voting to reauthorize the Select Committee on Narcotics Abuse and Control.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman from Missouri [Mr. Taylor] for this time.

I do not think that of all the select committees that we have voted on and will vote on today there is one single committee that is more important than the Select Committee on Narcotics Abuse and Control.

Toward the end of the 99th Congress this Congress all of a sudden discovered that there was a drug problem throughout America, and that there was a public out there that was crying for relief. The Select Committee on Narcotics Abuse and Control was very effective in bringing together many of the pieces that went into that patchwork quilt. But despite the efforts of the Congress in its last session, there is still a lot of work to be done, not only on new legislation but also in correcting the legislation we have already passed.

The Select Committee on Narcotics Abuse and Control is a hard-working committee. The trips its members take around the country to the border States and the hearings it holds here in the Nation's Capitol have been very intensive. There is much hard work involved, and I can tell the Members, having worked with this committee since I have been in the Congress, that it is a good bipartisan committee, perhaps showing the best bipartisan conduct in this House of Representatives. This is a committee that is dead serious about the objectives and the problems of drug abuse in this country today.

I think that this is going to be an extremely important vote. I would certainly guess that we would have an overwhelming vote for the reconstitution of this most important committee. We are in large part the conscience of the Federal Government, both the Congress and the administration, in the areas of funding and coming up with new ideas. Despite the work of many committees that are focusing their attention on the problem of drug abuse, still the answers are before us; we have not solved the problem. It is going to take a lot more work.

One of the earlier speakers said that we do not need another think tank or we do not need another study committee. I can assure the Members that on this issue all of us should be putting in a great deal of study and discipline to find solutions to this important and crucial problem that faces us in the United States today.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The Chair will state that the gentleman from Missouri [Mr. WHEAT] has 3 minutes remaining and the gentleman from Missouri [Mr. TAYLOR] has 8 minutes remaining.

Does the gentleman from Missouri [Mr. TAYLOR] wish to yield some additional time to balance up the debate?

Mr. TAYLOR. Mr. Speaker, may I ask, does the gentleman need more time?

Mr. WHEAT. Mr. Speaker, if the gentleman has additional time he

wishes to yield to our side, we would be happy to accept it.

Mr. TAYLOR. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. WHEAT].

The SPEAKER pro tempore. The gentleman from Missouri [Mr. WHEAT] now has 6 minutes remaining, and the gentleman from Missouri [Mr. TAYLOR] will have 5 minutes remaining.

Mr. WHEAT. Mr. Speaker, I thank the gentleman for his graciousness, and I yield 2 minutes to the gentleman from California [Mr. LEVINE].

□ 1545

Mr. LEVINE of California. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this resolution, and to commend the work of these three select committees. The Select Committees on Hunger, Children, Youth and Families, and Narcotics Abuse have each forged important legislation in their respective areas. The work of each of these committees is unique and vital to the work of Congress.

I particularly want to speak in support of the Select Committee on Narcotics Abuse and Control on which I have had the privilege of serving during the two prior terms that I have served here in this Congress. I would like to compliment both the chairman of that committee, the distinguished gentleman from New York [Mr. RANGEL], and the ranking minority member of that committee, the distinguished gentleman from New York [Mr. GILMAN], for it is true, as many speakers have emphasized, that through the leadership of both of these distinguished leaders, this committee has served an absolutely unique role on a completely bipartisan basis.

This is a committee which has helped to pull together the work of so many other entities in the U.S. Congress on a subject which is of extraordinary importance to the American people. Last year, I do not think there is a person in this House who does not feel that we all owe an incredible debt of gratitude to the leadership of that committee, again on a bipartisan basis, for being able to help organize a very significant and a very important piece of legislation that is now the law of this land.

Despite the fact that very significant strides were made in the last Congress, an enormous amount of work remains to be done in the area of trying to do all that we can to reverse the terrible trend, the terrible slide of this country into so much dependence and addiction upon dangerous and frightening drugs.

Through the work of this committee, we have the ability to continue to do the types of things we need to do in education, in interdiction, in enforcement, in all of the areas that need to be pursued with regard to the horrendous abuse of narcotics that continues to plague our Nation.

As others have said, this is not a partisan issue, and it is not an issue which admits to being pigeon-holed into a particular legislative framework. It is for those reasons that this committee has been able to do the type of superb work that it has.

I believe that if we can continue to rely on the leadership of our chairman, our minority leader of the committee, and the Members who, on a bipartisan basis, have committed themselves so strongly to the work of this committee, that we will continue in the future Congresses, particularly the 100th Congress, to build upon the work of the committee in past Congresses.

With regard to the Select Committee on Hunger, no one can argue that severe hunger does not exist both here and abroad. Malnutrition and all its side effects still plague one-quarter of the young children in developing nations. And as wealthy as this Nation is, the physicians' task force on hunger reports that there is starvation even here. Just today, the Washington Post reported that the number of homeless families in the District of Columbia increased 500 percent in the last year alone. I wish this select committee was not necessary, but clearly it is.

This administration's record on eradicating hunger has been a national embarrassment. It has ranged from then-Presidential Counselor Edwin Meese's dismissal of reports of increased hunger as "anecdotal stuff" to efforts to decimate funding for programs to aid the hungry and homeless members of our society.

The Select Committee on Hunger plays a crucial role in coordinating congressional efforts to fight hunger. Eight House committees and numerous subcommittees have jurisdiction over hunger-related issues. The select committee focuses on hunger, providing a comprehensive and coordinated bipartisan forum for Congress to address this problem. This forum enables members of the various standing committees which have jurisdiction over hunger-related issues to establish a more effective and integrated approach to ending world hunger.

Since its inception, the Select Committee has investigated domestic hunger issues such as commodity surpluses, domestic food programs, State sales taxes on food stamp and WIC purchases, and procedures governing Food Stamp Program participation. The Select Committee has also addressed such international concerns as emergency food assistance to Africa, food shipments to Ethiopia, and agricultural technologies in sub-Saharan Africa.

Additionally the Select Committee is mandated to consider world food security, trade relations with undeveloped countries, policies of multilateral development banks and international development institutions, and corporation and agribusiness efforts in international development.

The Select Committee on Hunger has been given an exhaustive mandate—addressing the problems of hunger, malnutrition, and starvation throughout the world. It is highly appropriate that Congress has one committee dedicated exclusively to this issue. I commend my colleagues on the select committee for their efforts to date. This committee already has an impressive record of accomplishment. And I urge my colleagues here today to join in continuing the fight against hunger by voting to reauthorize the Select Committee on Hunger.

Mr. TAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. I thank the gentleman for yielding me this time.

Mr. Speaker, today I would like to urge my colleagues to support the resolution to reconstitute the Select Committee on Narcotics Abuse and Control for the 100th Congress. As a member of this committee for the past 8 years, I have long been concerned with the dangers that drug abuse and narcotics trafficking pose to individuals and to society as a whole. Over the last several years this country has grown increasingly aware of the prevalence of drugs in our society, where families are suffering and users are losing their lives.

In the closing days of the 99th Congress, the Anti-Drug Abuse Act of 1986 was enacted, given the tireless efforts of many Members and staff, many of whom are members of the select committee. The overwhelming support for this legislative effort was indeed proof that Congress recognizes that drug abuse and narcotics trafficking must be brought under control. The select committee plays a vital role in following up the anti-drug abuse legislation to see that the intentions of Congress are carried out.

The purpose of any select committee is to confront a problematic issue whose effects cover such a broad scope that a vehicle for oversight and immediate attention is necessary. The drug abuse crisis that we are fighting in this country is momentous. Our concerns range from narcotics interdiction to education and could not possibly be efficiently addressed if each of the standing committees were expected to wrestle with the drug abuse issues that fall within their individual jurisdiction. Drug abuse in our society is a crisis that demands our focused concentration, and we need this select committee to provide that focus.

The committee's research efforts, resource material, and hearings have provided valuable and necessary information to the Members of this body of Congress striving to keep informed about important facts concerning the international narcotics scene, as well as the devastating crack cocaine epidemic in this country.

This Nation has just begun the serious war against drug abuse, and the Select Committee on Narcotics Abuse and Control is needed more than ever. Its presence couldn't be more timely and appropriate.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to convey my strong support to reestablish the Select Committee on Narcotics Abuse and Control, ably led by Chairman CHARLES RANGEL and the ranking minority member, BENJAMIN GILMAN.

During the 99th Congress, the Members of Congress heeded the cries of help voiced by our Nation and passed the Anti-Drug Abuse Act of 1986. A multifaceted program emerged with the coordinated leadership of the House and Senate and President Reagan.

Questions may then arise as to why the Select Committee on Narcotics Abuse and Control is needed since a comprehensive drug bill had been passed. The answer is that the drug bill is only the beginning. Yes, the Anti-Drug Abuse Act fights our Nation's drug problem at all levels—through education, prevention, and enforcement. But it is not the panacea for this disease.

Further, I am disheartened to discover that the President is now attempting to nullify our attempts to fight this drug war. In his budget summary, the following is stated: "Improvement of the Federal drug law enforcement program has been one of the administration's top domestic priorities." Yet, the 1988 request is $½ billion lower than the enacted 1987 level of $3 billion. The President's budget cuts, freezes, or eliminates these programs.

I am forced to believe that the President's rhetoric on the importance of addressing our drug problem is simply that—rhetoric. One brings to mind that old cliche—"Actions speak louder than words."

The select committee has indeed accomplished a great deal in the areas of prevention and substance control; but it must continue its oversight activities and to monitor drug abuse prevention and control strategies of the administration. The select committee provides the proper forum in which these very strategies can be weighed in their effectiveness in addressing the drug escalation, as well as making the necessary recommendations to the respective committees for suitable legislation.

Passage of adequate funding in the Anti-Drug Abuse Act of 1986 was only the beginning in fighting this drug problem. I ask my colleagues to join me in ensuring that we continue this fight by reestablishing the Select Committee on Narcotics Abuse and Control today.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. I thank the gentleman for yielding me this time.

Mr. Speaker, I wish to rise in general opposition of this procedure of adding and continuing these select committees. This House already is overburdened with work and it is inappropriate of us to flay ourselves once again by adding to our additional workload these committees.

I would take for simple example here the Children and Youth Committee and its history in this House. When it was originated, it was only going to last for 4 years. Well, we have gone 4 years and it is still here. When it was originated, it was only going to cost us $500,000. Well, now it costs us $655,000.

There are at least 12 committees in this House that have jurisdiction over children and youth. There are something like 26 subcommittees that have jurisdiction over children and youth and they are not about to give up any of the jurisdiction to this select committee. Therefore, this select committee becomes completely redundant.

If we really want to do something for our children, if we really want to improve their future, what we could do is address the deficit so that they do not have to pay the debts that we are running up here in this House. One minor way to address that deficit would be to defeat these resolutions and thus save some money.

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

GENERAL LEAVE

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution.

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

There was no objection.

Mr. BIAGGI. Mr. Speaker, I rise in full support of the pending resolution to reconstitute the Select Committees on Children, Youth, and Families, Narcotics, and Hunger. As I supported each of their creations, I maintain that their continued existence is as important as ever if we are to address the many concerns and issues under their jurisdiction.

I happen to be fortunate to be an original member of another select committee, the permanent Select Committee on Aging. Over our 12-year history, this committee has been a constant advocate for the concerns and needs of our Nation's rapidly aging population. We have operated as an internal lobby for seniors and our efforts have produced substantive if no landmark legislation in their behalf.

I wish to pay a special tribute to the work of the Select Committee on Narcotics. During their first years, I had the honor of being a member of this select committee. There is no indisputable fact about the omnibus drug bill enacted by the 99th Congress. Its passage was aided tremendously by the work of the select committee. Through their hearings, their investigations and their reports, they so invaluably assisted all the standing committees who later wrote this legislation.

The select committee under the extraordinary leadership of Chairman CHARLES RANGEL helped to lead the national crusade against drug abuse. Not only did the committee make a singularly important contribution to the drug bill, they have raised the consciousness of an entire nation against the problem of drug abuse.

If the House were to do anything but reestablish the select committee, we would be sending a signal that our commitment to the drug abuse prevention problem will not be as strong in the 100th Congress as it was in the 99th. There is much work left to do with respect to the fight against drugs. The select committee has already begun in a proper fashion by spotlighting the impact of the cuts proposed in drug enforcement and education in the administration's fiscal year 1988 budget.

I urge that we reconstitute the Select Committee on Narcotics. Its mission is a critically important one and the commitment of its members to the issues is outstanding. Every Member in the House has been provided with important studies, reports, and other vital information by the committee during the past 2 years. They will continue to be an important resource and a valuable symbol of this body's commitment to drug abuse prevention. Therefore I urge adoption of the resolution.

Mr. SIKORSKI. Mr. Speaker, when the first settlers came to America, they came to escape oppressive laws in their native countries. For them, the freedom to govern their lives and control their destinies was paramount. Our 200-year-old Constitution reinforces these freedoms, and guarantees basic rights for everyone—including children.

There used to be 6- and 7-year-olds working 12-hour days in sweat shops. There used to be no laws at all against child abuse, because children were considered property. Now there are dozens of child advocacy organizations across the country and an increased awareness that protecting our children is protecting our future.

One of the reasons for our current heightened awareness is the Select Committee on Children, Youth, and Families. Since we began it in 1983, we have held almost 50 hearings on such topics as teen pregnancy, children in poverty, child care liability insurance, child sexual abuse, strengthening the family, and the implications for families of work in America. The select committee has conducted 14 site visits, and issued 12 com-

prehensive reports. These reports have proven to be invaluable resource tools for Members of Congress and their staffs, child advocacy organizations, Federal and State lawmakers, program managers, academics, and parents and families. The quality of the research is always high, and the suggested solutions are so fair and thoughtful they invariably receive wide acceptance.

Many of the studies have been groundbreaking, but perhaps the most widely quoted was "Opportunities for Success: Cost Effective Programs for Children." This study proved the wisdom of preventative care better than anything published before or since.

I look forward to working with the select committee again in the 100th Congress. As a father, I know my daughter depends on me. As citizens of this great country I believe the future of all our children depends on us. We must be children's advocates, stand up for the right priorities, and see that as few young people as possible are scarred by poverty and neglect. We must help children be heard, and when necessary, speak for them.

The Select Committee on Children, Youth, and Families is the best voice in Congress for the needs of children. I strongly urge my colleagues to support its reauthorization, and to work with us to develop and implement a true children and family agenda in the 100th Congress.

Mr. EVANS. Mr. Speaker, I have proudly served as a member of the Select Committee on Children, Youth, and Families throughout the 99th Congress. Today, I am pleased to rise in support of the reauthorization of the select committee and speak to the crucial contributions this committee has made to public policy affecting children and families. I additionally want to express my appreciation to Chairman GEORGE MILLER for his commitment to issues related to the family.

The Select Committee on Children, Youth, and Families exists to provide a strong and effective voice for the children and families of America on public policy matters—particularly for those children and families who are poor, minority, and handicapped, and without a voice when it comes to their input into public policy. Our goal is to inform the House of Representatives about the needs of children and families and to encourage a preventive investment in our public policy and legislative agenda.

The select committee gathers data and disseminates information on key issues affecting America's families. They monitor the development and implementation of Federal and State policies, and additionally, through hearings solicit the involvement of thousands of citizens and professionals on issues concerning children and families. The Select Committee on Children, Youth, and Families also acts as a guide to responsible policy options for meeting those needs.

I was particularly pleased to have hosted a select committee hearing in my district in Galesburg, IL, this past Congress which addressed the effects of chronic unemployment on children and families. For the first time for many, local citizens of the 17th Congressional District in Illinois had direct access to the policymakers on Capitol Hill. And most importantly had the opportunity to present firsthand accounts of the devastating effect unemployment has upon our children and families. I am certain that the data gathered in that hearing, and along with the more than 50 other hearings held by the select committee, clearly will prove to be a major contribution to the development of public policy for America's families. Today, I strongly urge your support for the resolution to reauthorize the Select Committee on Children, Youth, and Families.

Mr. RODINO. Mr. Speaker, I rise in strong support of House Resolution 26, which will reestablish three select House committees for the 100th Congress: the Select Committee on Children, Youth, and Families; the Select Committee on Hunger; and the Select Committee on Narcotics Abuse and Control.

These select committees deal with problems of major concern to our Nation and I believe they provide valuable resources in our efforts to find solutions. Unfortunately, it is clear that the plight of our young people, and of the hungry at home and abroad, and the scourge of drug addiction, are not going to be resolved in the near future. It is essential to assure continuance of the work of these committees.

The Select Committee on Children, Youth, and Families has studied a wide range of issues, from child care to teen pregnancy to children in poverty and drug-addicted infants. Much more needs to be done, as evidenced by a recent report by the American Public Welfare Association that found 1 child in 4 is born into poverty in this country today. The family structure in America has drastically changed and is continuing to move away from the traditional pattern of two-parent families. Our children are the citizens and leaders of the future, and we must do everything possible to help them develop the strength and self-sufficiency to meet the challenges ahead.

The Select Committee on Hunger is charged with investigating both domestic and international hunger and malnutrition. It has provided critical information and analysis to us in seeking to meet this most basic need. In particular, I would cite the outstanding work the Select Committee on Hunger has done in reporting and advising us since 1984 on the ongoing famine crisis in Ethiopia and Sub-Saharan Africa. Their work aided us in developing the emergency food assistance legislation to help alleviate the tragedy in Africa.

The Select Committee on Hunger has also provided us with a report with recommendations for action against hunger, international and domestic, in the 100th Congress. We are not surprised to learn that hunger affects hundreds of millions of people in the world, but it is shocking to realize that 33.1 million Americans live in poverty and are vulnerable to hunger and malnutrition. The work of this select committee is vital in our ongoing efforts to eradicate hunger.

I wish to express my strong support for the creation of the Select Committee on Narcotics Abuse and Control. I believe that this committee is essential in that it will help to continue to focus congressional and public concern and attention on this serious national problem.

With the enactment last year of the omnibus drug control legislation, Congress attempted to address in a comprehensive fashion, all aspects of the problem. This committee is also essential so that extensive oversight can be conducted with regard to the implementation of this important legislation.

I must say that I am particularly disturbed that the funding levels for drug law enforcement, education, and treatment authorized in this legislation have been ignored to a great extent by the administration in submitting its budget proposal last week. The total disregard of the funding compromises contained in that legislation is a clear demonstration how urgently we need a Select Committee on Narcotics Abuse and Control.

Mr. Speaker, in my judgment, the failure to reconstitute the Select Committee on Narcotics would send a clear signal to the American people that the problem of drug abuse was solved by the passage of the drug legislation last year.

I certainly agree that it will go a long way in addressing the problem, but the task is not over. In fact, I was the author of a provision in the drug legislation calling for a White House conference on drug abuse. This conference, I understand, will be held this summer.

It is my hope that the select committee's diligent oversight activities, coupled with the White House conference, will enable us to give this menacing problem the high priority it deserves.

I am proud to have served on the Select Committee on Narcotics since its creation and I want to especially commend the gentleman from New York [Mr. RANGEL] for the excellent record of accomplishments by the select committee under his distinguished leadership over the years.

I urge my colleagues' wholehearted support for House Resolution 26.

Mr. FAUNTROY. Mr. Speaker, I rise in support of House Resolution 26, a bill which reconstitutes three of our most needed, most active and most relevant select committees. These three select committees are: the Select Committee on Hunger, the Select Committee on Children, Youth, and Families, and the Select Committee on Narcotics Abuse and Control.

While I strongly urge reconstitution of all three select committees included in this legislation, it is the Select Committee on Narcotics Abuse and Control which I have a personal and longstanding relationship with as a Member. For over 10 years the Select Committee on Narcotics has addressed critical needs in the areas of drug abuse by coordinating and concentrating oversight and directing congressional attention to problems and legislative solutions. The work of this committee has been one of the most useful and relevant in the recent history of the Congress. With the scourge of drug addiction sweeping through every segment of our society, it has been the dedicated and often brilliant work of the committee that has pushed other agencies and branches of the Federal and local governments to perform with superlative concentration.

The work of the Select Committee on Narcotics will be especially urgent in its role as a truly bipartisan force to speak with one voice on the subject of the narcotics crisis.

As we review its achievements in the past 2 years, and look at the grim tasks ahead, it is

clear that we must move swiftly and decisively to reconstitute this important committee.

The work of the Select Committee on Narcotics Abuse and Control is the best instrument we have to persuade the President, in dealing with the budget for fiscal year 1988, to return to his former support for adequate funding of the three major areas of narcotics abuse: prevention through education, treatment, and enforcement.

I urge your affirmative vote on House Resolution 26.

Mr. LOTT. Mr. Speaker, the time has come to just say no to recreating House select committees in perpetuity.

It's a little ironic and embarrassing that in this year of our Constitution's bicentennial, this House seems to be increasingly incapable of fulfilling its constitutional responsibilities. Wouldn't it be wonderful in this historic year if we tried to make this House work once again the way the Framers intended?

If we want to get down to the root cause of our paralysis, we must first clear away the underbrush and briars that have so entangled and immobilized this House. I'm talking about our spawling subcommittees and select committees that are sapping and ensnarling our standing committees to the point of impotence and inertia.

Woodrow Wilson was so right when he wrote that, "The House in committee is the House at work." And yet, our energies are so dissipated with all these subcommittees and select committees, that our standing committees are finding it increasingly difficult to do the real work of the House.

Mr. Speaker, I am not opposed to all select committees as a matter of principle. I've voted for some that I thought necessary, including one just yesterday. But I am opposed to the notion that these select committees have an inalienable right to eternal life. That is just plain contrary to what select committees are supposed to be all about which is the short term and temporary mandate to study a problem and report back to the House its findings and recommendations.

In 1977, the Rules Committee became so fed up with the proliferation of select committees and the demand to create new ones that our Subcommittee on Rules and Organization, chaired by our late and beloved colleague from Louisiana, Gillis Long, issued a report entitled, "Guidelines for the Establishment of Select Committees."

In that report our committee observed that:

Special circumstances sometimes justify the creation of select committees * * * (but) the proliferation of such committees adds to the spiralling congressional costs, exacerbates already serious space problems, imposes additional committee burdens on members, and may interfere with the effectiveness of the standing committee system.

The purpose of those Rules Committee guidelines was to deny requests for subcommittees in all but the most special of circumstances, and then, only for very limited periods. And yet, while we still circulate those guidelines, I fear we have gone lax in enforcing them. Two of the select committees before us today have been in existence for over two Congresses now, and the third for more than five Congresses. There is no valid reason, Mr. Speaker, for a select committee to be in existence for more than one or two Congresses. It should do its job, issue its report, turn over its recommendations to the legislative committee of jurisdiction, and close down its office.

I say none of this in criticism of the work or membership of the three select committees we are asked to renew today. They have done a fine job, and their members are diligent and dedicated. But I think the time has come for these select committees to declare victory and for their members to withdraw to their standards committees to do the legislative business of this House. Let's get back to basics and standup for our standing committees.

Mr. Speaker, I opened my remarks with a reference to our constitutional bicentennial, and I think it is appropriate to close with one. The Father or our Constitution, James Madison, once said:

There could be only two reasons for referring on any occasion to a select committee; either where there was an absolute want of time for the House to digest the subject themselves, or when any particular papers or documents were to be examined.

Yesterday witnessed was one such important occasion with respect to the Iran investigation; but even then we set a 10-month deadline. This resolution is not such an occasion. Let's terminate the seemingly interminable.

Mr. JEFFORDS. Mr. Speaker, I rise in support of the resolution now before us to reauthorize the Select Committee on Hunger during the 100th Congress. Since its creation in April of 1984, this select committee has been a valuable resource in working to find solutions to the complex problems of hunger in our country and around the world.

As a member of the House Agriculture and Education and Labor Committees, I have the privilege of working on our major domestic hunger-fighting programs. In the 99th Congress we passed major reauthorizations for both the Food Stamp and Child Nutrition Programs. While working on this legislation, I found information compiled by the Hunger Committee to the particularly helpful. In the last session members of the committee did work in a wide range of areas including improving the access of the elderly to food assistance programs, effectively use our food surplus, and various studies on international hunger problems. Their hearings and investigations zeroed in on areas with the greatest need and dovetailed nicely with the work of the authorizing committees.

I believe that reauthorization of the Hunger Committee is an important first step to help insure that our limited Federal resources continue to be channeled effectively in the 100th Congress.

In the 99th Congress we made some real strides in working to fight hunger. I wish that I could stand here and say that these measures were sufficient to bring the scourge of hunger under control and that a Select Committee on Hunger was no longer necessary.

Unfortunately, this is not the case. There is still a long way to go in the fight against hunger.

I urge you to join me in voting yes on this important resolution.

Mr. BIAGGI. Mr. Speaker, I rise today in support of the reauthorization of the Select Committee on Hunger. The committee has greatly assisted our efforts to alleviate both world and domestic hunger, one of the most pressing problems facing our society today.

Clearly, the need for this committee has not diminished. Although we are not reminded daily of the tragic drought and starvation plagued countries in Africa, the severe problems still exist in those countries. In addition, the tragic problem of hunger here at home is a growing reality. While conditions here are certainly not as grave as those in Africa, malnutrition and hunger is becoming increasingly widespread in our Nation, especially among children and minorities. In fact, it is estimated that as many as one-fourth of our Nation's children suffer from malnutrition. This tragedy must not be allowed to continue.

The Select Committee on Hunger has undertaken many activities designed to protect the health of our citizens, and those abroad. The committee was established in 1984 and represents a firm commitment on the part of this body to address the growing problem of hunger. Since its establishment, the committee has operated under the accomplished leadership of my colleague from Texas, MICKEY LELAND. He has conducted almost 30 hearings on this issue and served as a guiding force in efforts to increase public awareness about the problem of hunger, especially with respect to those it affects in our own country.

I recently received a copy of the report issued by the Select Committee on Hunger highlighting its accomplishments during the 99th session of Congress. The list was most impressive. Immunization programs and food assistance programs were at the focus of their activities. In addition, I believe the committee has undertaken a dramatic and important step in studying the correlation in this country between poverty, literacy, and hunger. I commend them for this activity and look forward to working with the committee in the future to address this critical problem.

The committee has, and will continue to make, important contributions in our efforts to devise and implement an effective strategy to combat the problems of world and domestic hunger. Thus far, the committee has proven invaluable to these efforts. Yet its work is not done. We must continue to reauthorize this select committee, and strive to more effectively address the problems of hunger and malnutrition. I urge my colleagues to support reauthorization of the Select Committee on Hunger.

Mr. CONTE. Mr. Speaker, I rise in support of House Resolution 26, specifically that part which reauthorizes the Select Committee on Hunger. World hunger can be considered nothing less than an international crisis, and, as such, it is one of the most important problems we face today. The Hunger Project's 1985 publication entitled "Ending Hunger" reports that over 35,000 human beings die from hunger every day, with three-quarters of that staggering figure representing the deaths of children under the age of 5. This means that between 13 and 18 million lives are lost to

hunger each year, and futhermore, there exist over 1 billion people who must remain in a chronic state of hunger and malnutrition. These are numbers we cannot ignore, and it is for this reason that it becomes imperative to preserve the Select Committee on Hunger in order to continue studies and the subsequent development of effective approaches aimed at the elimination of hunger on an international level.

The problem of world hunger is not unsolvable. Hunger related deaths, although still at intolerable levels, have dropped by nearly 7 million annually since the late 1970's. This encouraging change can be attributed in part to the increased efforts put forth by Congress as well as by numerous private organizations. For instance, in 1985, I personally had the pleasure of working with the Select Committee on Hunger in spearheading the drive for passage of the Africa supplemental bill which provided $800 million for famine and disaster relief. I recently received a letter from Catholic Relief Services which succinctly summarized the crucial role played by the Committee:

During 1984 and 1985, this bipartisan body was of key importance in creating an understanding of the tragedy that threatened in Africa and in helping to guide the generous American response.

This statement demonstrates the progress and success which have come with the committee's assistance, and moreover, the importance that actual field groups such as Catholic Relief Services have come to attribute to the unique role it performs.

Unfortunately, despite the improvements that have been made, hunger is still a critical problem in many parts of the world, including our own country. In having made this acknowledgment, it would be a crime not to continue our efforts to alleviate this unnecessary suffering. The Select Committee on Hunger has proven to be invaluable as it is devoted solely to the investigation of world hunger, the promotion of combative measures within House committees, and heightening general awareness on this crucial issue. In addition to the African supplemental bill, the committee has numerous other major accomplishments to its credit. These include support on issues ranging from enhanced primary health care in developing countries, worldwide child immunization, school feeding programs in developing countries, technological assistance to expand food production for family consumption, and inexpensive vitamin A deficiency intervention programs which alone could prevent several hundred thousand children from incurring blindness or fatal complications.

In upholding our moral and humanitarian responsibilities as public servants, we cannot allow this tragedy to continue. Hunger can be ended through the collective efforts and resources of those willing to make a dedicated commitment. It is for this reason that I believe we must reauthorize the Select Committee on Hunger to ensure that work being done to alleviate this problem is continued. As a proud cosponsor of the legislation reauthorizing the select committee, I urge my colleagues to join me and rise in support of House Resolution 26.

Mr. LEHMAN of Florida. Mr. Speaker, I am very pleased to join in strong support of House Resolution 26 to reconstitute the Select Committee on Children, Youth and Families.

During the nearly 4 years of work of the select committee, I have been privileged to serve as chairman of its Task Force on Prevention Strategies. The work of the committee and my task force has shown many times over the value and cost effectiveness of prevention. It also has shown how far we still must go in preventing and lessening the problems that confront today's children and their families.

The hearings, site visits and special studies of the select committee have documented serious and costly problems faced by millions of American children and their families for the members of the committee, the Congress, and the public. Researchers, program operators, policymakers and families themselves have informed the select committee, helping us to focus attention on many critical concerns. Among them:

Health care and nutrition for poor pregnant women, infants, and children;

Safe and affordable child care for infants, toddlers, and school-aged children for the large numbers of parents who do work or could work if they had adequate child care; and

Prevention of adolescent pregnancy and assistance to young parents to reduce risk of failure and enhance chances of success for them and their children.

I mention only a few, but they well illustrate the serious problems that continue affecting far too many of our Nation's children and families.

By documenting changing conditions and how they have affected families, as well as successful interventions, the work of the select committee has helped to inform our discussions about policies that will better enable families to thrive.

In the last Congress, for example, we saw debate and passage of measures to improve child health, to reauthorize the basic child nutrition assistance programs, to provide child care services to needy families, and to reduce childhood injuries.

The special forum of the Select Committee on Children, Youth and Families, I believe, has helped us to gain a more indepth understanding of these and other critical issues facing families. I urge my colleagues to join me in support of reauthorization so that the select committee can continue its important work as a resource for us all.

Mr. FRENZEL. Mr. Speaker, ideally the reconstitution of these select committees would be coming up as separate resolutions because it's important and proper that we consider them individually. But anyone who has been here for a few years knows what I'm going to say about all three.

These committees are a waste of the taxpayers' moneys.

The staffs do good investigative work and the committees all have noble goals: to examine ways to rid the world of hunger, or to cure the family and drug crises in America.

But these committees have no legislative authority. None at all. The people back home may not understand this: They may understand that these select committees, and all select committees, are shooting blanks. They may not understand that although we authorized $1,818,194 for these three committees in 1986, they have no power to pass legislation. They can and do advise standing committees so that those committees can in turn pass legislation, but, on their own, select committees have no power.

We don't need any more nonfunctional committees. We have too many jurisdictional battles as it is. The jurisdiction involved here should be handled by standing committees.

In my judgment, it is time to disband these committees. That's hard to say out loud. It sounds unsympathetic, antichildren, or prodrug abuse. And, of course, none of us takes that position. We all want these ills cured. But another ill we need to deal with is an overgrown committee system which needs trimming a bloated staff, and reckless expense of the taxpayers' money.

Since 1983, when the Select Committee on Children, Youth and Families was established, we have authorized $6,763,440 for these three committees. Collectively, they are one of our real growth industries. That is too much money when we have nothing to show for it but press releases, newsletters, a lot of travel miles logged, and a pile of unread committee reports.

It makes particularly good sense to disband these committees this year in light of the fact that we have had to establish a new select committee to study the Iran affair. Granted, this promises to be a short lived committee, but it will be a monster money eater. And of course, all select committees promised to be short lived, and never were.

We have a chance today to trim the fat. We don't need these selects. The work can be done by our standing committees. In some instances, the work is already being done by our standing committees. Eliminating these select committees would eliminate some of the turf wars being waged amongst the committees. My appeal is not to abandon work on hunger, drug abuse and for families. I'm suggesting we be more wise in the ways we use our resources to attack the problems we all want to solve. Today we have the chance to use resources well, attack the problem, and save money by voting against the resolution. I shall vote "no."

Mr. ACKERMAN. Mr. Speaker, I rise today in strong support of House Resolution 26, which would reauthorize the Select Committee on Hunger for the 100th Congress.

While no one knows precisely how many Americans are hungry or malnourished, institutions involved in providing emergency food assistance have seen significant increases in the numbers of people seeking food assistance during the past few years, as well as a change in the profile of Americans seeking food assistance. Where emergency food centers have traditionally served the hard core poor and people hit by emergencies, they are now serving families who until recently were making it financially. Despite the growing need for food aid, the funding levels of various Federal domestic food assistance programs has essentially stabilized since President Reagan took office.

Since its creation in 1984, the Select Committee on Hunger has been successful in working with the standing committees of jurisdiction in the 99th Congress to secure funding for a wide array of emergency food assistance programs, expand accessibility to enhanced health care services and increase the impact of food aid programs on overall development efforts around the world. The committee's leadership in identifying and responding to the complex problems of hunger has heightened public awareness of hunger issues and set an example for private sector initiatives in both domestic and international arenas.

Much work remains to be done to improve the quality of life for all people in less developed countries and in the United States. The long-term costs are too great, should we fail to take prudent action now to address the complex causes of hunger. I urge my colleagues to join me in supporting reauthorization of the Select Committee on Hunger.

Mr. BIAGGI. Mr. Speaker, I rise today in strong support for the reauthorization of the Select Committee on Children, Youth and Families. The committee was first established in 1983 and has operated under the skilled and respected leadership of our esteemed colleague from California, GEORGE MILLER.

Since its establishment, the committee has held more than 50 hearings and issued over a dozen reports containing recommendations in such areas as child abuse, day care, infant mortality, family health care, and the need for Medicaid expansion. The concern and interest displayed by the committee in assisting the truly needy of this Nation is highly commendable. I, personally, have been active in many of the activities conducted by the committee and urge all of my colleagues to do the same during this session.

Briefly, I would like to highlight just a few of the many worthwhile accomplishments of the Select Committee on Children, Youth and Families. Last Congress, Mr. MILLER authored the Child Care Opportunities for Families Act, which I was proud to join as a cosponsor. Included in this legislation were many important provisions detailing ways to improve child care and day care services in this country, especially among the poor and needy. One such provision provided day care for needy postsecondary students, which I worked to include in the Higher Education Act reauthorization. This provision was indeed included in this law and will provide, for the first time, day care services so essential for those students who face such obstacles in obtaining a postsecondary degree and improving their position in the work force.

I also want to thank the committee for the excellent information they have provided to Congress on the tragic subject of child abuse, an issue that has long been of deep personal interest and concern to me. The committee has enlightened both the Congress and the public with respect to the personal and social costs of child abuse and neglect and has played a major role in strengthening our commitment to treat this abhorrent problem and prevent it from spreading deeper into the realm of society. I look forward to working with the committee in this Congress during the reauthorization of our child abuse laws.

And finally, I would like to commend the committee for its work in the area of infant mortality and family health care. Their dedication to these vital issues helped result in the passage of a law to assist our Nation's handicapped infants and children receive the early intervention services critical to their future.

I firmly believe the need for this committee has not diminished. The committee has, and can continue to make an important contribution in the struggle against some of the most pressing social problems facing our Nation today. I urge all of my colleagues to join me today in supporting the reauthorization of the Select Committee on Children, Youth and Families. The committee, in such a short time, has proven to be a moving and much needed force in improving the plight of our Nation's citizens, especially those in need. Its effectiveness must not be overlooked.

Mr. MOODY. Mr. Speaker, I rise in strong support of House Resolution 26, to reauthorize the Select Committee on Hunger for the 100th Congress. At this time, I would also like to commend Mr. LELAND for his outstanding leadership as chairman of the select committee.

Some may question the need for this committee in an era of huge deficits. I understand this concern but I believe that providing relief from hunger is of overriding importance.

The Select Committee on Hunger was formed by the Congress in 1984 to identify the basic causes of domestic and international hunger and malnutrition, assess past and present national programs and policies that affect hunger and malnutrition, review existing studies and research on hunger, help our standing committees to create a coherent national food and hunger policy, and focus public attention on food and hunger issues. The select committee provides for a comprehensive and integrated study of this devastating problem. A select committee is the best forum for such a congressional focus, and I believe the committee's record to date justifies its continuation.

I urge my colleagues to support House Resolution 26 to reauthorize the Select Committee on Hunger so that we can continue to fight hunger and alleviate this tragic human catastrophe and utilize all available resources and technologies in its eradication.

Mrs. COLLINS. Mr. Speaker, I rise in support of reauthorization for the Select Committee on Hunger. The Hunger Committee accomplished some important things in the 99th Congress, but their work is not complete.

It is appalling that in this technological age, people still go hungry. Yet, the problem is actually growing. It is not only growing in the poor nations of the world, but also in the towns and cities of America.

The streets of every city contain homeless people searching through garbage to find enough food to stay alive. These people are no longer just the hobos of the past. Today, whole families, with children, are homeless and hungry. And many of those children in poverty still fortunate enough to have a roof over their heads, don't get enough to eat; their minds and bodies weakened by a lack of nutrition.

Hunger can be tolerated no longer. We have eradicated smallpox and other disease, hunger must follow. The Select Committee on Hunger is needed in the vanguard of this fight.

The committee has chalked up some impressive achievements on both the international and domestic fronts. In the foreign arena, they are divising methods by which the cycle of hunger can be permanently broken. Domestically, the select committee is working to safeguard the nutrition of all Americans.

Mr. Speaker, let's stop the human waste of malnutrition. We have the means to end hunger in our lifetime, but we need the Hunger Committee to do it. Join me, vote to reauthorize the Select Committee on Hunger.

Mr. WHEAT. Mr. Speaker, in closing, I urge my colleagues to adopt this resolution. Establishment of these three important select committees will be a crucial step toward guaranteeing that the 100th Congress will be productive in moving toward the development of solutions to some of our Nation's and our world's most profound problems.

Mr. Speaker, I have no further requests for time and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The Chair announces that the question will be divided. The first vote will occur on title I.

The Clerk read the title of title I.

The SPEAKER pro tempore. The question is on title I of 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 present.

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

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, are the next two votes to be 5-minute votes?

The SPEAKER pro tempore. The Chair will respond that should there be recorded votes ordered, the gentleman is correct; the next two votes will be 5-minute votes.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 312, nays 89, not voting 31, as follows:

[Roll No. 9]

YEAS—312

Ackerman	Bateman	Bonior (MI)
Akaka	Bates	Bonker
Alexander	Beilenson	Borski
Anderson	Bennett	Bosco
Andrews	Bentley	Boucher
Anthony	Bereuter	Boxer
Applegate	Bevill	Brooks
Aspin	Biaggi	Broomfield
Atkins	Bilbray	Brown (CA)
AuCoin	Bliley	Bruce
Barnard	Boehlert	Buechner
Barton	Boggs	Bustamante

Byron	Hughes	Pickett
Campbell	Hunter	Porter
Cardin	Hutto	Price (IL)
Carper	Ireland	Price (NC)
Carr	Jacobs	Pursell
Chandler	Jeffords	Rahall
Chapman	Jenkins	Rangel
Clarke	Johnson (SD)	Rhodes
Clinger	Jones (NC)	Richardson
Coats	Jones (TN)	Ridge
Coelho	Jontz	Rinaldo
Coleman (MO)	Kanjorski	Ritter
Coleman (TX)	Kaptur	Robinson
Collins	Kastenmeier	Rodino
Conte	Kennedy	Roemer
Conyers	Kennelly	Rogers
Cooper	Kildee	Rostenkowski
Coughlin	Kleczka	Roth
Courter	Kolter	Roukema
Coyne	Konnyu	Rowland (GA)
Daniel	Kostmayer	Roybal
Darden	LaFalce	Russo
Davis (MI)	Lagomarsino	Sabo
de la Garza	Lancaster	Saiki
DeFazio	Lantos	Sawyer
Dellums	Leach (IA)	Saxton
Derrick	Leath (TX)	Scheuer
DeWine	Lehman (CA)	Schneider
Dicks	Lehman (FL)	Schroeder
Dingell	Leland	Schuette
DioGuardi	Levin (MI)	Schulze
Dixon	Levine (CA)	Schumer
Dorgan (ND)	Lewis (CA)	Sharp
Dornan (CA)	Lewis (FL)	Sikorski
Dowdy	Lewis (GA)	Sisisky
Downey	Lipinski	Skaggs
Duncan	Lloyd	Skelton
Durbin	Lowery (CA)	Slaughter (NY)
Dwyer	Lowry (WA)	Slaughter (VA)
Dymally	Luken, Thomas	Smith (IA)
Dyson	MacKay	Smith (NE)
Eckart	Madigan	Smith (NJ)
Edwards (CA)	Manton	Smith, Robert (OR)
Emerson	Markey	Solarz
English	Martin (NY)	Spratt
Erdreich	Martinez	St Germain
Evans	Matsui	Staggers
Fascell	Mavroules	Stallings
Fawell	Mazzoli	Stark
Fazio	McCloskey	Stenholm
Feighan	McCurdy	Stokes
Fish	McDade	Stratton
Flake	McEwen	Studds
Flippo	McGrath	Sweeney
Florio	McHugh	Swift
Foley	McKinney	Synar
Ford (MI)	McMillan (NC)	Tallon
Ford (TN)	McMillen (MD)	Tauzin
Frank	Mfume	Thomas (GA)
Frost	Mica	Torres
Gallegly	Michel	Torricelli
Gallo	Miller (CA)	Towns
Garcia	Miller (WA)	Traficant
Gaydos	Mineta	Traxler
Gejdenson	Moakley	Udall
Gibbons	Molinari	Upton
Gilman	Mollohan	Valentine
Glickman	Montgomery	Vander Jagt
Gonzalez	Moody	Vento
Gordon	Moorhead	Visclosky
Grandy	Morella	Volkmer
Grant	Morrison (CT)	Walgren
Gray (IL)	Morrison (WA)	Watkins
Gray (PA)	Mrazek	Waxman
Guarini	Murphy	Weiss
Gunderson	Murtha	Weldon
Hall (OH)	Nagle	Wheat
Hall (TX)	Natcher	Whitten
Hamilton	Neal	Williams
Harris	Nelson	Wilson
Hatcher	Nichols	Wise
Hawkins	Nowak	Wolf
Hayes (IL)	Oakar	Wolpe
Hayes (LA)	Obey	Wortley
Hefner	Owens (NY)	Wyden
Henry	Owens (UT)	Wylie
Hertel	Panetta	Yates
Hochbrueckner	Parris	Yatron
Holloway	Pashayan	Young (AK)
Horton	Pease	Young (FL)
Howard	Penny	
Hoyer	Pepper	
Huckaby	Perkins	

NAYS—89

Archer	Gregg	Olin
Armey	Hammerschmidt	Oxley
Badham	Hansen	Packard
Baker	Hastert	Petri
Ballenger	Hefley	Ravenel
Bartlett	Herger	Ray
Bilirakis	Hiler	Roberts
Boulter	Hopkins	Rowland (CT)
Brown (CO)	Houghton	Schaefer
Bunning	Hubbard	Sensenbrenner
Burton (IN)	Hyde	Shaw
Callahan	Inhofe	Shumway
Cheney	Johnson (CT)	Skeen
Coble	Kolbe	Smith (TX)
Combest	Kyl	Smith, Denny (OR)
Craig	Latta	Smith, Robert (NH)
Crane	Lightfoot	Solomon
Dannemeyer	Livingston	Stangeland
Daub	Lott	Stump
Davis (IL)	Lujan	Sundquist
DeLay	Lukens, Donald	Swindall
Dickinson	Lungren	Tauke
Donnelly	Mack	Taylor
Dreier	Marlenee	Thomas (CA)
Early	McCandless	Vucanovich
Edwards (OK)	McCollum	Walker
Fields	Meyers	Weber
Frenzel	Miller (OH)	
Gekas	Myers	
Gingrich	Nielson	
Goodling	Oberstar	

NOT VOTING—31

Annunzio	Gephardt	Regula
Berman	Gradison	Roe
Boland	Green	Rose
Boner (TN)	Kasich	Savage
Bryant	Kemp	Shuster
Burton (CA)	Lent	Slattery
Chappell	Martin (IL)	Smith (FL)
Clay	Ortiz	Snowe
Crockett	Patterson	Spence
Espy	Pickle	
Foglietta	Quillen	

□ 1610

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

So title I of the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The Clerk read the title of title II.

The SPEAKER pro tempore. The question is on title II of the resolution.

Title II of the resolution was agreed to.

A motion to reconsider was laid on the table.

The Clerk read the title of title III.

The SPEAKER pro tempore. The question is on title III of the resolution.

Title III of the resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, October 30, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted by the Committee on Public Works and Transportation on October 1, 1986. These resolutions approve four watershed projects of the Soil Conservation Service in accordance with the provisions of Public Law 566, Eighty-third Congress.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, November 6, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted by the Committee on Public Works and Transportation on October 1, 1986. These resolutions authorized studies of potential water resources projects by the Corps of Engineers in accordance with the provisions of Section 4 of the Act of March 4, 1913, as amended.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. LOTT. Mr. Speaker, I have requested this time so that we can inform the Members of what they can anticipate for the balance of the day and the week.

Mr. Speaker, I just wish to confirm for the Members at this point that, as I understand it, that concludes the votes for the day, and that there will be no further legislative business scheduled today or this week. Is that correct? I just wanted to confirm that that is the conclusion of business for the week.

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

Mr. LOTT. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the distinguished Republican whip for yielding to me.

Mr. Speaker, the program for the House of Representatives for the week of January 19, 1987, is as follows:

On Monday, January 19, the House will not be in session. It is the Martin Luther King, Jr., Birthday.

Mr. LOTT. The gentleman expects no further business today or the balance of this week; is that correct?

Mr. FOLEY. The gentleman is correct. This concludes the legislative program for today and for the balance of the week. The House will not be in session tomorrow, and will not be in session until Tuesday, January 20, when the House will meet at noon. There will be one suspension bill. Recorded votes will be postponed until after the suspension. That is House Concurrent Resolution 24, to make a correction, relating to phosphate fertilizer effluent limitations, in the enrollment of H.R. 1, the Clean Water Act amendments. Members will be advised accordingly as to their attendance on that day.

On Wednesday, January 21, and Thursday, January 22, the House will meet at 2 p.m. on Wednesday, and 11 a.m. on Thursday, to consider H.R. 2, the Surface Transportation Uniform Relocation Assistance Act of 1987. The rule provides for consideration in the House, with 80 minutes of debate.

□ 1620

I might say to the Members that this is the highway bill and this will be considered on Wednesday, and if necessary, on Thursday.

The House will not be in session on Friday the week of the 20th.

It will be my intention, by the way, to ask unanimous consent that rather than coming in at 11 o'clock on Thursday, January 22, we would like to come in at noon to accommodate a Democratic Caucus.

Mr. LOTT. The gentleman is asking to come in at 11 o'clock instead of 12 o'clock on Thursday of that week?

Mr. FOLEY. No, 12 o'clock rather than 11 o'clock on Thursday.

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

Mr. LOTT. I will be happy to yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, will the gentleman advise me why the rule provides for consideration with 80 minutes of debate or is that a typo? That is the first time that I recall other than an hour, and it is not an hour and a half or two hours.

Mr. FOLEY. The rule provides for 1 hour for Public Works and Transportation and 20 minutes for the Committee on Ways and Means.

Mr. MICHEL. And that is a closed rule?

Mr. FOLEY. It is a closed rule.

Mr. MICHEL. So those who might like to see the 55-mile-an-hour speed limit eliminated have no opportunity, I understand, to have an amendment to do just that thing?

Mr. FOLEY. The gentleman's understanding is correct.

Mr. MICHEL. Then there will have to be a discussion on the rule?

Mr. FOLEY. If the gentleman wishes to have a discussion, there will have to be a discussion on the rule.

Mr. MICHEL. I understand and I thank the gentleman.

Mr. LOTT. Mr. Speaker, I yield back the balance of my time.

HOUR OF MEETING ON THURSDAY, JANUARY 22, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House convenes on Thursday, January 22, 1987, it convene at 12 noon.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Washington?

There was no objection.

GENERAL LEAVE

Mr. ERDREICH. Mr. Speaker, I ask unanimous consent that all Members may be permitted to have 5 legislative days in which to extend their remarks, and include extraneous material, on the special order of the gentleman from New Jersey [Mr. RODINO].

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

There was no objection.

POLITICALLY MOTIVATED IRS AUDITS

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

Mr. EDWARDS of California. Mr. Speaker, the subcommittee that I chair of the House Judiciary Committee has been concerned for some time about Government harassment of groups or individuals who might be opposed to our policy in Central America. Last year, for example, the FBI interviewed approximately 100 Americans who traveled to Nicaragua and had returned to our country. The FBI also investigated one of these groups who opposed our policy in El Salvador.

I strongly complained to the FBI about this action, which I considered harassment, and I believe that they have stopped this sort of thing. However, recently the subcommittee learned that certain individuals who took a trip or traveled like Americans are entitled to travel to Nicaragua, when they came back, immediately the IRS conducted an audit of their income tax.

I have provided the names and addresses of six of these individuals to the oversight subcommittee of the Committee on Ways and Means, and there are more people who are getting audited who travel to Nicaragua.

Also, Mr. Speaker, two respected groups active in lawful opposition to our policy in Nicaragua and Central America have been audited by the IRS. One in New York and one here in Washington, DC.

In the past, and I have been here long enough to remember some of the things that have happened in the past, the Internal Revenue Service audited certain people and organizations for political purposes. We want to know if they have started that practice again, and if they have, we are certainly not going to allow it to continue.

MARTIN LUTHER KING DAY

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

Mr. VISCLOSKY. Mr. Speaker, on January 19, we will celebrate not only the birth of a great man, Dr. Martin Luther King, Jr., but also the birth of a great dream.

Dr. King spent his entire life teaching. Teaching the lesson of gentleness. Setting an example of tolerance. Showing us that the way to achieve a just society was through being kind and selfless.

In doing so, whether through example or by word, Dr. King changed our country forever. Changed it through the law and through a change in heart. As my colleague Mr. WHEAT noted on January 21, 1986, "Dr. King's actions had heralded a new spirit in our Nation. Across our Nation, people had begun to treat each other not as blacks and whites, but as fellow Americans."

Lessons and ideals such as these cannot be confined to one day, and it was my privilege to author legislation in the 99th Congress that proclaims August 12, 1987, as National Civil Rights Day. A day to be set aside to honor not only the memory of Dr. King and his work, but for the struggle of all like-minded people who saw injustice and did not turn away.

On January 19, on August 12, and forevermore, let us rededicate ourselves to Dr. King's dream of a just society—where everyone is guaranteed a full life. A life of dignity, health, and joy.

□ 1630

GALLIPOLIS: EVER CLOSER TO A GO AHEAD

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

Mr. MILLER of Ohio. Mr. Speaker, Gallipolis is a go at last after years of

pursuit as a result of hard work and effort.

The current Gallipolis lock facility on the Ohio River opened to barge traffic in 1937. For a half century it has been worked to the edge of disaster. It is now obsolete and a navigational nightmare.

Last fall, with the diligent efforts of ROBERT ROE, JIM HOWARD, Gene Snyder, TOM BEVILL, JOHN MYERS, ARLAN STANGELAND and others in this House, we approved a sweeping comprehensive water resources bill. The President has signed the bill into law. The President has included funds in his 1988 budget to get a new Gallipolis locking complex constructed. The work will begin in 1987 and it will mean new jobs and economic expansion throughout the Ohio Valley.

All too often, in the rush of critical issues, we fail to give credit where its due. In this case, on behalf of the Ohio Valley and Gallipolis, in particular, I want to credit the supporters of this critically important project with all the appreciation and gratitude possible. Thanks to you, Gallipolis is a go at last. You can take pride in knowing you've made a difference.

LEGISLATION TO REPEAL GRAMM-RUDMAN

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

Mr. GONZALEZ. Mr. Speaker, as I did in the 99th Congress, I have introduced a bill to repeal the so-called Gramm-Rudman Act. In opposing this ill-advised law last year, I stated that it was a dangerous and irresponsible farce, conceived in a spate of political expedience, and "perfected" in an atmosphere of panic and coercion. I noted that it was bad policy because of its many bizarre and irrational effects—it would require activities that are self-supporting and profitable to be cut, even though the result would be actually to increase the deficit; it would protect certain entitlements, but reduce administrative resources necessary to implement those entitlements; it would treat some retirees generously, while denying fair treatment to others. Our experience with Gramm-Rudman over the past year confirms the fears of those of us who opposed it. It is time to repeal that law and return to rational, if difficult, methods of establishing the Federal budget.

Last summer the U.S. Supreme Court tore out the heart of the Gramm-Rudman Act by holding the law's automatic sequestration procedures to be unconstitutional. This holding was proper, and hardly unexpected. Even President Reagan, who signed the measure into law, had the Justice Department challenge the sequestration provisions before the Supreme Court. Yet the Court's decision came too late to prevent the first round of blind and painful—fiscal year 1986—cuts last spring.

Following those first cuts, Congress set out to exempt various programs from potential across-the-board sequestration. Such actions may serve to correct some particularly bizarre or inequitable results. However, they provide no solution to Gramm-Rudman's unreasoning rigidly, because ultimately the burden of cutting the deficit falls even more heavily on the remaining nonexempt programs, regardless of their merit.

Even without problems regarding the allocation of cuts, slavish adherence to Gramm-Rudman's compulsory deficit ceilings would be unwise, if not impossible. This last fall, Congress and the administration nominally followed the act's fall-back procedures to comply with Gramm-Rudman's fiscal year 1987 deficit ceiling of $144 billion. However, this compliance was achieved on paper only—current Congressional Budget Office projections indicate a fiscal year 1987 deficit of nearly $170 billion—and even then it was necessary to utilize several nonrecurrent sources of revenue, such as Federal asset sales and a 1-year revenue hike resulting from the enactment of the Tax Reform Act of 1986, to reach the deficit level that was achieved. In recent months, even such outspoken proponents of deficit reduction as Federal Reserve Board Chairman Paul Volcker and former—under President Ford—Chairman of the Council of Economic Advisers Alan Greenspan have expressed concern that Gramm-Rudman's deficit targets may be unreachable and foolish.

The Federal budget plays a critical role in the country's social, military, and economic health, serving as a kind of balance wheel. When inflation threatens, the budget should be close to balanced; but when recession occurs, Federal spending can help stimulate the economy. Gramm-Rudman has badly warped that balance wheel. It is time to repeal that law and restore the procedural flexibility that is essential to the development of a responsible Federal budget. That is what my bill would do.

PUERTO RICAN CITIZENS HELP VICTIMS OF THE DUPONT PLAZA HOTEL FIRE

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

Mr. GARCIA. Mr. Speaker, I would like to take a second and talk about an incident that took place that grabbed international headlines last week, December 31; and that was the tragedy at the Dupont Plaza Hotel in San Juan, PR.

As one who was on the island during that period of time, Puerto Rico has received a great deal of adverse publicity as it relates to that fire; and I, along with all of my colleagues, hope that they find who the culprits were, bring them to swift trial, and that the law be handled in the way it should be, and at the swiftest penalty and hardest penalty that can be judged on whoever those persons may be.

There was another part of that fire that took place, and an aspect of the Commonwealth of Puerto Rico; as one of two persons on this floor of Puerto Rican ancestry, I would just like to commend many of the Puerto Rican citizens who lived in and around the Dupont Plaza who opened their homes to the victims.

Many of the residents of those hotels were invited in and asked to stay. Many of the residents went to various places to buy clothes based upon stipends that they had received from the hotel management; and many of these stores refused to charge these people.

I think it is a tribute to the auxiliary forces in Puerto Rico; to the human services in Puerto Rico, and especially the agencies that worked so hard.

There were so many volunteers in Puerto Rico, and so many wonderful Puerto Ricans who helped during this tragedy, I would hate to leave this Congress this week without congratulating them and affording them our heartfelt thanks from all the Members of Congress, to those Puerto Ricans who were so helpful to the victims of the Dupont Plaza Hotel.

EXTENSION OF HIGHWAY TRUST FUND

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

Mr. ROSTENKOWSKI. Mr. Speaker, the Committee on Ways and Means took action on Tuesday, January 6, 1987, to extend the Highway Trust Fund and related highway excise taxes. The legislation will be offered by the committee as an amendment to be added as a separate revenue title to H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987, when H.R. 2 is considered by the House of Representatives.

The following is an explanation of the tax title of the bill with accompanying statutory text.

[COMMITTEE PRINT]

100TH CONGRESS, *1st Session*, WCMP: 100-2

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES

EXPLANATION OF REVENUE TITLE ("HIGHWAY REVENUE ACT OF 1987") to H.R. 2 (EXTENSION OF HIGHWAY TRUST FUND TAXES)

As approved by the Committee on Ways and Means, January 7, 1987

INTRODUCTION

This document is an explanation of the committee amendment approved by the Committee on Ways and Means on January 6, 1987, to extend the present-law highway-related excise taxes and the Highway Trust Fund expenditure authority for five years (through September 30, 1993). The committee amendment is to be offered as the revenue title to H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987, when the bill is considered by the House of Representatives.

This committee explanation of the revenue title to H.R. 2 is intended to be a part of the official legislative history of the committee amendment.

The first part is a summary of the committee amendment and background. The second part is the explanation of the provisions of the committee amendment. The third part presents the estimated budget effects of the committee amendment and the effects on the revenues to the Highway Trust Fund, as well as the vote of the committee. The fourth part is the statutory language of the committee amendment. The last part shows the changes in the existing law made by the committee amendment.

I. BACKGROUND AND SUMMARY

A. BACKGROUND ON LEGISLATION

H.R. 2, as introduced, provides a five-year extension of the Highway Trust Fund (HTF) authorizations (fiscal years 1987-1991). The present-law HTF authorizations, as enacted in the Surface Transportation Assistance Act of 1982, generally expired after September 30, 1986. The present-law excise taxes and authority to spend from the Trust Fund are scheduled to expire after September 30, 1988.

During the 99th Congress, the House of Representatives passed a bill, H.R. 3129, which would have provided a five-year extension of the current highway excise taxes (through September 30, 1993) and a five-year reauthorization for Highway Trust Fund expenditure programs (fiscal years 1987-1991). The Senate amendment to that bill would have provided a four-year extension of the taxes and trust fund authorizations. The conference committee on H.R. 3129 tentatively agreed to a five-year authorization extension, but reached no final agreement on tax or trust fund and other provisions before the 99th Congress adjourned.

B. SUMMARY OF COMMITTEE AMENDMENT

Present-law highway excise taxes and trust fund

Excise taxes are imposed on gasoline, diesel and other motor fuels, trucks, truck trailers, heavy tires, and heavy highway vehicles. Revenues from these highway-related excise taxes are deposited in the Highway Trust Fund. Revenues equivalent to one cent per gallon from the taxes on highway motor fuels go into the Mass Transit Account in the Highway Trust Fund. The other highway excise tax revenues go into the Highway Account in the Trust Fund.

The Highway Trust Fund taxes are currently scheduled to expire after September 30, 1988. (See Table in Part II, below.) Also, authority to spend from the Highway Trust Fund expires after September 30, 1988. Deposits of pre-October 1, 1988, excise tax liabilities will continue to go into the Trust Fund through June 30, 1989.

Committee amendment

The committee amendment includes the following provisions:

(1) The present-law Highway Trust Fund excise taxes, and the authority to spend from the Trust Fund, are extended for five years (through September 30, 1993). Revenues from these taxes will continue to be deposited into the Trust Fund for an additional five years (through June 30, 1994).

(2) The Highway Trust Fund statute is updated to reflect trust fund authorization purposes in H.R. 2.

(3) A technical amendment to the retail excise tax on certain trucks and trailers is included clarifying the application of that tax in the case of leased trucks and trailers.

(4) Revenue Rulings 85-196, 1985-2 C.B. 205, and 86-43, 1986-1 C.B. 317, are made inapplicable to retail sales of certain trucks and trailers acquired by retail dealers before January 1, 1986.

II. EXPLANATION OF COMMITTEE AMENDMENT

A. EXTENSION OF HIGHWAY TRUST FUND EXCISE TAXES

Present Law

Highway excise taxes

Excise taxes are imposed on gasoline, diesel and other motor fuels, trucks, truck trailers, heavy tires, and heavy highway vehicles. Revenues from these highway-related excise taxes are deposited in the Highway Trust Fund. The taxes currently are scheduled to expire after September 30, 1988. Deposits of pre-October 1, 1988, excise tax liabilities will continue to go into the Trust Fund for an additional nine months (through June 30, 1989).

The table below shows the present-law tax rate schedule for the Highway Trust Fund excise taxes.

PRESENT-LAW HIGHWAY TRUST FUND EXCISE TAXES

[Through Sept. 30, 1988]

Tax (and Code section)	Tax rate
Motor fuels:	
Gasoline (sec. 4081)	9 cents per gallon.
Special motor fuels (sec. 4041(b))	9 cents per gallon.
Diesel fuel (sec. 4041(a))	15 cents per gallon.
Trucks and trailers:	
Trucks (over 33,000 lbs.) and trailers (over 26,000 lbs.) (sec. 4051).	12 percent of retail price.
Tires for highway vehicles (sec. 4071):	40 lbs. or less—no tax. 40–70 lbs.—15 cents/lb. over 40 lbs. 70–90 lbs.—$4.50, plus 30 cents/lb. over 70 lbs. Over 90 lbs.—$10.50, plus 50 cents/lb. over 90 lbs.
Use tax on heavy highway vehicles (sec. 4481):	Under 55,000 lbs.—no tax. 55,000–75,000 lbs.—$100, plus $22/1,000 lbs. over 55,000. Over 75,000 lbs.—$550

Application of retail excise tax to leased trucks and trailers

The excise tax on trucks and trailers was changed from a manufacturers excise to a retail excise as part of the Surface Transportation Assistance Act of 1982. On April 5, 1983, the Treasury Department adopted temporary regulations providing that the tax was to be imposed at the time an initial lease was entered into (i.e., such leases were treated as a first retail sale) (i) in the case of trucks and trailers to be leased for a period in excess of 50-percent of their useful life, or (ii) if a lease for any duration was to be entered into which provided an option for purchase at less than fair market value.

In September 1985, Treasury amended its regulations to provide that, in the case of leased vehicles, the tax would be imposed on sale by the manufacturer to the lessor. In response to a letter from the original Congressional sponsors of the 1982 legislation protesting this change, Treasury stated that legislation would be required to effect imposition of the tax on leased vehicles as provided in its 1983 regulations.[1]

Determination of gross vehicle weight for computation of tax

The retail excise tax applies to trucks having a gross vehicle weight in excess of 33,000 pounds and to trailers having such a weight in excess of 26,000 pounds. Gross vehicle weight generally has been defined as the maximum loaded weight at which a taxable vehicle is capable of operating. The Internal Revenue Service has ruled that the addition by retail dealers of readily attachable parts such as tires and axles that reduce gross vehicle weight below the taxable weight threshold is ignored in determining liability for the tax in the case of vehicles sold after September 30, 1986. (See Rev. Rul. 85-196, 1985-2 C.B. 205 and Rev. Rul. 86-43, 1986-1 C.B. 317.)

Reasons for Change

Extension of highway revenue taxes

H.R. 2 ("Surface Transportation and Uniform Relocation Assistance Act of 1987") provides Federal-aid highway authorizations from the Highway Trust Fund for fiscal years 1987-1991. The Committee on Ways and Means is aware that the provisions governing authorizations from the trust fund would require reduction in highway spending commitments beginning on October 1, 1986, unless action is taken to provide further funding for the Trust Fund. The committee believes that continued funding for the building and maintenance of our Nation's highway system is an important national objective and that a five-year extension of the present Highway Trust Fund excise taxes is, therefore, appropriate at this time.

Application of excise tax to leased trucks and trailers

The committee believes that, in the case of long-term leases of trucks and trailers, the lease of the truck or trailer is essentially equivalent to the first retail sale. Because the tax is determined on an ad valorem basis (i.e., 12 percent of retail price), allowing the tax to be imposed on the sale price to the lessor, instead of by reference to a retail sales price, may result in an unfair competitive advantage for lease transactions. The committee amendment corrects this problem by treating the lease as the first retail sale in such cases and imposing the tax based on a constructive price equivalent to the price at which like vehicles are sold at retail.

[1] Letter from Assistant Secretary of the Treasury (for Tax Policy) J. Roger Mentz to Rep. J.J. Pickle, dated September 29, 1986.

Explanation of Provisions

Extension of highway excise taxes

The committee amendment extends the present Highway Trust Fund excise taxes for five additional years, through September 30, 1993. (See current taxes and rates in the table, above.) Revenues from these taxes will continue to be deposited into the Trust Fund through June 30, 1994 (i.e., for five additional years).

Application of retail excise tax to leased trucks and trailers

The committee amendment includes a technical modification to the retail excise tax on heavy trucks and trailers as that tax applies to certain vehicles to be leased pursuant to long-term leases. Under the amendment, the entering of a long-term lease is treated as a taxable first retail sale in certain cases. Thus, the retail excise tax is imposed at that time rather than upon the sale of the taxable vehicle by the manufacturer to the lessor. The amendment defines as long term any lease having a term (including renewal periods) of one year or more.

The amendment provides that unless a lessor certifies (in a manner prescribed by the Secretary of the Treasury) that the taxable vehicle is to be leased pursuant to a long-term lease, tax is imposed on the sale to the lessor. In such cases, the tax is determined by reference to the price paid by the lessor.

The amendment provides additionally that, except as provided in Treasury Department regulations, a second, "backup" tax is imposed on a vehicle on which tax is initially imposed upon sale to a lessor if the vehicle is leased pursuant to a long-term lease or is sold at retail within one year of the first sale. The backup tax is imposed at the regular 12-percent tax rate and, in the case of long-term lease transactions, is determined using the constructive sales price rules, described below. Lessors are liable for the backup tax in the same manner as retail dealers are liable for the basic 12-percent tax under present law.

The Treasury Department is authorized to prescribe regulations exempting from the backup tax certain second sales or leases occurring within one year of an initial taxable sale. For example, if a common carrier not engaged in the business of re-selling or leasing trucks re-sells a truck from its fleet within one year of purchase the backup tax will not be imposed where the second sale or the lease was not anticipated at time of the first taxable sale.

The constructive sales price rules of present law also are clarified by the committee amendment to provide that, in the case of long-term leases treated as retail sales, the tax is determined based upon a constructive price equal to the sum of the following:

(1) The price for which the lessor acquired the truck or trailer;

(2) The cost of all modifications made to the truck or trailer during the period beginning on the date the lessor acquired the vehicle and ending on the date that is six months after the first day of the term of the long-term lease; and

(3) A presumed percentage mark-up established by the Treasury Department for the type of vehicle involved that reflects the difference between the manufacturer's sales price and an arm's-length retail sales price of vehicles of the type involved.

Conforming amendments are made extending the new back-up tax to retail sales occurring within one year after imposition of the truck and trailer excise tax on a sale by a manufacturer to a retail seller who fails to provide required certifications of an intent to resell the vehicle at retail.

Further, the committee intends that the Treasury Department will prescribe form language for use in complying with the certification requirements of the present Treasury regulations as continued under the committee amendment. The committee intends that this form language be sufficiently succinct that it can be incorporated into pre-printed purchase orders and invoices as a separately stated item.

Determination of gross vehicle weight

The committee amendment provides that Revenue Ruling 85-196 and Revenue Ruling 86-43 do not apply in determining gross vehicle weight for first retail sales of trucks and trailers acquired in inventory by a retail dealer before January 1, 1986, and sold by such dealers on or after that date.

Effective Dates

The highway excise tax extension provisions of the committee amendment apply to taxable transactions occurring after September 30, 1988, and before October 1, 1993. The technical amendment to the retail excise tax on certain trucks and trailers as applied to leased vehicles and the amendments overriding Revenue Rulings 85-196 and 86-43 are effective on the date of the bill's enactment.

B. Highway Trust Fund Expenditure Authority

Background and Present Law

Overview

The Highway Trust Fund was originally established in 1956. The Trust Fund and the related highway excise taxes have been extended four times since 1970: a five-year extension in the Federal Aid Highway Act of 1970 (from September 30, 1972 through September 30, 1977), a two-year extension in the Federal-Aid Highway Act of 1976 (through September 30, 1979), a five-year extension in the Surface Transportation Assistance Act of 1978 (through September 30, 1984), and a four-year extension in the Surface Transportation Assistance Act of 1982 (through September 30, 1988, or fiscal years 1985-1988).

The Highway Trust Fund authorizations in the 1982 Act generally were for fiscal years 1983-1986. Thus, the revenues deposited in the Trust Fund lag behind the authorization period by two years. This is because of the lead time required between the time a project is authorized or obligated and the time when money is needed to pay for it.

An anti-deficit provision (i.e., the "Byrd Amendment") requires that highway apportionments be reduced when unfunded authorizations exceed estimated Trust Fund receipts (tax revenues and interest earned by the Fund) in the following 24-month period.

Trust Fund expenditure purposes

In the 1982 Act, the Highway Trust Fund statute was codified in the Internal Revenue Code (sec. 9503), effective January 1, 1983. The 1982 Act established two Accounts within the Highway Trust Fund: the Highway Account and the Mass Transit Account. Amounts may be paid from the Highway Trust Fund through September 30, 1988, as provided in appropriation Acts, to meet obligations incurred in carrying out the purposes of the Trust Fund. Obligations may be incurred for the purposes specified in the Highway Revenue Act of 1956, the Surface Transportation Assistance Act of 1982, or any law enacted thereafter, for a general purpose authorized under these Acts as in effect on December 31, 1982. Thus, any new general expenditure purpose from the Trust Fund requires a Code amendment.

Highway Account expenditures

The general highway-related programs authorized from the Highway Trust Fund include the following:

Interstate highway construction and resurfacing and repair.

Federal-aid highways, including primary and secondary systems, and urban systems.

Forest and public lands highways, scenic highways, parkways, Indian roads.

Highway hazard elimination projects.

Bridge replacement and rehabilitation.

Emergency (disaster) relief.

Rail crossings and demonstration projects.

Traffic control and traffic signal demonstration projects.

Intermodal urban demonstration projects.

Carpool and vanpool grants.

Pedestrian walkways on highway rights of ways and bikeways.

Highway-related safety grants.

Motor carrier safety grants.

Highway safety research and development.

National Highway Traffic Safety Administration for a share of traffic safety programs.

Certain highway-related administrative costs.

Mass Transit Account expenditures

The Mass Transit Account in the Trust Fund is financed from the revenue equivalent of one cent of the tax on highway motor fuels. Amounts in the Mass Transit Account are available for making capital expenditures authorized under section 21(a)(2) of the Urban Mass Transportation Act. An anti-deficit provision is included so that unfunded transit authorizations may not exceed estimated account receipts for the following 12 months (compared to 24 months for the Highway Account).

Trust Fund authorizations in H.R. 2

H.R. 2 provides for a five-year authorization of Highway Trust Fund expenditure programs (Highway and Mass Transit Accounts) for fiscal years 1987-1991. (The current trust fund authorization programs generally extend through fiscal year 1986).

Highway and highway safety program (Highway Account) authorizations from the Trust Fund under H.R. 2 for fiscal years 1987-1991 total $70.0 billion ($14.0 billion per year).

Mass Transit Account authorizations from the Trust Fund under H.R. 2 amount to $1.1 billion for fiscal year 1987, and $1.8 billion per year for fiscal years 1988-1991, or a total of $8.3 billion over the five-year period.

H.R. 2 authorizes $5 million per year out of the Trust Fund for fiscal years 1987-1991 for billboard and sign removal costs. The bill also authorizes a total of $10 million per year from the Trust Fund for the five years for university transportation research centers ($5 million out of the Highway Account and $5 million out of the Mass Transit Account). Previously, any such amounts were authorized out of the general fund of the Treasury.

Reasons for Change

The Committee on Ways and Means agrees that expenditure authority for the Highway Trust Fund should be extended for five years (through September 30, 1993) to parallel the five-year Highway Trust

Fund authorizations (Highway Account and Mass Transit Account) included in H.R. 2 and the five-year extension of the highway excise taxes in the committee amendment (discussed in II.A., above).

Explanation of Provisions

The committee amendment provides a five-year extension of the authority to make expenditures out of the Highway Trust Fund (through September 30, 1993).

The committee amendment also updates the Trust Fund statute to reflect the trust fund authorization purposes included in H.R. 2 (e.g., billboard and sign removal costs and university transportation research centers).

Effective Dates

The provision extending the trust fund expenditure authority is effective for the period October 1, 1981, through September 30, 1993. The updating of the Trust Fund statute is effective on the date of enactment.

C. TRADE-RELATED PROVISION OF H.R. 2. BUY AMERICAN RESTRICTIONS

The Committee on Ways and Means is very concerned about the Buy American requirements in the Surface Transportation Act and the amendments to increase these restrictions in section 130 of H.R. 2. These provisions would add cement from Canada or Mexico to the existing prohibition on the use of other foreign products in Federally-funded highway projects and increase the domestic content requirements for the purchase of buses, railcars, and other rolling stock. These Buy American restrictions have a clear and direct impact on imports and affect our overall reciprocal trade relations and future trade agreements, particularly with Canada. Therefore, the committee believes such restrictions are inappropriate in this Act and intends to deal with them in connection with any future consideration of extension of the Highway Trust Fund.

III. BUDGET EFFECTS OF COMMITTEE AMENDMENT AND VOTE OF THE COMMITTEE

A. BUDGET EFFECTS

In compliance with clause 7 of Rule XIII of the Rules of the House of Representatives, the following statement is made concerning the budget of the committee amendment.

The committee amendment with respect to the five-year extension of current highway excise taxes will not effect net fiscal year budget receipts, as the extension of present-law Highway Trust Fund excise taxes is included in the baseline budget assumption for budget estimating purposes by the Congressional Budget Office. The provisions with respect to the application of the truck retail excise tax in the case of certain leased trucks and trailers and aplication of the retail tax to certain inventories acquired before January 1, 1986 are estimated to reduce fiscal year budget receipts by a negligible amount.

The committee amendment is projected (based on CBO's August 1986 forecast assumptions) to provide $74.0 billion in tax revenues to the Highway Trust Fund for fiscal years 1988-1933. In addition, the Trust Fund will earn interest on investments of its cash balance.

B. VOTE OF THE COMMITTEE

In compliance with clause 2(l)(B) of Rule XI of the Rules of the House of Representatives, the following statement is made concerning the vote of the Committee on Ways and Means on the motion to report the committee amendment. The committee amendment was approved by voice vote.

TITLE V—HIGHWAY REVENUE ACT OF 1987

SEC. 501. SHORT TITLE.

This title may be cited as the "Highway Revenue Act of 1987".

SEC. 502. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES AND RELATED EXEMPTIONS.

(a) EXTENSION OF TAXES.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1993":

(1) Section 4041(a)(3) (relating to special fuels tax).

(2) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(3) Section 4071(d) (relating to tax on tires and tread rubber).

(4) Section 4081(e)(1) (as amended by the Tax Reform Act of 1986 and section 521(a)(1)(B) of the Superfund Revenue Act of 1986).

(5) Section 4481(e), 4482(c)(4), and 4482(d) (relating to highway use tax).

(d) EXTENSION OF EXEMPTIONS, ETC.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1993":

(1) Section 4041(b)(2)(C) (relating to qualified methanol and ethanol fuel).

(2) Section 4041(f)(3) (relating to exemption for farm use).

(3) Section 4041(g) (relating to other exemptions).

(4) Section 4221(a) (relating to certain tax-free sales).

(5) Section 4483(f) (relating to termination of exemptions for highway use tax).

(6) Section 6420(h) (relating to gasoline used on farms).

(7) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems) (as in effect before its redesignation by section 1703(c) of the Tax Reform Act of 1986).

(8) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(9) Section 6427(m) (relating to fuels not used for taxable purposes) (as in effect before its redesignation by section 1703(e)(1) of the Tax Reform Act of 1986).

(c) EXTENSION OF REDUCED RATES OF TAX ON FUELS CONTAINING ALCOHOL.—

(1) Paragraph (3) of section 4041(k) of such Code (relating to fuels containing alcohol) is amended by striking out "December 31, 1992" and inserting in lieu thereof "September 30, 1993".

(2) Paragraph (4) of section 4081(c) of such Code (relating to gasoline mixed with alcohol), as amended by the Tax Reform Act of 1986, is amended by striking out "December 31, 1992" and inserting in lieu thereof "September 30, 1993".

(d) OTHER PROVISIONS.—

(1) FLOOR STOCKS REFUNDS.—Paragraph (1) of section 6412(a) of such Code (relating to floor stocks refunds) is amended—

(A) by striking out "1988" each place it appears and inserting in lieu thereof "1993", and

(B) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

(2) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Paragraph (2) of section 6156(e) of such Code (relating to installment payments of tax on use of highway motor vehicles) is amended by striking out "1988" and inserting in lieu thereof "1993".

SEC. 503. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsections (b), (c), and (e) of section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) are each amended—

(1) by striking out "1988" each place it appears and inserting in lieu thereof "1993", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of such Code (relating to expenditures from Highway Trust Fund) is amended by striking out "or" at the end of subparagraph (B) and by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) authorized to be paid out of the Highway Trust Fund under the Surface Transportation and Uniform Relocation Assistance Act of 1987, or

"(D) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A), (B), or (C) as in effect on the date of the enactment of the Surface Transportation and Uniform Relocation Assistance Act of 1987."

(c) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(1) by Striking out "1988" and inserting in lieu thereof "1993", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

SEC. 504. CERTAIN TRANSFERS FROM HIGHWAY TRUST FUND TO BE MADE PROPORTIONATELY FROM MASS TRANSIT ACCOUNT.

Subsection (e) of section 9503 of the Internal Revenue Code of 1986 (relating to establishment of Mass Transit Account) is amended by adding at the end thereof the following new paragraph:

"(5) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNT.—

"(A) IN GENERAL.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account and the Mass Transit Account in proportion to the respective revenues transferred under this section to the Highway Account (after the application of paragraph (2)) and the Mass Transit Account; except that any such transfers to the extent attributable to section 6427(g) shall be borne only by the Highway Account.

"(B) HIGHWAY ACCOUNT.—For purposes of subparagraph (A), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account."

SEC. 505. TREATMENT OF LONG-TERM LESSORS OF HEAVY TRUCKS AND TRAILERS.

(a) INITIAL TAX NOT IMPOSED ON SALE TO LONG-TERM LESSORS.—Paragraph (1) of section 4052(a) of the Internal Revenue Code of 1986 (defining first retail sale) is amended by striking out "other than for resale" and inserting in lieu thereof "other than for resale or leasing in a long-term lease".

(b) CONSTRUCTIVE SALES PRICE IN THE CASE OF LONG-TERM LEASE.—Subsection (b) of section 4052 of such Code (defining price) is amended by adding at the end thereof the following new paragraph:

"(3) LONG-TERM LEASE.—

"(A) IN GENERAL.—In the case of any long-term lease of an article which is treated as the first retail sale of such article, the tax

under this subchapter shall be computed on a price equal to—

"(i) the sum of—

"(I) the price at which such article was sold to the lessor, and

"(II) the cost of any parts and accessories installed by the lessor on such article before the first use by the lessee or leased in connection with such long-term lease, plus

"(ii) an amount equal to the presumed markup percentage of the sum described in clause (i).

"(B) PRESUMED MARKUP PERCENTAGE.—For purposes of subparagraph (A), the term 'presumed markup percentage' means the average markup percentage of retailers of articles of the type involved, as determined by the Secretary."

(c) BACKUP TAX.—Section 4052 of such Code is amended by adding at the end thereof the following new subsection:

"(e) BACKUP TAX.—

"(1) IN GENERAL.—If—

"(A) any vehicle which contains an article taxable under section 4051(a) is sold by any person, or is leased by any person in a long-term lease, before such vehicle has been used for periods aggregating 1 year or more, and

"(B) such sale or lease is not the first retail sale of such vehicle,

there is hereby imposed a tax on such person equal to the amount determined under paragraph (2).

"(2) AMOUNT OF TAX.—The amount of the tax determined under this paragraph shall be equal to the excess, if any, of—

"(A) the amount of tax which would be imposed by section 4051 if the sale or lease referred to in paragraph (1) were the first retail sale of the article, over

"(B) the amount of the tax imposed by section 4051 on the first retail sale of such article.

"(3) TAX NOT TO APPLY IN CERTAIN CASES.—The Secretary shall by regulations provide that paragraph (1) shall not apply to specified types of sales and leases where the application of such paragraph is not necessary to carry out the purposes of this subsection."

(d) LONG-TERM LEASE DEFINED.—Section 4052 of such Code is amended by adding at the end thereof the following new subsection:

"(f) LONG-TERM LEASE.—For purposes of this section, the term 'long-term lease' means any lease with a term of 1 year or more. In determining a lease term for purposes of the preceding sentence, the rules of section 168(i)(3)(A) shall apply."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles sold by the manufacturer, producer, or importer after the date of the enactment of this Act.

SEC. 506. APPLICATION OF CERTAIN REVENUE RULINGS.

Revenue Rulings 85-196 and 86-43 shall not apply to any vehicle acquired by a retail dealer before January 1, 1986, continuously held in such dealer's inventory through September 30, 1986, and sold by such dealer after September 30, 1986.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

INTERNAL REVENUE CODE OF 1986

Subtitle D—Miscellaneous Excise Taxes

* * * * *

CHAPTER 31—RETAIL EXCISE TAXES

* * * * *

Subchapter A—Special Fuels

* * * * *

SEC. 4041. IMPOSITION OF TAX

(a) DIESEL FUEL AND SPECIAL MOTOR FUELS.—

(1) * * *

* * * * *

(3) TERMINATION.—On and after October 1, [1988,] *1993,* the taxes imposed by this subsection shall not apply.

(b) EXEMPTION FOR OFF-HIGHWAY BUSINESS USE; REDUCTION IN TAX FOR QUALIFIED METHANOL AND ETHANOL FUEL.—

(1) * * *

(2) QUALIFIED METHANOL AND ETHANOL FUEL.—

(A) * * *

* * * * *

(C) TERMINATION.—On and after October 1, [1988], *1993,* subparagraph (A) shall not apply.

* * * * *

(f) EXEMPTION FOR FARM USE.—

(1) * * *

* * * * *

(3) TERMINATION.—Except with respect to the taxes imposed by subsection (d), on and after October 1, [1988] *1993,* paragraph (1) shall not apply.

(g) OTHER EXEMPTIONS.—Under regulations prescribed by the Secretary, no tax shall be imposed under this section—

(1) On any liquid sold for use or used as supplies for vessels or aircraft (within the meaning of section 4221(d)(3));

(2) with respect to the sale of any liquid for the exclusive use of any State, any political subdivision of a State, or the District of Columbia, or with respect to the use by any of the foregoing of any liquid as a fuel;

(3) upon the sale of any liquid for export, or for shipment to a possession of the United States, and in due course so exported or shipped; and

(4) with respect to the sale of any liquid to a nonprofit educational organiation for its exclusive use, or with respect to the use by a nonprofit educational organization of any liquid as a fuel.

For purposes of paragraph (4), the term "nonprofit educational organization" means an educational organization described in section 170(b)(1)(A)(ii) which is exempt from income tax under section 501(a). The term also includes a school operated as an activity of an organization described in section 501(c)(3) which is exempt from income tax under section 501(a), if such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. Except with respect to the taxes imposed by subsection (d), paragraphs (2) and (4) shall not apply on and after October 1, [1988] *1993.*

* * * * *

(k) FUELS CONTAINING ALCOHOL.—

(1) * * *

* * * * *

(3) TERMINATION.—Paragraph (1) shall not apply to any sale or use after [December 31, 1992.] *September 30, 1993.*

* * * * *

Subchapter B—Heavy Trucks and Trailers

* * * * *

SEC. 4051. IMPOSITION OF TAX ON HEAVY TRUCKS AND TRAILERS SOLD AT RETAIL.

(a) * * *

* * * * *

(c) TERMINATION.—On and after October 1, [1988], *1993,* the taxes imposed by this section shall not apply.

* * * * *

SEC. 4052. DEFINITIONS AND SPECIAL RULES.

(a) FIRST RETAIL SALE.—For purposes of this subchapter—

(1) IN GENERAL.—The term "first retail sale" means the first sale, for a purpose other than for resale *or leasing in a long-term lease,* after manufacture, production, or importation.

* * * * *

(b) DETERMINATION OF PRICE.—

(1) * * *

* * * * *

(3) LONG-TERM LEASE.—

(A) IN GENERAL.—In the case of any long-term lease of an article which is treated as the first retail sale of such article, the tax under this subchapter shall be computed on a price equal to—

(i) the sum of—

(I) the price at which such article was sold to the lessor, and

(II) the cost of any parts and accessories installed by the lessor on such article before the first use by the lessee or leased in connection with such long-term lease, plus

(ii) an amount equal to the presumed markup percentage of the sum described in clause (i).

(B) PRESUMED MARKUP PERCENTAGE.—For purposes of subparagraph (A), the term "presumed markup percentage" means the average markup percentage of retailers of articles of the type involved, as determined by the Secretary.

* * * * *

(e) BACKUP TAX.—

(1) IN GENERAL.—If—

(A) any vehicle which contains an article taxable under section 4051(a) is sold by any person, or is leased by any person in a long-term lease, before such vehicle has been used for periods aggregating 1 year or more, and

(B) such sale or lease is not the first retail sale of such vehicle,

there is hereby imposed a tax on such person equal to the amount determined under paragraph (2).

(2) AMOUNT OF TAX.—The amount of the tax determined under this paragraph shall be equal to the excess, if any, of—

(A) the amount of tax which would be imposed by section 4051 if the sale or lease referred to in paragraph (1) were the first retail sale of the article, over

(B) the amount of the tax imposed by section 4051 on the first retail sale of such article.

(3) TAX NOT TO APPLY IN CERTAIN CASES.—The Secretary shall by regulations provide that paragraph (1) shall not apply to specified types of sales and leases where the application of such paragraph is not necessary to carry out the purposes of this subsection.

(f) LONG-TERM LEASE.—For purposes of this section, the term "long-term lease" means

any lease with a term of 1 year or more. In determining a lease term for purposes of the preceding sentence, the rules of section 168(i)(3)(A) shall apply.

* * * * *

CHAPTER 32—MANUFACTURERS EXCISE TAXES

* * * * *

Subchapter A—Automotive and Related Items

* * * * *

PART II—TIRE

* * * * *

SEC. 4071. IMPOSITION OF TAX.

(a) * * *

* * * * *

(d) TERMINATION.—On and after October 1, [1988,] *1993,* the taxes imposed by subsection (a) shall not apply.

* * * * *

PART III—PETROLEUM PRODUCTS

* * * * *

Subpart A—Gasoline

* * * * *

SEC. 4081. IMPOSITION OF TAX.

(a) * * *

* * * * *

(c) GASOLINE MIXED WITH ALCOHOL.—

(1) * * *

* * * * *

(4) TERMINATION.—Paragraph (1) shall not apply to any removal or sale after [December 31, 1992.] *September 30, 1993.*

* * * * *

(e) TERMINATION.—

(1) HIGHWAY TRUST FUND FINANCING RATE.—On and after October 1, [1988,] *1993,* the Highway Trust Fund financing

* * * * *

Subchapter G—Exemptions, Registration, Etc.

* * * * *

SEC. 4221. CERTAIN TAX-FREE SALES.

(a) GENERAL RULE.—Under regulations prescribed by the Secretary, no tax shall be imposed under this chapter (other than under section 4121 or section 4081 (at the Highway Trust Fund financing rate)) on the sale by the manufacturer (or under section 4051 on the first retail sale) of an article—

(1) for use by the purchaser for further manufacture, or for resale by the purchaser to a second purchaser for use by such second purchaser in further manufacture,

(2) for export, or for resale by the purchaser to a second purchaser for export,

(3) for use by the purchaser as supplies for vessels or aircraft,

(4) to a State or local government for the exclusive use of a State or local government, or

(5) to a nonprofit educational organization for its exclusive use,

but only if such exportation or use is to occur before any other use. Paragraphs (4) and (5) shall not apply to the tax imposed by section 4064. In the case of taxes imposed by section 4051, or 4071, paragraphs (4) and (5) shall not apply on or after October 1, [1988] *1993.*

* * * * *

CHAPTER 36—CERTAIN OTHER EXCISE TAXES

* * * * *

Subchapter D—Tax on Use of Certain Vehicles

* * * * *

SEC. 4481. IMPOSITION OF TAX.

(a) * * *

* * * * *

(3) PERIOD TAX IN EFFECT.—The tax imposed by this section shall apply only to use before October 1, [1988] *1993.*

SEC. 4482. DEFINITIONS.

(a) * * *

* * * * *

(c) OTHER DEFINITIONS AND SPECIAL RULE.—for purposes of this subchapter—

(1) * * *

* * * * *

(4) TAXABLE PERIOD.—The term "taxable period" means any year beginning before July 1, [1988], *1993,* and the period which begins on July 1, [1988] *1993,* and ends at the close of September 30, [1988] *1993.*

* * * * *

(d) SPECIAL RULE FOR TAXABLE PERIOD IN WHICH TERMINATION DATE OCCURS.—In the case of the taxable period which ends on September 30, [1988] *1993,* the amount of the tax imposed by section 4481 with respect to any highway motor vehicle shall be determined by reducing each dollar amount in the table contained in section 4481(a) by 75 percent.

SEC. 4483. EXEMPTIONS.

(a) * * *

* * * * *

(f) TERMINATION OF EXEMPTIONS.—Subsections (a) and (c) shall not apply on and after October 1, [1988.] *1993.*

* * * * *

Subtitle F—Procedure and Administration

* * * * *

CHAPTER 62—TIME AND PLACE FOR PAYING TAX

* * * * *

Subchapter A—Place and Due Date for Payment of Tax

* * * * *

SEC. 6156. INSTALLMENT PAYMENTS OF TAX ON USE OF HIGHWAY MOTOR VEHICLES.

(a) * * *

* * * * *

(e) SECTION INAPPLICABLE TO CERTAIN LIABILITIES.—This section shall not apply to any liability for tax incurred in—

(1) April, May, or June of any year, or

(2) July, August, or September of [1988.] *1993.*

* * * * *

CHAPTER 65—ABATEMENTS, CREDITS, AND REFUNDS

* * * * *

Subchapter B—Rules of Special Application

* * * * *

SEC. 6412. FLOOR STOCKS REFUNDS.

(a) IN GENERAL.—

(1) TIRES AND GASOLINE.—Where before October 1, [1988,] *1993,* any article subject to the tax imposed by section 4071 or 4081 has been sold by the manufacturer, producer, or importer and on such date is held by a dealer and has not been used and is intended for sale, there shall be credited or refunded (without interest) to the manufacturer, producer, or importer an amount equal to the difference between the tax paid by such manufacturer, producer, or importer on his sale of the article and the amount of tax made applicable to such article on and after October 1, [1988,] *1993,* if claim for such credit or refund is filed with the Secretary on or before March 31, [1989,] *1994,* based upon a request submitted to the manufacturer, producer, or importer before January 1, [1989,] *1994,* by the dealer who held the article in respect of which the credit or refund is claimed, and, on or before March 31, [1989] *1994* reimbursement has been made to such dealer by such manufacturer, producer, or importer for the tax reduction on such article or written consent has been obtained from such dealer to allowance of such credit or refund. No credit or refund shall be allowable under this paragraph with respect to gasoline in retail stocks held at the place where intended to be sold at retail, nor with respect to gasoline held for sale by a producer or importer of gasoline.

* * * * *

SEC. 6420. GASOLINE USED ON FARMS.

(a) * * *

* * * * *

(h) TERMINATION.—Except with respect to taxes imposed by section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate, this section shall apply only with respect to gasoline purchased before October 1, [1988.] *1993.*

* * * * *

SEC. 6421. GASOLINE USED FOR CERTAIN NONHIGHWAY PURPOSES, USED BY LOCAL TRANSIT SYSTEMS, OR SOLD FOR CERTAIN EXEMPT PURPOSES.

(a) * * *

* * * * *

(i) EFFECTIVE DATE.—Except with respect to taxes imposed by section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate, this section shall apply only with respect to gasoline purchased before October 1, [1988.] *1993.*

* * * * *

SEC. 6427. FUELS NOT USED FOR TAXABLE PURPOSES.

(a) * * *

* * * * *

(g) ADVANCE REPAYMENT OF INCREASED DIESEL FUEL TAX TO ORIGINAL PURCHASERS OF DIESEL-POWERED AUTOMOBILES AND LIGHT TRUCKS.—

(1) * * *

* * * * *

(5) VEHICLES TO WHICH SUBSECTION APPLIES.—Except as provided in paragraph (6), this subsection shall only apply to qualified diesel-powered highway vehicles originally purchased after January 1, 1985, and before January 1, [1988.] *1993.*

* * * * *

(n) TERMINATION OF SUBSECTIONS (a), (b), (c), (d), (g), AND (h).—Except with respect to taxes imposed by section 4041(d) and section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate, subsections (a), (b), (c), (d), (g) and (h) shall only apply with respect to fuels purchased before October 1, [1988.] *1993.*

Subtitle I—Trust Fund Code

* * * * *

Chapter 98—Trust Fund Code

* * * * *

Subchapter A—Establishment of Trust Funds

* * * * *

SEC. 9503. HIGHWAY TRUST FUND.

(b) TRANSFER TO HIGHWAY TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN TAXES.—

a(1) IN GENERAL. There are hereby appropriated to the Highway Trust Fund amounts equivalent to the taxes received in the Treasury before October 1, [1988,] *1993,* and before July 1, 1989, Under the following provisions—

(A) section 4041 (relating to taxes on diesel fuels and special motor fuels),

(B) section 4051 (relating to retail tax on heavy trucks and trailers),

(C) section 4061 (relating to tax on trucks and truck parts),

(D) section 4071 (relating to tax on tires and tread rubber),

(E) section 4081 (relating to tax on gasoline),

(F) section 4091 (relating to tax on lubricating oil), and

(G) section 4481 (relating to tax on use of certain vehicles).

(2) LIABILITIES INCURRED BEFORE OCTOBER 1, 1988.—There are hereby appropriated to the Highway Trust Fund amounts equivalent to the taxes which are received in the Treasury after September 30, [1988,] *1993,* and before July 1, [1989,] *1994,* and which are attributable to liability for tax incurred before October 1, [1988,] *1993,* under the provisions described in paragraph (1).

* * * * * *

(c) EXPENDITURES FROM HIGHWAY TRUST FUND.—

(1) FEDERAL-AID HIGHWAY PROGRAM.—Except as provided in subsection (e), amounts in the Highway Trust Fund shall be available, as provided by appropriation Acts, for making expenditures before October 1, [1988,] *1993,* to meet those obligations of the United States heretofore or hereafter incurred which are—

(A) authorized by law to be paid out of the Highway Trust Fund established by section 209 of the Highway Revenue Act of 1956.

(B) authorized to be paid out of the Highway Trust Fund under title I or II of the Surface Transportation Assistance Act of 1982, [or]

[(C) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A) or (B) as in effect on December 31, 1982]

(C) authorized to be paid out of the Highway Trust Fund under the Surface Transportation and Uniform Relocation Assistance Act of 1987, or

(D) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A), (B), or (C) as in effect on the date of the enactment of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

(2) TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDITS.—

(A) IN GENERAL.—The Secretary shall pay from time to time from the Highway Trust Fund into the general fund of the Treasury amounts equivalent to—

(i) the amounts paid before July [1989,] *1994,* under—

(I) section 6420 (relating to amounts paid in respect of gasoline used on farms),

(II) section 6421 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems),

(III) section 6424 (relating to amounts paid in respect of lubricating oil used for certain nontaxable purposes, and

(IV) section 6427 (relating to fuels not used for taxable purposes), on the basis of claims filed for periods ending before October 1, [1988] *1993,* and

(ii) the credits allowed under section 34 (relating to credit for certain uses of gasoline, special fuels, and lubricating oil) with respect to gasoline, special fuels, and lubricating oil used before October 1, [1988,] *1993,* (or with respect to qualified diesel-powered highway vehicles purchased before January 1, [1988] *1993.*

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(3) 1988 FLOOR STOCKS REFUNDS.—The Secretary shall pay from time to time from the Highway Trust Fund into the general fund of the Treasury amounts equivalent to the floor stocks refunds made before July 1, [1989,] *1994,* under section 6412(a).

(4) TRANSFERS FROM THE TRUST FUND FOR MOTORBOAT FUEL TAXES.—

(A) RANSFER TO BOAT SAFETY ACCOUNT.—

(i) IN GENERAL.—The Secretary shall pay from time to time from the Highway Trust Fund into the Boat Safety Account in the Aquatic Resources Trust Fund amounts (as determined by him) equivalent to the motorboat fuel taxes received on or after October 1, 1980, and before October 1, [1988.] *1993.*

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(e) ESTABLISHMENT OF MASS TRANSIT ACCOUNT.—

(1) * * *

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(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Mass Transit Account shall be available, as provided by appropriation Acts, for making capital expenditures before October 1, [1988] *1993* (including capital expenditures for new projects) in accordance with section 21(a)(2) of the Urban Mass Transportation Act of 1964.

* * * * * *

(5) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNT.—

(A) IN GENERAL.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account and the Mass Transit Account in proportion to the respective revenues transferred under this section to the Highway Account (after the application of paragraph (2)) and the Mass Transit Account; except that any such transfers to the extent attributable to section 6427(g) shall be borne only by the Highway Account.

(B) HIGHWAY ACCOUNT.—For purposes of subparagraph (A), the term "Highway Account" means the portion of the Highway Trust Fund which is not the Mass Transit Account.

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SECTION 201 OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965

TRANSFERS TO AND FROM LAND AND WATER CONSERVATION FUND

SEC. 201. (a) * * *

(b) There shall be paid from time to time from the Land and Water Conservation Fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before October 1, [1989,] *1994,* under section 6421 of the Internal Revenue Code of 1954 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before October 1, [1988;] *1993;* and

(2) 80 percent of the floor stocks refunds made before October 1, [1989,] *1994,* under section 6412(a)(2) of such Code with respect to gasoline to be used in motorboats.

MATTHEW J. RINALDO, SR.—CITIZEN AND FAMILY MAN

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

Mr. RODINO. Mr. Speaker, our Nation is blessed with many fine citizens who inspire us with their strength of character, their labors, their commitment to their families and their community. One such family man, Matthew J. Rinaldo, Sr., of Union, NJ, recently passed away, leaving behind a great many friends and admirers. His family included his devoted and loving wife, Ann, of Union, NJ, our distinguished colleague and my dear friend, Representative MATTHEW J. RINALDO, two other sons, Donald and James, and a daughter, Nancy.

I join with Members of this House in expressing sincere condolences to our colleague, Congressman RINALDO, and his family, and I call the attention of my colleagues to the following obituaries which appeared in the Newark Star Ledger and in the Daily Journal of Elizabeth, NJ.

MATTHEW RINALDO SR., CONGRESSMAN'S FATHER

Matthew J. Rinaldo Sr., 79, the father of New Jersey's representative from the 7th District, died on New Year's Eve at Overlook Hospital in Summit following cardiac arrest.

He was employed at Exxon Research and Engineering Co. in Bayway for 39 years, retiring in 1970.

Born in Elizabeth, he lived there until moving to Union in 1955. While a resident of Elizabeth, he was a member of St. Mary's Holy Name Society and was active in the Sixth Ward Democratic Club. His lifelong interest in politics and government influenced his son to enter politics in Union as a Republican. The elder Rinaldo was described by his son as "my chief political mentor, supporter and campaign booster as well as my best friend."

Known as "Monte," Mr. Rinaldo played an active role in all of his son's campaign for Congress except the most recent one. Together with his wife, Ann, Mr. Rinaldo made politics a family affair, accompanying his son on numerous campaign tours. When he moved his family to Union, Mr. Rinaldo joined the Republican Party.

Mr. Rinaldo, and his wife frequently handled telephone inquires at their home from constituents needing help. "They always received a sympathetic ear, and my father was right on top of the issues," Rep. Rinaldo said. "He loved politics and sports because of the competition."

Another family member said Mr. Rinaldo had been looking forward to attending the Giants' playoff games and had even asked his doctor to release him from the hospital so he could attend the Sunday playoff game with San Francisco. "He was a Giant rooter all his life and felt this was the year to fulfill their ambition of winning the Superbowl."

Mr. Rinaldo and his wife celebrated their 50th wedding Nov. 23, 1980, and were hon-

ored by personal messages from then-President Jimmy Carter, former President Gerald Ford, and President-elect Ronald Reagan, all of whom Mr. Rinaldo had met.

He was a communicant of St. Michael's Church and a Third Degree member of Union Council 4504, Knights of Columbus.

Besides his wife, he is survived by three sons, Donald, an attorney in Union, James of Elizabeth and Rep. Matthew, a daughter, Nancy of Cockeysville, Md., and 10 grandchildren.

Funeral arrangements will be made by Haeberle & Barth, 1100 Pine Ave., Union.

MATTHEW RINALDO SR., CONGRESSMAN'S FATHER

UNION.—Matthew J. Rinaldo Sr., the father of Rep. Matthew Rinaldo, R-Union, died of cardiac arrest at Overlook Hospital in Summit on New Year's Eve. He was 79 years old.

The elder Rinaldo was not directly involved in politics, but he was active in his son's career, who called him his "No. 1 booster."

"He was the best friend I ever had," the congressman said yesterday. "I always looked forward to coming home to him."

Mr. Rinaldo was rushed to Overlook Hospital by the congressman Tuesday night after he experienced shortness of breath. He was kept at the hospital and was reported to be in stable condition. The elder Rinaldo was receiving visitors at his bed throughout the day, but around 7 p.m., Wednesday, he "just laid down and died," said Robert DeLazaro, a spokesman for the congressman.

Born in Elizabeth, Mr. Rinaldo was an active member of the Sixth Ward Democratic Council, when Mayor Thomas Dunn was then the Sixth Ward representative.

He moved to Union in 1955 and was employed at the Exxon Research and Engineering Co. in Bayway for 39 years before retiring in 1970.

Mr. Rinaldo was remembered by friends and family as a outgoing, family man, who always had a smile on his face and a kind word for everyone.

After he retired, he liked to take long walks in Union Center, said Anthony Russo, the mayor of Union, and a long-time friend of the Rinaldo family.

"He used to say hello to everybody," Russo said. "Everybody liked him."

Others, such as John Zimmerman, vice president of the Union Center Bank, said he was often seen by neighbors sweeping the sidewalk in front of his Headley Terrace house or polishing the car. Some said he was too active at his age, and the congressman had difficulty convincing him to slow down.

"He was very involved in Matt's career," said Elizabeth Mayor Thomas Dunn. "In fact, he was doing too much in the last couple of years."

The mayor said he had known "Monte," as Mr. Rinaldo was nicknamed, since they were both youngsters growing up in the Sixth Ward, the Peterstown section of Elizabeth.

"He was a hard-working guy," Dunn said. "I can't say enough good things about him."

Another friend of Mr. Rinaldo was Gov. Thomas Kean. He said last night that he met the elder Rinaldo early in the 1970s, when the congressman first ran for Congress.

"I knew him and was a good friend of his," Kean said. "I am very saddened by his death and I send my personal condolences to the family."

Mr. Rinaldo was a Democrat while living in Elizabeth, but changed political parties when he moved to Union.

"He changed parties because of my interest in politics and the fact that I was a Republican," the congressman said.

"He had a lot of friends," the congressmen said of his father. "He enjoyed the people and life in this area. He had great love for his children and grandchildren."

Mr. Rinaldo made politics a family affair and accompanied his son on all campaigns, except the most recent one. He frequently handled telephone inquiries from constituents.

"They always received a sympathetic ear, and my father was right on top of the issues," the congressman said. "He loved politics and sports because of the competition."

Another family member said Mr. Rinaldo was looking forward to attending the Giants' playoff game and had even asked his doctor to release him from the hospital so he can attend the Sunday game with San Francisco.

Mr. Rinaldo and his wife, Ann, celebrated their 50th wedding anniversary on Nov. 23, 1980. They were honored by personal messages from then President Jimmy Carter, former President Gerald Ford and President-elect Ronald Reagan, all of whom Mr. Rinaldo has met.

In addition to his wife and son, Mr. Rinaldo is survived by two other sons, Donald, a Union attorney, and James of Elizabeth; a daughter, Nancy of Cockeysville, Md., and 10 grandchildren.

Mr. Rinaldo was a communicant of St. Michael's Church in Union and a Third-Degree member of Union Council 4504, Knights of Columbus.

A wake is to be held tomorrow at St. Michael's Church, Union, from 7 to 9 p.m. and Sunday from 2 to 4 and 7 to 9 p.m.

A Mass will be celebrated 10 a.m. Sunday at the church. Burial will take place after the Mass.

Haeberle & Barth, 1100 Pine Ave., Union, is in charge of arrangements.

Mr. COURTER. Mr. Speaker, I rise today to offer my sincere condolences to our distinguished colleague and my good friend from New Jersey, Congressman MATTHEW J. RINALDO, and to his family on the passing of Matthew J. Rinaldo, Sr. He was the moral force and rockbed of his family, and stood for those values that are rooted in the American experience: Hard work; devotion to his family; God fearing, and firmly committed to our Nation's traditions.

In attending the funeral Mass at St. Michael's Church, in Union, NJ, I was moved by the warm, personal tributes, paid to Mr. Rinaldo, Sr., by Bishop Dominic A. Marconi, the auxiliary bishop of the Newark Archdiocese, and Msgr. Harrold Murray, who delivered the homily. They spoke about Mr. Rinaldo's love for his family; his involvement in his son's congressional campaigns, and the way that Mr. Rinaldo and his wife, Ann, worked at home in helping constituents who had turned to their son for assistance. As Monsignor Murray commented in his homily, it was a family affair, and the elder Mr. Rinaldo was the inspiration behind the family's spirit of public service.

Thirteen other monsignors and priests joined in the beautiful concelebrated Mass that ended with a tribute by Rev. Robert Fuhrman, Mr. Rinaldo's parish priest.

Thousands of mourners visited the Haeberle & Barth Funeral Home in Union in an extraordinary display of respect and affection for Matthew J. Rinaldo, Sr., and his family. They received hundreds of Mass cards and spiritual bouquets as well as floral tributes that filled the funeral home. Others donated to their favorite charities in memory of Mr. Rinaldo, Sr.

Among those paying tribute to Mr. Rinaldo were Vice President BUSH, Gov. Thomas Kean; Members of Congress, and scores of State legislators, mayors, and business leaders from throughout New Jersey.

The senior Mr. Rinaldo was no public figure. He never ran for office. Seldom did his name appear in the newspapers or among the lists of the most prominent people in New Jersey. He never sought the public limelight nor did he ever wish to be treated as a celebrity. Instead, he made his presence felt through the sheer force of his goodwill and love of people. Most of all he stood for the pride that many Americans have in their family. He was the essence of the proud father who worked and struggled to insure that his family had the opportunities available to so many Americans. His life and the homage he was paid at his funeral from his many friends and admirers was a testament to the meaning of a good father, a good man, and a fine American.

I join my colleagues in the House in expressing our sympathies to his loving wife of 56 years, Ann Rinaldo, their sons, MATTHEW J. RINALDO, a Member of this House, Donald, James, and their daughter, Nancy, and 10 grandchildren. They were the most important things in his life, a life that was lived to the fullest in a country that he dearly loved.

MEDICARE ADULT DAY CARE AMENDMENTS

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

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce legislation, the medicare adult day care amendments, intended to help more of our Nation's senior citizens and chronically ill stay in their own communities rather than being unnecessarily incarcerated in nursing homes and other institutions away from their own homes and communities. I am very pleased to be joined by Representative EDWARD ROYBAL in sponsoring this bill. The need which this legislation attempts to address is part of a persistent yet neglected national problem that will not just disappear over time: the lack of a comprehensive national long-term health care policy.

By now, the parameters of this problem have become familiar to most policymakers. The aging of the population over the next few decades—due to both demographics and longer life expectancies—will impose increasingly greater strains on an already overburdened system. The present structure of health care delivery and financing does not make effective use of total health care dollars. Entire segments of the population receive second-rate services. The United States is the only major industrialized Nation in the world without a national health care policy. I think it is espe-

cially important in the context of the legislation now being introduced that senior citizens today spend the same percentage of their personal incomes on health care as they did before the existence of Medicare.

Moreover, Medicare provides coverage only for acute care situations, and frowns upon preventive health care services. Those persons who require long-term custodial care must either be wealthy enough to pay the exorbitant costs of such care out of pocket, or destitute enough to meet Medicaid eligibility requirements. The middle-income segment of the population follows the all-too-familiar "spend down" path, whereby they must deplete their lifelong savings before becoming eligible for any public assistance. Sadly, these savings are usually sufficient to cover only a short period of care; thereafter they become the responsibility of the State under whose jurisdiction they remain indefinitely. Those critics who abhor the thought of Medicare coverage for preventive care because of "the expense" should play the scenario out a little bit further: today's Medicare patient unable to afford the relatively inexpensive costs of preventive or custodial community care is tomorrow's broke nursing home patient financially dependent on Medicaid. The "spend-down" requirement deprives many people of savings they have worked very hard over their lives to earn and build up. In the long run, which costs the taxpayers, our Nation's elderly, and society, more?

I believe that it is time we begin to look at alternative means of caring for our Nation's ill and elderly. We need to broaden our perspective on the health care issue. Over the past few years we have enacted significant reforms in the Medicare Program which have resulted in more efficient delivery of currently covered services. These changes have been encourag ing. Now we should be exploring ways of redesigning our health care system to meet the "big picture" human and fiscal needs of years ahead.

An oft-discussed and much lauded approach is to maximize the amount of time the individual spends in a community setting, either with their families or on their own. Aside from the obvious human benefits of avoiding institutionalization, such a strategy makes fiscal sense as well. Measures designed to maximize a senior's independence and self-sufficiency should not be viewed as unnecessary luxuries but as sound investments. We should not shy away from shifting Medicare's focus to encompass preventive care because in the long run we will realize savings.

Given the proper array of support services, countless senior citizens would be able to remain in the community for an extended period of time, reducing their dependence on publicly financed institutional care. The time has come to start putting into place the various components of a comprehensive system of long-term care alternatives. Already communities across the Nation are responding to the need as families and specialists are working together to implement creative solutions to the problem of caring for the aged. Adult day care is a particularly encouraging alternative that has attracted widespread attention.

Adult day care, as you know, is a community-based group program designed to meet the needs of functionally impaired adults through individually tailored plans of care. It is a structured, comprehensive program that provides a variety of health, social, and related support services in a group setting on a less than 24-hour care basis. A multidisciplinary group of professionals—including a physician, a registered nurse, a physical, occupational and/or speech therapist, and, if needed, a dietician—work together to deliver the optimal configuration of services to meet the individual's needs.

Adult day care offers a number of unique benefits. It is cost-effective as compared to both institutionalization and home health care. The centers provide respite for primary care givers, reduce the incidence of acute illness through ongoing monitoring of health symptoms and preventive health care, and have been successful in avoiding or delaying institutionalization. In addition, clients receive the vital psychological benefits of mental and social stimulation not available to them when confined to the home.

A 1982 evaluation of adult day care centers in California found that 87 percent of seniors who participated in the programs maintained or improved their level of functioning. This statistic is especially significant given the fact that 63 percent of the participants were eligible for institutionalization according to the Medicaid field office criteria. Clearly it is possible to avoid both the costs and the trauma of institutionalization provided that the proper community-based services are available to those in need.

Adult day care centers are cost-effective means of delivering those services. Because the care is provided in a group setting, day care centers can capitalize on the efficiency of providing care to more than one individual without having to act as a residential facility as well. Participants' needs are evaluated, a comprehensive care package is developed, and the necessary services are provided in a focused, efficient and humane manner.

Adult day care has grown quickly at the grassroots level over the last decade from approximately 300 programs in 1977 to over 1,200 today. Despite the success of these programs, funding is difficult to come by. Some States have taken advantage of a Medicaid waiver program to provide coverage for certain low-income participants, but the Medicare-eligible population must pay out-of-pocket for these services. The result is that only the very poor or very rich can take advantage of this cost-effective alternative form of health care.

Clearly the need exists for some kind of adult day care coverage through the Medicare Program. Accordingly, last year I joined with 21 of my colleagues in introducing the Medicare Adult Day Care Amendments of 1986. This bill, which is being reintroduced here as the Medicare Adult Day Care Amendments of 1987, would allow certain part B beneficiaries to participate in adult day care programs through their supplementary Medicare insurance plans. In order to be covered for this new benefit, it must be certified that participants would otherwise require a level of care furnished in a hospital, skilled nursing facility, or intermediate care facility if the adult day care services were not provided. In addition, no more than 100 days per calendar year would be covered, and utililzation would be subject to a $5 per day copayment.

Adult day care is a humane, cost-effective alternative form of health care, of the sort that we as policymakers should be encouraging. Amid recent talk of revising Medicare so that it can better meet the long-term health care needs of our Nation's seniors, Representative ROYBAL and I ask our colleagues to again seriously consider the advantages of adult day care. We owe the American public the wisest and most efficient allocation of their hard-earned tax dollars; we owe elderly Americans the respect to allow them to live out their laters years in the least restrictive, most dignified environment available. The Medicare adult day care amendments achieve these dual purposes. I urge my colleagues to join me in supporting this important piece of legislation.

THE COUNCIL ON INDUSTRIAL COMPETITIVENESS ACT AND THE COMPETITIVE EXCHANGE RATE ACT ATTACKING AMERICA'S COMPETITIVENESS PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 30 minutes.

Mr. LAFALCE. Mr. Speaker, today I am introducing two key legislative initiatives designed to address the serious decline in the competitiveness of this Nation's industries in international markets.

This country must wake up. The perception of an insular and self-sustaining U.S. economy is obsolete. It is clear today that American industry must be able to compete on an international playing field. Fully 75 percent of all goods produced in this country are now subject to international competition. The number of viable participants in the world economy is growing rapidly. While not long ago analysts were directing their attention at the rising competitiveness of Japan and West Germany, today the focus is on the increased competitiveness of South Korea, Taiwan, Hong Kong, and Singapore. Just last Friday, President Reagan rescinded specialized tariff treatment for many imported goods from these four nations plus Mexico, Argentina, and Brazil in recognition of their new international economic viability and of the increasing economic threat they pose to our own industries.

It is increasingly evident that global trade has become one of the most important forces driving the economies of the world, including that of the United States. In 1970, commerce with other nations represented 8 percent of U.S. gross national product. Now trade is almost twice as important to the economy, representing 14 percent of GNP. The enormous volume of imports into this country displaces domestic production. Growth figures have constantly been revised downward this year as the trade deficit, expected to total $170 billion for 1986, continued to act as a serious drain on our economy.

While it is clear that the new arena for industrial competition is the international marketplace, it is also clear that American firms

are being beaten by the competition. The United States has not posted a positive merchandise trade balance since 1975. More alarming is the trend of the merchandise trade balance over the past 5 years. Deficits have risen progressively each year and at a rate producing a deficit four times as severe as that which obtained 5 years ago. The problem of competitiveness pervades the U.S. economy. Some analysts have viewed the trade imbalances of the manufacturing sector as a natural phenomenon in a postindustrial society and have sought positive economic growth from our high-technology and service sectors. However, high-technology industries posted a deficit for the first time in the third quarter of 1984 and trends suggest that Tokyo is fast becoming the investment center of the world, replacing New York as easily as New York replaced London.

Though trade balances are an important barometer of the relative competitiveness of U.S. firms in world markets, they do not explicitly illustrate the ultimate outgrowth of our declining competitive position—the loss of good jobs for U.S. workers and the drop in the U.S. standard of living. Over the past 5 years, employment in this country has fallen 11.6 percent in the manufacturing sector. With consumer spending high, this contraction in employment is not the result of a decreasing demand for goods in this country or abroad but a reflection of the inability of American firms to succeed in the international business environment.

Perhaps the best overall assessment of the competitiveness problem in this country was provided by the President's own Commission on Industrial Competitiveness, and I quote:

The United States is losing its ability to compete in world markets * * *. A close look at U.S. performance during the past two decades reveals a declining ability to compete—a trend that, if continued, will lead to a lower standard of living and fewer opportunities for all Americans.

There are those who complain that the problem that America faces when participating in world markets is that other countries play by different rules. They attribute the decline in U.S. competitiveness to unfair protectionism and the subsidization policies of our competitors. In certain situations this may be true. But such finger pointing fails to recognize that the reasons for the trade drain are structural—built into how the world economy has reshaped itself as the more encompassing cycle of industrial development unfolds.

Rather than complain about the strategies used by other nations in international markets, we need to take an affirmative approach to the competitiveness problem and develop a competitiveness strategy of our own. In the past, American firms competed primarily against each other according to one set of rules. In the context of a global economy, it is impractical and unproductive for us to expect all other nations of the world to compete by our standards. What is more unfair than the way the other players in the international economy choose to compete is the way we have been hamstringing our own industries. We have ignored policies that would enable U.S. firms to reach their competitive potential and participate most effectively in the world economy.

A few positive steps have been taken, making it easier for American firms to compete in international markets. The administration has made some effort to negotiate with other nations to lower the value of the U.S. dollar in order to make U.S. products more price competitive. It has also reevaluated some antitrust and regulatory policies that have hampered the ability of our industries to compete worldwide.

Yet, 2 years after the President's Commission on Industrial Competitiveness brought the issue of a U.S. competitiveness problem to the forefront and made some positive recommendations we are left with almost nothing. The value of the dollar has dropped but there are no indications that the trade deficit has hit bottom let alone "turned the corner" as some administration officials have predicted. Though some progress has been made, we remain without a means to hold the President accountable for the impact of exchange rates on trade competitiveness and without any framework within which policies conducive to currency stabilization can be developed. Consequently, we are at the mercy of other nations should the dollar's value rise again or should erratic currency fluctuations make business planning impossible. We also continue to lack a competitiveness strategy—something that nearly every other country participating in the world economy has developed and used for years.

The Economic Stabilization Subcommittee, which I have chaired since 1983, has held an extensive set of hearings on the competitive problems of American industry and the need for a public response to those problems. Through an arduous and careful process spanning 4 years, the subcommittee drew on the expertise of dozens of witnesses from industry, labor, government, academia, and public interest groups to identify the basic causes for our competitiveness problem. Two major causes of the country's competitiveness problem remain unaddressed: First, while we clearly have an extensive set of Government policies which grant support to industry, we have been unable to forge these policies into a coherent strategy to improve our international competitiveness. Second, we have allowed the U.S dollar to fluctuate uncontrollably and we let it become overvalued and uncompetitive. This artificially inflated the price of U.S. goods overseas and deflated the cost of foreign goods in our domestic market.

We need to take the first steps to correct these specific problems, which hamper the competitiveness of U.S. firms in international markets, and thereby unleash the competitive drive and capabilities of American industries so that they can operate effectively on an international playing field. The legislation that I am introducing today takes these steps.

These are not radical initiatives but precisely crafted bills with well-defined objectives aimed at correcting specific and agreed-upon problems. For example, the Council on Industrial Competitiveness will coordinate existing Government policies that aid business so as to avoid inefficient and hypocritical situations in which government provides aid to industry with one hand while unknowingly hampering industry competitiveness with the other. The Council would also provide this country with what every other country in the international economy has: a competitiveness strategy. The Competitive Exchange Rate Act ensures that each administration will develop and pursue a plan to stabilize the value of the dollar and thus free U.S. firms from the inconsistencies and vagaries of exchange rate fluctuations which are beyond their control.

Together these initiatives constitute the beginning of an affirmative strategy designed to confront this country's competitiveness problems head on. They do not put the United States in the defensive posture of reacting to aggressive strategies of other countries by insulating ourselves from competition. Such protectionism is an unproductive and negative approach to the problem of competitiveness and it could provoke costly trade wars. On the other hand, this legislation also rejects the laissez-faire indifference of this administration. These bills take definitive and constructive steps to do something about our competitive problems.

Allow me to discuss the individual initiatives in more detail:

THE COUNCIL ON INDUSTRIAL COMPETITIVENESS ACT

Stunning confusion marks U.S. policy affecting the competitiveness of our industries. While existing policies profoundly affect individual industries, their overall impact on key industrial sectors is too often neither intended, understood, nor anticipated. The Federal Government ostensibly applies public policy in pursuit of a public purpose, but in fact often has no clearly articulated purpose against which to measure the policy or its impact.

The basic issue confronting the U.S. economy is the inability of all those participants with important stakes in its success to act together, to build a consensus about common economic problems and to mobilize resources in pursuit of our common goals. In report after report, a principal recommendation is the need for better coordination of the various Government actions that influence business activities and U.S. participation in the global marketplace. Business, labor, and Government all have critical roles to play in restoring America's global competitiveness. Consensus building must, therefore, be the cornerstone of any competitiveness strategy.

The first bill I am proposing would create a Council on Industrial Competitiveness which would provide a mechanism for coordinating Government policies and would allow Government, business, and labor to work together and achieve consensus to better the competitive position of American industry. The bill would establish a national Council, charged with thinking broadly about the structure of our economy and the problems of international competitiveness. The national Council would in turn sponsor a series of industry subcouncils to explore in greater depth the problems and prospects of specific industries or sectors. The agenda for both the national and sectoral councils would be the same: To determine ways in which private action and public policy can further our common goals of economic growth and international competitiveness.

At the heart of the deficiencies in current government policies affecting industry is an appalling lack of both basic economic data regarding competitive opportunities and problems and the focused analytical capability that could make use of it. This incredible lack of information contributes to this country's inability to devise effective economic strategies and perpetuates our unfortunate tendency to be blindsided by foreign competitive advances which could easily be foreseen.

The Council would also be charged with undertaking the analysis of international economic data from a competitiveness perspective. It would interpret and analyze relevant domestic and international data concerning current and future economic trends and market opportunities. Consequently, it would be in a position to monitor the changing nature of the U.S. industrial economy and its capacity to provide marketable goods and services in domestic and international markets, providing an early warning system regarding problems in responding to international competition.

THE COMPETITIVE EXCHANGE RATE ACT

For years the administration praised the high dollar as emblematic of our economic leadership. Once it finally recognized the fallacy in its reasoning, the administration undertook efforts to negotiate a lowering of the U.S. dollar with other industrialized countries. This belated attempt to increase the price competitiveness of U.S. products in international markets represents an essential and long-overdue effort on the part of the administration to alleviate a major obstacle to increasing U.S. competitiveness abroad. But, I am concerned that it was an illusory quick-fix solution to a complex problem. My concern appears well founded. The drop in the dollar, relative only to a few major currencies, excluding those of major competitors such as Canada and the newly industrialized countries of the Far East, has had a negligible impact on our trade imbalances.

A real solution must involve many elements. We must seek greater coordination of macroeconomic policy at the international level and work with our trading partners to reform the exchange rate system to correct exchange rate misalignments. We must use intervention in currency markets more effectively to keep the dollar at a competitive level. As we have observed since the G-5 meeting a year ago last September, decisive, direct interventions can be a useful part of a broader strategy designed to correct currency misalignments. We also need a serious commitment, to deal with our enormous Federal deficit and correct the imbalance in our own fiscal and monetary policy.

But perhaps the key element of any proposal on exchange rate reform must be increasing the accountability of the President for the impact of exchange rates on trade competitiveness and the policy initatives necessary to correct any exchange rate problems. The Treasury Secretary, as the executive chiefly responsible for domestic and international economic issues, including decisions on U.S. intervention in exchange markets, should be required to present to the Congress the administration's strategy for maintaining the dollar at a level that assures trade competitiveness for American industry and agriculture. He should have to assess the impact of exchange rate fluctuations on the competitiveness of U.S. producers and propose changes in domestic economic policy to redress artificial exchange rate imbalances—or justify why such changes cannot be achieved. The Secretary should also be required to report on his international efforts to obtain cooperation in maintaining the dollar at a competitive level and reforming the international exchange rate system.

The second bill I am introducing would establish a mechanism through which a coherent exchange rate policy can be formulated and sustained and would ensure against the erratic fluctuations in the exchange rate of the dollar that have adversely affected the competitiveness of U.S. industries in international markets. More specifically, it would: Increase the accountability of the President for the impact of exchange rates on trade competitiveness by stringent reporting requirements; direct the President to enter into international negotiations with other countries to reform the exchange rate system; and, urge strategic and internationally coordinated government intervention in currency markets when appropriate to adjust the value of the dollar to competitive levels.

These legislative initiatives form the base of an affirmative strategy that will lead the way to overcoming the serious decline in the competitiveness of this Nation's industries in world markets. For years I have been advocating measures that would place the problem of competitiveness in our own hands. In August, I met President Reagan and urged him to make U.S. industrial competitiveness a national priority. Now consensus is developing around such a positive approach. Congressional coalitions and private sector groups have formed to build a legislative agenda for our national competitiveness problem. There is speculation that competitiveness will be an important theme in the President's State of the Union Address. But we cannot afford to wait while even more groups deliberate and more agendas are developed. I now present this legislative package as a springboard for action.

It is time to pass legislation that would take the steps necessary to redress some basic causes of the problem of competitiveness. It is time to allow U.S. industry to compete more fully in the international economy. It is time to take action that would make this 100th Congress the competitiveness Congress.

AMERICAN COMPETITIVENESS: NEEDED ANTITRUST REVISIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FISH] is recognized for 10 minutes.

Mr. FISH. Mr. Speaker, we hear a great deal of talk these days about competitiveness and rightfully so. There is, without question, a need for laws and policies which will enhance the position of American business in the international marketplace. In particular, given our alarming trade deficit, these are concerns and goals that should be a top legislative priority in the 100th Congress.

One logical place to start this effort is with remedial changes to those laws that currently discourage marketplace utilization of existing technology or are a disincentive to pursue promising avenues of research. We have already taken some steps to encourage our own economic growth in the face of global competition. One notable example is legislation passed in the last Congress to provide a tax credit for competitively important research and development activity. I am pleased to have been a cosponsor of that legislation. Other areas also, however, require our attention in order to enable U.S. companies to compete more effectively in the international arena. For example, there is a pressing need to bring about greater harmony between the patent laws—and other intellectual property rights—and the antitrust laws.

In the last Congress, I introduced legislation to address this issue by amending the antitrust laws to facilitate and encourage the development of intellectual property and the marketing of products incorporating innovations. Today, I am reintroducing a strengthened version of that legislation. I am pleased to be joined by my colleagues on the Judiciary Committee, BARNEY FRANK, CARLOS MOORHEAD, MIKE SYNAR, DAN LUNGREN, HENRY HYDE, and BILL DANNEMEYER, in introducing the "Intellectual Property Antitrust Protection Act of 1987."

Our bill would require that the courts considers all economic effects, including the procompetitive benefits, of agreements that include the conveyance of intellectual property rights in considering antitrust challenges to such agreements. Transactions involving intellectual property conveyances would thus be analyzed and evaluated under the rule of reason test of antitrust law. Furthermore, and importantly, this measure would also remove the possibility of treble damage liability for an individual, a small business, or a corporation which chooses to convey its patent rights or other intellectual property rights to others. Our bill would cover a wide spectrum of intellectual property, including patents, copyrights, trade secrets and related know-how, and semiconductor chips.

For too long, Mr. Speaker, court decisions have reflected an artificial tension between antitrust law, on the one hand, and patent law, on the other. These decisions have been criticized by both economists and legal scholars. This judicial tension has discouraged both personal and corporate innovation, to the overall detriment of the American economy.

The basic problem stems from certain Supreme Court and lower Federal court decisions which characterize the patent system as inherently in conflict with goals of antitrust law. The Supreme Court, for example, has depicted the patent grant as a monopoly, the limits of which are to be "narrowly and strictly confined" so as to avoid the "evils of an expansion of the patent monopoly by private engagements." *Mercoid Corp.* v. *Mid-Continent Co.,* 320 U.S. 661, 665-66 (1944). To be sure, some decisions, including one by the Federal appeals court expert in patent matters, have rejected the notion that an intellectual property grant is a monopoly any more than is any other type of property. See *Schenck* v. *Nor-*

tron Corp., 713 F.2d 782, 786 n. 3 (Fed. Cir. 1983). Unfortunately, the erroneous view that an exclusive legal property right such as a patent, copyright or trade secret is somehow at odds with the free market system has been reflected in a number of prior and subsequent cases. *Deepsouth Packing Co., Inc.* v. *Laitram Corp.*, 406 U.S. 518 (1972); *United States* v. *Paramount Pictures, Inc.*, 334 U.S. 131 (1948); *International Salt Co.* v. *United States*, 332 U.S. 392 (1947); *International Wood Processors* v. *Power Dry, Inc.*, 792 F.2d 416 (4th Cir. 1986).

The viewpoint reflected in many court decisions mistakes the actual economic relationship between the protection of intellectual property and the goals of antitrust policy. Intellectual property protection is no more anticompetitive than is protection of any other form of property. Property rights, including intellectual property rights, are the cornerstone of an efficient free-market economy, and provide the foundation to inspire the development of differentiated products. They create the incentive for private investment in productive activity by providing the investor with the means to appropriate the returns from his efforts free from undue interference by third parties. Moreover, judicial hostility to protection of intellectual property rights often also reflects the erroneous supposition that such rights, or product differentiation based upon such rights, invariably provide the economic power necessary to allow their holders to restrain competition.

Providing the proper legal environment to encourage research efforts requires that legal principles be based on sound and complete analysis of their actual competitive effects. Unduly restricting technological development through the imposition of unsound legal rules means fewer new products and processes and, ultimately, less competition. Any system of intellectual property protection must reflect a carefully structured and economically sound balance between the dangers of inadequate protection and those of excessive protection. It is an over-simplification at best to regard the patent system or the copyright system as inherently at odds with competitive policy. Rather, intellectual property laws and antitrust laws serve complementary functions basic to our national economic progress, which can only be fully realized if all economic effects of an intellectual property conveyance are taken into account.

The presumption underlying the legislation I am introducing is that enhanced legal protection of intellectual property rights will, in fact, promote competition. By encouraging the private sector in the development and implementation of new technologies, the legislation will result in new and better products, additional marketplace choices for consumers, and lower prices. Recent economic research demonstrates that further protections with respect to intellectual property enhance, rather than hinder, the competition protected by the antitrust laws. Consequently, it is crucial that the antitrust laws governing transactions including conveyance of intellectual property rights not be interpreted in an overly restrictive manner that unreasonably discourages competition through marketing transactions involving innovative products.

Patent licensing, for example, has the potential for significant procompetitive benefits. Often, the creator of a new product is not in the best position to develop that particular product commercially. Other individuals or businesses may have superior manufacturing capabilities or product distribution networks. Transactions including the conveyance of intellectual property rights permits the patent owner to match its own knowledge and other advantages with those of its licensees, who may possess superior production, distribution, or marketing facilities or skills. Licenses, and certain conditions included within such licenses, can also reduce the costs of transactions in transferring intellectual property and assessing the risk of developing new products. By allowing products to get to the marketplace more quickly or at lower cost, licensing can allow patent owners to compete more effectively.

Equally important, by allowing the owner to utilize its intellectual property in the way it deems most effective, transactions included the conveyance of intellectual property rights increase the value of the patent grant, and hence increase the incentive to innovate. Moreover, benefits to the innovator through such transactions are market-based, allowing the creator and developer of new technology to obtain returns that approximate the social value of the technology. Thus, protecting such transactions is likely to target technological development to useful and needed areas.

It is important to protect innovation and prevent free riding by third parties on investments in new technology. Since these third parties are often in other countries, a failure to allow full and efficient use of marketing strategies with respect to innovative products harms U.S. companies to the benefit of foreign competitors. Investment in research and development is a risky business. An entrepreneur, be he large or small, is unlikely to risk the necessary investment if the prospects for financial reward are not present or severely limited, or if this reward can be appropriated by others. His investment in and dissemination of new technology is further chilled if, as under present law, he faces the prospect of treble damages liability for engaging in procompetitive practices which cause no competitive harm.

The changes we propose in the antitrust laws would further encourage and motivate American industry to develop new ideas and new technologies. All too often today, advances in technology are not fully explored because an individual or corporation may not have the capacity to market the idea or new discovery, or is unable to absorb the risk imposed by the uncertain, arbitrary and economically unsound application of the antitrust laws. The current state of antitrust law with regard to patent licensing or the licensing of other intellectual property thus restricts technological innovation.

Some recent court decisions have begun to reflect a better understanding of the fundamental benefits of intellectual property. Just last month, a Federal appeals court decision rejected an absolute rule that a patent or copyright conferred market power, and employed a more realistic analysis of the economic effects of an intellectual property grant. *A.I. Root Co.* v. *Computer/Dynamics, Inc.*, 1986-2 Trade Cas. (CCH) 67,363 (6th Cir. 1986). Nonetheless, other courts continue to adhere to erroneous analyses, creating disincentives and uncertainty in technology development. The business community needs a strong, reliable signal from Congress. Only statutory change can reverse the years of case law precedents that have discouraged the full utilization of transactions involving intellectual property conveyances in American business practice. We need to encourage such individuals or corporations to believe that they can profitably and successfully market their ideas.

In 1984, Congress passed the "National Cooperative Research Act"—Public Law 98-462—which, among other things, prohibited per se treatment of licenses of intellectual property developed through research and development joint ventures. There is no logical reason why we should treat intellectual property licenses which are independently developed any differently than those which are the result of a joint venture. Our idea is also supported by the administration, and counterpart legislation is sponsored on a bipartisan basis by Senator PATRICK LEAHY and Senator ORRIN HATCH.

Simply put, the time has come to reverse the misdirected judicial hostility seen between intellectual property law and antitrust law. If that legal view was ever valid, it is outdated in our current economic climate. We must remove the threat of treble damage liability from those who seek to market new technologies more efficiently. The patent and antitrust laws should be structured so as to be complementary, not conflicting. This legislation will encourage the creation, development, and commercial application of new products and processes. It can mean technological advances which create new industries, increase productivity and improve America's ability to compete in foreign markets.

I urge my colleagues in the House to join us in cosponsoring this important legislation, and we will be working within the House Judiciary Committee to encourage its early consideration. If you wish to join as a cosponsor, please call Alan Coffey of the Judiciary Committee staff on extension 56906.

The text of our bill is as follows:

H.R. —

A bill to modify the application of the antitrust laws so as to encourage the licensing and other use of certain intellectual property

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intellectual Property Antitrust Protection Act of 1987".

SEC. 2. RULE OF REASON STANDARD.

Agreements to convey rights—

(1) to use, practice, or sublicense an invention patented under title 35 of the United States Code,

(2) to use or sublicense a trade secret, including but not limited to related know how, or

(3) in a work, including a mask work, protected under title 17 of the United States Code,

shall not be deemed to be illegal per se under any of the antitrust laws, or under any state law similar to the antitrust laws.

SEC. 3. LIMITATION ON RELIEF.

(a) PRIVATE ACTIONS.—Notwithstanding section 4 of the Clayton Act (15 U.S.C. 15) and in lieu of the relief specified in such section, any person who is entitled to recover on a claim under such section based on an agreement to which section 2 of this Act applies shall recover the actual damages sustained by such person, interest determined in accordance with subsection (d) on such actual damages, and the cost of suit, including a reasonable attorney's fee.

(b) ACTIONS BY STATE ATTORNEYS GENERAL.—Notwithstanding section 4C of the Clayton Act (15 U.S.C. 15c) and in lieu of the relief specified in such section, any State that is entitled to monetary relief under such section based on an agreement to which section 2 of this Act applies shall be awarded as monetary relief the total damage sustained as described in section 4C(a)(1) of such Act, interest determined in accordance with subsection (d) on such total damage, and the cost of suit, including a reasonable attorney's fee.

(c) STATE LAW ACTIONS.—Notwithstanding any provision of any State law providing damages for conduct similar to that forbidden by the antitrust laws, any person who is entitled to recovery on a claim under such provision based on an agreement to which section 2 of this Act applies shall not recover in excess of the actual damages sustained by such person, interest determined in accordance with subsection (d) on such actual damages, and the cost of suit, including a reasonable attorney's fee.

(d) DETERMINATION OF INTEREST.—For purposes of subsections (a), (b) and (c), interest shall be payable at the rate specified in section 1961 of title 28, United States Code, for the period beginning on the date of service of the pleading setting forth the claim involved and ending on the date of judgment, unless the court finds that awarding all or part of such interest is unjust in the circumstances.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) the term "antitrust laws" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)),

(2) the term "invention" has the meaning given it in section 100(a) of title 35, United States Code, and

(3) the term "mask work" has the meaning given it in section 901(a)(2) of title 17, United States Code.

SEC. 5. APPLICATION OF ACT.

This Act shall not apply with respect to suits commenced under the antitrust laws before the date of the enactment of this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. SNOWE (at the request of Mr. MICHEL), for today, on account of attending the inauguration of the Governor of Maine.

Mr. QUILLEN (at the request of Mr. MICHEL), for today, on account of illness in the family.

Mr. PICKLE (at the request of Mr. FOLEY), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SKEEN) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 10 minutes, today.

(The following Members (at the request of Mr. ERDREICH) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. LAFALCE, for 30 minutes, today.

Mr. OWENS of New York, for 60 minutes, on January 20, 27, February 3, 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SKEEN) and to include extraneous matter:)

Mr. COURTER in two instances.

Mr. GALLO.

Mr. GILMAN in two instances.

Mr. HENRY.

Mr. RITTER in two instances.

Mr. BROOMFIELD.

Mr. LOTT in four instances.

Mrs. SMITH of Nebraska in two instances.

Mr. SHUMWAY in two instances.

Mr. BOEHLERT.

Mr. JEFFORDS.

Mr. MCDADE.

Mr. TAUKE.

Mr. CONTE in two instances.

Mr. ROTH.

Mr. GUNDERSON.

Mr. WORTLEY.

Mr. DREIER of California.

Mr. BEREUTER in two instances.

Mr. SCHULZE in two instances.

Mr. LIGHTFOOT.

Mr. MOLINARI.

Mr. COLEMAN of Missouri.

Mr. MILLER of Washington.

Mr. LAGOMARSINO in two instances.

Mr. DIOGUARDI.

(The following Members (at the request of Mr. ERDREICH) and to include extraneous matter:)

Mr. ROSTENKOWSKI.

Mr. RODINO in two instances.

Mr. ORTIZ.

Mr. LEHMAN of Florida.

Mr. COELHO.

Mr. LIPINSKI in two instances.

Mr. STUDDS.

Mr. VENTO.

Mr. MANTON.

Mr. SLATTERY.

Mr. DYMALLY.

Mr. SMITH of Florida.

Mr. FASCELL.

Ms. KAPTUR.

Mr. MILLER of California.

Mr. GUARINI in four instances.

Mr. BIAGGI.

Mr. STARK in three instances.

Mr. WOLPE in two instances.

Mr. HOYER in two instances.

ADJOURNMENT TO TUESDAY, JANUARY 20, 1987

Mr. GARCIA. Mr. Speaker, I move that the House do adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 1 of the 100th Congress, the House stands adjourned until 12 noon on Tuesday, January 20, 1987.

Thereupon (at 4 o'clock and 38 minutes p.m.), pursuant to Senate Concurrent Resolution 1, the House adjourned until Tuesday, January 20, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

227. A communication from the President of the United States, transmitting requests for supplemental appropriations for fiscal year 1987, pursuant to 31 U.S.C. 1107 (H. Doc. No. 100-17); to the Committee on Appropriations and ordered to be printed.

228. A letter from the Secretary of Housing and Urban Development, transmitting a report on HUD-owned multifamily project negotiated sales; to the Committee on Appropriations.

229. A letter from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting notification of the decision to convert to contractor performance the grounds maintenance function at Offutt Air Force Base, NE, pursuant to 10 U.S.C. 2304 nt; to the Committee on Armed Services.

230. A letter from the Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting notification of the decision to convert to contractor performance the switchboard function at Luke Air Force Base, AZ, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

231. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank during September 1986 to Communist countries, pursuant to 12 U.S.C. 635(b)(2); to the Committee on Banking, Finance and Urban Affairs.

232. A letter from the Secretary of Education, transmitting final regulations governing loan discounts for the college housing and academic facilities loan programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Banking, Finance and Urban Affairs.

233. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-225, "Closing of a Segment of G Street, N.W., Adjacent to Squares 565 and

567, S.O. 84-251, Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

234. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-230, "Regulations Governing the Businesses of Buying, Selling and Financing of Motor Vehicles in the D.C. Department of Licenses and Inspection Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

235. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-224, "D.C. Legislature Compensation Comparability Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

236. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-222, "State Energy Plans Submission Requirement Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

237. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-237, "Closing of a Public Alley in Square 166, S.O. 85-137, Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

238. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-238, "Real Property Wet Settlement Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

239. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-235, "Redeemed Temple of Jesus Christ Equitable Tax Relief Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

240. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-236, "Children's Hospital National Medical Center and National Child Research Center Equitable Tax Relief Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

241. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-210, "District-WMATA Land Conveyance Act of 1986" and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

242. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-211, "Hacker's License Recordkeeping Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

243. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-240, "D.C. Unemployment Compensation Act Amendments Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

244. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-239, "Money Lenders Licensing Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

245. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-223, "D.C. Mental Health Information Act of 1978 Temporary Amendment Act of 1986", pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

246. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-241, "Closing of a Public Alley in Square 1188, S.O. 81-34, Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

247. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-242, "Board of Zoning Adjustment Confirmation Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

248. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-218, "District of Columbia Employees Child Care Facilities Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

249. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-234, "Set-off of D.C. Income Tax Refunds for Default of Student Loans Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

250. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-216, "Rental Housing Act of 1985 Leased Condominiums Clarification Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

251. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-217, "Inheritance and Estate Tax Revision Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

252. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-229, "D.C. Alcoholic Beverage Control Act Legal Drinking Age Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

253. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-233, "Association for the Study of Afro-American Life and History, Inc., Equitable Tax Relief Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

254. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-212, "District of Columbia Child Support Enforcement Amendment Act of 1985", and report, pursuant to D.C. Code section 1-233(c)(1) ; to the Committee on the District of Columbia.

255. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-246, "Technical Amendments Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

256. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-208, "District of Columbia Government Pay Equity and Training Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

257. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-251, "Low and Moderate-Income Housing Real Property Tax Exemption Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

258. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-209, "District of Columbia Retirement Reform Administrative Exemptions Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

259. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-221, "District of Columbia Interior Designer Licensure Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

260. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-219, "Education in Partnership with Technology Corporation Establishment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

261. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-220, "District of Columbia Enterprise Zone Study Commission Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

262. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-231, "D.C. Noise Control Act of 1977 Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(i); to the Committee on the District of Columbia.

263. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-232, "Temporary Auctioneer License Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(i); to the Committee on the District of Columbia.

264. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 6-227, "Authorization for the Establishment of a Public School of Law for the D.C. Amendment Act of 1986", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

265. A letter from the Auditor, District of Columbia, transmitting a report entitled: "Follow-up Review of Lottery Board Security Personnel", pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

266. A letter from the Secretary, Interstate Commerce Commission, transmitting notification that in docket No. 40037, Cheney Line & Cement Co. versus Seaboard Syst. R., Inc; the Commission has extended the time period of serving a final decision by an additional 60 days to February 10, 1987, pursuant to 49 U.S.C. 10327(k)(2); to the Committee on Energy and Commerce.

267. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting notification that the President intends to exercise his authority under section 506(a) of the Foreign Assistance Act in order to authorize the furnishing of up to $15 million in emergency military assistance to Chad, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

268. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting a report of allocations of foreign assistance, pursuant to 22 U.S.C. 2413(a); to the Committee on Foreign Affairs.

269. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly report on commercial and governmental military exports, together with a list of all security assistance surveys author-

ized for foreign countries, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

270. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on health conditions in the homelands areas of South Africa, pursuant to 22 U.S.C. 5093; to the Committee on Foreign Affairs.

271. A letter from the Director, Peace Corps, transmitting the Peace Corps' annual report for fiscal year 1985; to the Committee on Foreign Affairs.

272. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 1986 through September 30, 1986, pursuant to 5 U.S.C. app. (Inspector General Act of 1978) 5(b); to the Committee on Government Operations.

273. A letter from the Secretary of Health and Human Services, transmitting the fiscal year 1986 report on the transfer of real property to public health institutions, pursuant to 40 U.S.C. 484(o); to the Committee on Government Operations.

274. A letter from the Acting Secretary of State, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

275. A letter from the Attorney General of the United States, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

276. A letter from the Chairman, National Endowment for the Arts, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

277. A letter from the Deputy Assistant to the President for Management and Administration and Director, Office of Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

278. A letter from the Deputy Assistant to the President for Management and Administration and Director, Office of Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

279. A letter from the Director, Federal Emergency Management Agency, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

280. A letter from the Administrator, General Services Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

281. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

282. A letter from the Railroad Retirement Board, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

283. A letter from the Secretary of Education, transmitting a report on the donation of real or personal property to educational institutions, pursuant to 40 U.S.C. 484(o); to the Committee on Government Operations.

284. A letter from the Secretary of Labor, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

285. A letter from the Administrator, Veterans Administration, transmitting a report on compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

286. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations governing political contributions by persons and multicandidate political committees, pursuant to 2 U.S.C. 438(d); to the Committee on House Administration.

287. A letter from the Secretary of the Interior, transmitting a report on proposals received under the Small Reclamation Projects Act, pursuant to 43 U.S.C. 422j; to the Committee on Interior and Insular Affairs.

288. A letter from the Clerk, U.S. Claims Court, transmitting the court's report for the year ended September 30, 1986, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

289. A letter from the Administrator, Veterans' Administration, transmitting a report on the sharing of medical resources programs for fiscal year 1986, pursuant to 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

290. A communication from the President of the United States, transmitting notification of his intent to remove Romania and Nicaragua and suspend Paraguay from the list of beneficiary developing countries under the Generalized System of Preference [GSP] Program, pursuant to 19 U.S.C. 2462(a) (H. Doc. No. 100-018); to the Committee on Ways and Means and ordered to be printed.

291. A letter from the Chairman, United States International Trade Commission, transmitting a report on trade between the United States and nonmarket economy countries, pursuant to 19 U.S.C. 2441(c); to the Committee on Ways and Means.

292. A letter from the Secretary of Health and Human Services, transmitting the Disability Advisory Council's findings and recommendations, pursuant to Public Law 99-272, section 12102(e) (100 Stat. 284); to the Committee on Ways and Means.

293. A letter from the Under Secretary for International Affairs and Commodity Programs, Department of Agriculture, transmitting the second quarterly global assessment of food production, and the planned programming of food assistance, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

294. A letter from the Chairman, National Transportation Safety Board, transmitting a report on the activities of the Board, pursuant to 49 U.S.C. app. 1904; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

295. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's submission to OMB which identifies the increased retirement costs for fiscal years 1988-1992, pursuant to 49 U.S.C. app. 1903(b)(7); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

296. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's submission to OMB regarding the 3 percent raise for fiscal years 1987 and 1988, pursuant to 49 U.S.C. app. 1903(b)(7); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

297. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's submission to OMB appealing the budget allowance for fiscal year 1988, pursuant to 49 U.S.C. app. 1903(b)(7); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

298. A letter from the Comptroller General of the United States, transmitting a report entitled: "Defense Organization—Advantages and Disadvantages of a Centralized Civilian Acquisition Agency (GAO/NSIAD-87-36)," pursuant to Public Law 99-145, section 953(b) (99 Stat. 702); jointly, to the Committees on Government Operations and Armed Services.

299. A letter from the Comptroller General of the United States, transmitting a report entitled "Energy Conservation—Federal Home Energy Audit Program Has Not Achieved Expectations (GAP/RCED-87-38);" jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

300. A letter from the Chairman, Federal Election Commission, transmitting a request for a supplemental appropriation for fiscal year 1987, pursuant to 2 U.S.C. 437(d)(1); jointly, to the Committees on House Administration and Appropriations.

301. A letter from the Secretary of Energy, transmitting a report on the implementation of the Alaska Federal-Civilian Energy Efficiency Swap Act of 1980, pursuant to 40 U.S.C. 795d(a); jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

302. A letter from the Comptroller General of the United States, transmitting a report entitled: "DOD Schools—Funding and Operating Alternatives for Education of Dependents (GAO/HRD-87-16)," pursuant to Public Law 98-407, section 823; jointly, to the Committees on Government Operations, Armed Services, and Education and Labor.

303. A letter from the Comptroller General of the United States, transmitting a review of the audits of the Trans-Alaska Pipeline Liability Fund's statements for 1985 (GAO/AFMD-87-6), pursuant to 43 U.S.C. 1653(c)(4); jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on October 17, 1986, the following report was filed on January 2, 1987]

Mr. HAWKINS: Committee on Education and Labor. Report on the activities of the Committee on Education and Labor during

the 99th Congress (Rept. 99-1045). Referred to the Committee of the Whole House on the State of the Union.

[Submitted January 8, 1987]

Mr. MOAKLEY: House Resolution 38. Resolution providing for the consideration of H.R. 2, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes. (Rept. 100-3). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of January 7, 1987]

By Mr. NEAL:

H.R. 501. A bill to direct the Secretary of Commerce to approve and distribute to food service operations instructions for removing food which has become lodged in a person's throat; to the Committee on Energy and Commerce.

H.R. 502. A bill to provide that the percentage of total apportionments of funds allocated to any State from the highway trust fund in any fiscal year be at least 100 percent of the percentage of estimated tax payments paid into the highway trust fund which are attributable to highway users in such State in the latest fiscal year for which data is available; to the Committee on Public Works and Transportation.

H.R. 503. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to elect to expense depreciable property which is domestically produced; to the Committee on Ways and Means.

H.R. 504. A bill to repeal the provisions of the Internal Revenue Code of 1986 relating to the taxation of up to one-half of an individual's social security and certain railroad retirement benefits; to the Committee on Ways and Means.

H.R. 505. A bill to amend the Internal Revenue Code of 1954 to provide for floating social security tax rates for old-age, survivors, and disability insurance; to the Committee on Ways and Means.

H.R. 506. A bill to require the Secretary of the Treasury to modify the proposed regulation relating to the use of the cents-per-mile valuation rule in valuing the fringe benefit received by an employee for personal use of a vehicle provided by his employer; to the Committee on Ways and Means.

H.R. 507. A bill requiring the President to take retaliatory action against foreign barriers and restrictions that unfairly limit U.S. trade; to the Committee on Ways and Means.

H.R. 508. A bill to amend the War Powers Resolution to make rules governing certain uses of the Armed Forces of the United States in the absence of a declaration of war by the Congress; jointly, to the Committees on Foreign Affairs and Rules.

H.R. 509. A bill to amend the Nuclear Waste Policy Act of 1982 to remove the requirement of a second repository for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

H.R. 510. A bill to provide that increases in rates of pay for Members of Congress shall take effect only if approved by the Congress, and that any such increase shall be deferred until the beginning of the following Congress; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. OBERSTAR:

H.R. 511. A bill to amend title 46, United States Code, to limit the liability for negligence of United States registered pilots navigating vessels on the Great Lakes so as to provide for reciprocal and equitable participation by United States and Canadian citizens in the pilotage of vessels on the Great Lakes; to the Committee on Merchant Marine and Fisheries.

By Mr. RAHALL:

H.R. 512. A bill to amend the Mineral Lands Leasing Act of 1920, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 513. A bill to offset the competitive advantage which foreign producers have as a result of not having to meet environmental, health, welfare, and safety requirements of the kinds imposed on U.S. coal producers, and for other purposes; jointly, to the Committees on Ways and Means and Interior and Insular Affairs.

By Mr. REGULA (for himself and Mr. PEPPER):

H.R. 514. A bill to provide for Medicare coverage of influenza vaccine and its administration; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SCHUMER:

H.R. 515. A bill to provide for more detailed and uniform disclosure by credit card issuers with respect to information on interest rates and other fees which may be incurred by consumers through the use of any credit card; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHUMWAY:

H.R. 516. A bill to provide for the sale by the Secretary of the Interior of the Sly Park Unit of the Central Valley Project to the El Dorado Irrigation District, Placerville, El Dorado County, CA; to the Committee on Interior and Insular Affairs.

By Mr. SLATTERY:

H.R. 517. A bill to designate Soldier Creek Diversion Unit in Topeka, KS, as the "Lewis M. Paramore Diversion Unit"; to the Committee on Public Works and Transportation.

By Mr. SMITH of New Hampshire:

H.R. 518. A bill disapproving pay increases proposed by the President for Members of Congress; jointly, to the Committee on Post Office and Civil Service and House Administration.

By Mr. STALLINGS (for himself and Mr. CRAIG):

H,R. 519. A bill to direct the Federal Energy Regulatory Commission to issue an order with respect to Docket No. EL-85-38-000; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 520. A bill to prohibit the Secretary of Health and Human Services from conducting any Medicare physician and hospital capitation demonstration project involving more than $1 million in waivered funds in any year without congressional approval; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. STRATTON:

H.R. 521. A bill to amend the Federal Election Campaign Act of 1971, to provide free radio and television time to candidates for election to Federal office; to the Committee on House Administration.

H.R. 522. A bill to require the Secretary of the Interior to enter into a cooperative agreement to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States; to the Committee on Interior and Insular Affairs.

By Mr. STUMP:

H.R. 523. A bill to amend the Federal Rules of Criminal Procedure to provide for notice prior to trial of a defense based upon public authority, and for other purposes; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 524. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

[Submitted January 8, 1987]

By Mr. WYDEN (for himself, Mr. GEPHARDT, Mr. FRENZEL, Mr. MATSUI, Mr. CHANDLER, Mr. LEVIN of Michigan, Mr. MCGRATH, Mr. DONNELLY, and Mr. COURTER):

H.R. 530. A bill to provide for a demonstration program in which a limited number of States would be permitted to provide unemployment compensation to individuals for the purpose of funding self-employment; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 531. A bill to improve the industrial competitiveness of the United States; to the Committee on Banking, Finance and Urban Affairs.

H.R. 532. A bill to stabilize international currency markets in support of fair global competition; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ARCHER:

H.R. 533. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets; to the Committee on Ways and Means.

H.R. 534. A bill to encourage the continued exploration for and production of domestic energy resources, to remove certain Federal controls over domestic energy production and utilization, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ARMEY (for himself, Mr. LIGHTFOOT, Mr. JEFFORDS, Mr. GUNDERSON, Mr. BARTLETT, Mr. TAUKE, Mr. FAWELL, Mr. HENRY, Mr. VALENTINE, Mrs. SMITH of Nebraska, Ms. SNOWE, Mr. STENHOLM, Mr. BLILEY, Mr. ARCHER, Mr. MACK, Mr. SMITH of New Hampshire, Mr. FRENZEL, Mrs. BENTLEY, Mr. WOLF, Mrs. VUCANOVICH, Mr. DELAY, Mr. BOULTER, Mr. PORTER, Mr. LUNGREN, Mr. COMBEST, Mr. DORNAN of California, Mr. HYDE, Mr. EDWARDS of Oklahoma, Mr. BARTON of Texas, Mr. LAGOMARSINO, Mr. BLAZ, Mr. CRANE, Mr. WEBER, Mr. PACKARD, Mr. ROBERTS, and Mr. COATS):

H.R. 535. A bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking; to the Committee on Education and Labor.

By Mr. ARMEY (for himself, Mr. AUCOIN, Mr. BOULTER, Mr. BRYANT, Mr. DIOGUARDI, Mr. DORNAN of California, Mr. FAWELL, Mr. GUNDERSON,

Mr. HENRY, Mr. MACK, and Mr. DENNY SMITH):

H.R. 536. A bill to increase Government economy and efficiency and to reduce the deficit by implementing certain recommendations of the President's private sector survey on cost control regarding the improvement of executive agency mail management, and for other purposes; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. BENNETT:

H.R. 537. A bill to improve efforts to monitor, assess and reduce the adverse impacts of driftnets; to the Committee on Merchant Marine and Fisheries.

By Mr. BIAGGI:

H.R. 538. A bill to amend chapter 44 of title 18, United States Code, to prohibit certain interstate shipments of ammunition; to the Committee on the Judiciary.

By Mr. LOTT:

H.R. 539. A bill to amend title 5, United States Code, and the Rules of the House of Representatives and Senate to ensure a more rational and cost-effective regulatory process; and increased agency and congressional review and control over regulations, including the approval of major regulations and disapproval of the other regulations by the enactment of joint resolutions; jointly, to the Committee on the Judiciary and Rules.

By Mrs. COLLINS:

H.R. 540. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program for routine Papanicolaou tests and mammograms; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. BIAGGI:

H.R. 541. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide onsite dependent care assistance for dependents of their employees; to the Committee on Ways and Means.

H.R. 542. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to individuals for maintaining a household a member of which is a dependent of the taxpayer who has attained age 65; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. JEFFORDS, Mr. KILDEE, Mr. WILLIAMS, Mr. HAYES of Illinois, Mr. PERKINS, Mr. OWENS of New York, Mr. MARTINEZ, Mr. DYMALLY, Mr. BOUCHER, Mr. ACKERMAN, Mr. AKAKA, Mr. RAHALL, Mr. SAVAGE, Mr. TRAFICANT, Mr. CONYERS, Mr. ECKART, and Mr. CHANDLER):

H.R. 543. A bill to establish a Federal program to strengthen and improve the capability of State and local educational agencies and private nonprofit schools to identify gifted and talented children and youth and to provide those children and youth with appropriate educational opportunities, and for other purposes; to the Committee on Education and Labor.

By Mr. BOEHLERT (for himself, Mr. STALLINGS, Mr. MARTIN of New York, Mrs. JOHNSON of Connecticut, Mr. MACK, Mrs. COLLINS, Mr. ECKART, Mr. HOPKINS, Mr. DICKS, Mr. WORTLEY, Mr. WEBER, Mr. SLATTERY, Mrs. BENTLEY, Mr. MURPHY, Mr. DIOGUARDI, Mr. TAUKE, Mr. ROBERTS, Mr. SMITH of Florida, Mr. RINALDO, Mr. PENNY, Mr. ROE, Mr. DAUB, Mr. PORTER, Mr. LAGOMARSINO, Mr. MCKINNEY, Mr. MORRISON of Connecticut, Mr. FAZIO, Mr. BUSTAMANTE, and Mr. MCGRATH):

H.R. 544. A bill to allow homeowners to deduct the full amount of prepaid interest paid in connection with the refinancing of their principal residence for the taxable year in which paid; to the Committee on Ways and Means.

By Mr. CARPER (for himself, Mr. COOPER, Mr. DREIER of California, Mr. ERDREICH, Mr. GARCIA, Mr. GORDON, Mr. HILER, Mr. KANJORSKI, Ms. KAPTUR, Mr. KOLBE, Mr. LEHMAN of California, Mr. LEACH of Iowa, Mr. MCCOLLUM, Mr. RIDGE, Mr. ROEMER, Mrs. ROUKEMA, Mr. ROTH, Mr. SCHUMER, and Mr. SHUMWAY):

H.R. 545. A bill to improve the quality of examinations of depository institutions, and for other purposes, to the Committee on Banking, Finance and Urban Affairs.

By Mrs. COLLINS:

H.R. 546. A bill to amend the Education Consolidation and Improvement Act of 1981 to authorize programs of child abuse education and prevention and to establish demonstration projects of child abuse education and prevention; to the Committee on Education and Labor.

H.R. 547. A bill to make it an unfair practice for any retailer to increase the price of certain consumer commodities once he marks the price on any such consumer commodity, and to permit the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity; to the Committee on Energy and Commerce.

By Mr. CONTE:

H.R. 548. A bill to amend the National Labor Relations Act to provide that the duty to bargain collectively includes bargaining with respect to retirement benefits for retired employees; to the Committee on Education and Labor.

H.R. 549. A bill to amend the National Labor Relations Act to authorize the Secretary of Labor to prohibit the awarding of Federal contracts to persons who have violated certain judicial orders or orders issued by the National Labor Relations Board; to the Committee on Education and Labor.

By Mr. PANETTA (for himself, Mr. ROYBAL, Mr. BEVILL, Mrs. BOXER, Mr. FRANK, Mr. MRAZEK, and Mr. UDALL):

H.R. 550. A bill to amend title XVIII of the Social Security Act to provide for coverage of adult day care under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CONTE:

H.R. 551. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 552. A bill to provide for the designation of, and provision of assistance to, economic growth zones for purposes of promoting economic growth within economically distressed communities; to the Committee on Banking, Finance and Urban Affairs.

H.R. 553. A bill to amend the Federal Water Pollution Control Act to permit the Administrator of the Environmental Protection Agency to change a State's priority list of wastewater construction projects if the Administrator determines that Federal funds for such projects have not been equitably distributed within such State; to the Committee on Public Works and Transportation.

H.R. 554. A bill to direct the Administrator of the Environmental Protection Agency to make grants to the city of Pittsburgh, PA, to pay the costs of constructing the uncompleted portion of the Saw Mill relief sewer; to the Committee on Public Works and Transportation.

By Mr. DYMALLY (for himself, Mr. HORTON, and Mrs. SCHROEDER):

H.R. 555. A bill to amend title 5, United States Code, to extend to certain employees in the excepted service the same procedural and appeal rights as are afforded to employees in the competitive service with respect to certain adverse personnel actions; to the Committee on Post Office and Civil Service.

By Mr. ENGLISH:

H.R. 556. A bill to amend the Agricultural Act of 1949 to allow producers of wheat and feed grain the opportunity to enter into contracts for 3-year periods to lock in the target prices of $4.38 per bushel of wheat, $3.03 per bushel of corn, $2.88 per bushel of grain sorghums, $2.60 per bushel of barley, and $1.60 per bushel of oats, and to allow producers to not plant 100 percent of their acreage base; to the Committee on Agriculture.

By Mr. FISH (for himself, Mr. FRANK, Mr. MOORHEAD, Mr. SYNAR, Mr. LUNGREN, Mr. HYDE, and Mr. DANNEMEYER):

H.R. 557. A bill to modify the application of the antitrust laws so as to encourage the licensing and other use of certain intellectual property; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. MCKINNEY, Mr. GRAY of Pennsylvania, Mr. WYLIE, Mr. COELHO, Ms. OAKAR, Mr. BONIOR of Michigan, Mr. ST GERMAIN, Mr. HOWARD, Mr. WAXMAN, Mr. GONZALEZ, Mr. SUNIA, Mr. LEACH of Iowa, Mr. VENTO, Mr. LOWRY of Washington, Mr. RIDGE, Mr. OBERSTAR, Mr. WYDEN, Mr. MILLER of Washington, Mr. FRANK, Mr. LELAND, Mr. STOKES, Mrs. BURTON of California, Mr. CHANDLER, Mr. MILLER of California, Mrs. BOXER, Mr. HAWKINS, Mr. FAZIO, Mr. CONYERS, Mr. VISCLOSKY, Mr. HAYES of Illinois, Mr. WEISS, Mr. MORRISON of Washington, Mr. PANETTA, Mr. MARKEY, Mr. SWIFT, Mr. LEHMAN of California, Mr. GARCIA, Mr. MORRISON of Connecticut, Ms. KAPTUR, Mr. LEVIN of Michigan, Mr. HALL of Ohio, Mr. KILDEE, Mr. SABO, Mr. YATES, Mr. KANJORSKI, Mr. TORRES, Mr. FAUNTROY, Mr. MANTON, Ms. SLAUGHTER of New York, Mr. MINETA, Mr. SCHUMER, Mr. KASTENMEIER, Mr. AUCOIN, and Mr. DICKS):

H.R. 558. A bill to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on families and children; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. GUNDERSON:

H.R. 559. A bill to provide that no increase in pay relating to recommendations made by the Commission on Executive, Legislative, and Judicial Salaries may be made unless the Federal budget is in balance; to the Committee on Post Office and Civil Service.

By Mr. HOWARD (for himself, Mr. HAMMERSCHMIDT, Mr. ANDERSON, and Mr. SHUSTER) (by request):

H.R. 560. A bill to amend the Highway Safety Act of 1966 to authorize appropriations, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 561. A bill to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HUGHES (for himself and Mr. CARPER):

H.R. 562. A bill to amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972, to the Committee on Merchant Marine and Fisheries.

By Mr. MARTINEZ:

H.R. 563. A bill to establish a 5-year pilot program to collect recreational use fees for facilities and services provided by the Angeles National Forest, CA, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JACOBS:

H.R. 564. A bill to include home delivery of children's publications in the existing rates for children's publications sent to schools; to the Committee on Post Office and Civil Service.

H.R. 565. A bill to amend Public Law 85-745 to provide that a former President may receive monetary allowances under that law only after waiving any rights to receive any other annuity or pension to which the former President would otherwise be entitled under any other Federal law; to the Committee on Post Office and Civil Service.

H.R. 566. A bill to amend title 5, United States Code, to eliminate the existing Federal employee bonus and incentive award programs and establish a program for incentive awards for Federal employees only for suggestions, inventions, or other personal efforts which cause a demonstrable monetary savings to the Government; to the Committee on Post Office and Civil Service.

By Mr. JENKINS (for himself, Mr. PICKLE, Mr. SCHULZE, Mr. MATSUI, and Mr. FLIPPO):

H.R. 567. A bill to amend the Internal Revenue Code of 1986 to provide that certain minimum tax and accounting rules (added by the Tax Reform Act of 1986) applicable to installment obligations shall not apply to obligations arising from sales of property by nondealers; to the Committee on Ways and Means.

By Mr. KOLBE (for himself, Mr. KYL, Mr. RHODES, and Mr. UDALL):

H.R. 568. A bill to establish the San Pedro Riparian National Conservation Area in Cochise County, AZ, in order to assure paleontological, scientific, cultural, educational, and recreational resources of the conservation area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KOSTMAYER:

H.R. 569. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Delaware River in Pennsylvania and New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LAGOMARSINO:

H.R. 570. A bill to amend the Internal Revenue Code of 1986 to allow first-time home buyers to make withdrawals from their individual retirement accounts for the purpose of acquiring, constructing, or reconstructing a principal residence, without incurring any tax; to the Committee on Ways and Means.

By Mr. LEATH of Texas:

H.R. 571. A bill to provide for the treatment of Federal asset sale proceeds and to establish a debt retirement account; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. LEHMAN of California (for himself, Mr. PASHAYAN, Mr. COELHO, and Mr. THOMAS of California):

H.R. 572. A bill to authorize the construction of the Mid-Valley Unit of the Central Valley Project; to the Committee on Interior and Insular Affairs.

By Mr. LEVINE of California (for himself, Mr. MILLER of Washington, Mr. ANTHONY, Mr. STARK, and Mr. SOLARZ):

H.R. 573. A bill to amend the Federal Election Campaign Act of 1971 to adjust certain contribution limits for elections for the House of Representatives, to provide for public financing for general election campaigns for the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. LEVINE of California (for himself and Mr. LEACH of Iowa):

H.R. 574. A bill to suspend all U.S. assistance for the Nicaraguan democratic resistance until the special congressional committees established to investigate the arms sales to Iran and other matters have completed their investigations and the General Accounting Office has been able to account for all of the $27,000,000 that was appropriated in 1985 for humanitarian assistance for the Nicaraguan democratic resistance; jointly, to the Committees on Foreign Affairs, Armed Services, and the Permanent Select Committee on Intelligence.

By Mr. LIGHTFOOT:

H.R. 575. A bill to authorize the Secretary of Agriculture to guarantee pools of qualified agricultural mortgage loans and to provide for the issuance of securities representing interests in such pools; to the Committee on Agriculture.

By Mr. LOTT:

H.R. 576. A bill to establish a Commission on Budget Process Review, require congressional consideration of the Commission's recommendations, and to sunset the budget process if no action is taken to extend or modify it; jointly, to the Committees on Government Operations and Rules.

By Mr. McCOLLUM:

H.R. 577. A bill to award a congressional gold medal to Joe Kittinger; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McEWEN:

H.R. 578. A bill to create a fiscal safety net program for needy communities; to the Committee on Government Operations.

By Mr. MARTINEZ (for himself, Mr. BERMAN, Mr. BIAGGI, Mr. BLAZ, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CLAY, Mr. CONYERS, Mr. CROCKETT, Mr. DELLUMS, Mr. DE LUGO, Mr. DYMALLY, Mr. EDWARDS of California, Mr. FAZIO, Mr. FAUNTROY, Mr. FUSTER, Mr. GARCIA, Mr. GONZALEZ, Mr. HAYES of Illinois, Mr. KILDEE, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. MINETA, Mr. ORTIZ, Mr. OWENS of New York, Mr. PEPPER, Mr. PERKINS, Mr. RICHARDSON, Mr. RODINO, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SMITH of Florida, Mr. SOLARZ, Mr. STARK, Mr. STOKES, Mr. TORRES, Mr. TOWNS, and Mr. WOLPE):

H.R. 579. A bill to establish literacy programs for individuals of limited English proficiency; to the Committee on Education and Labor.

By Mr. MOLINARI (for himself and Mr. ROEMER):

H.R. 580. A bill to amend title 18, United States Code, to create a new Federal criminal offense of treasonous espionage, consisting of the unauthorized disclosure of classified information detrimental to the national security for profit; to the Committee on the Judiciary.

By Mr. NEAL:

H.R. 581. A bill to amend the Internal Revenue Code of 1986 to provide that the amount of any contribution to any no net cost tobacco fund or any no net cost tobacco account shall be treated as a deductible expense; to the Committee on Ways and Means.

By Mr. ORTIZ:

H.R. 582. A bill to permit an increase in the maximum speed limit to 65 miles per hour on highways in States which require the use of seat belts in the front seats of automobiles; to the Committee on Public Works and Transportation.

By Mr. PERKINS:

H.R. 583. A bill to continue until January 1, 1991, the present exclusion of bicycle component parts which are not reexported from the exemption from the customs laws otherwise available to merchandise in foreign trade zones; to the Committee on Ways and Means.

By Mr. RICHARDSON (for himself, Mr. PEPPER, and Mr. SMITH of Florida):

H.R. 584. A bill to permit visas to be issued to nationals of Cuba who are or were imprisoned in Cuba for political activities without regard to section 243(g) of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. RODINO (for himself and Mr. HYDE):

H.R. 585. A bill to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing; to the Committee on the Judiciary.

By Mr. RODINO (for himself and Mr. EDWARDS of California):

H.R. 586. A bill to amend section 7A of the Clayton Act to extend the waiting periods and to expand the applicability of the notification requirement; to make subject to such section persons who, while acting in concert, acquire voting securities or assets of another person; to require such notification to include an economic impact statement; and for other purposes; to the Committee on the Judiciary.

By Mr. ROEMER (for himself, Mr. BAKER, Mrs. BOGGS, Mr. HAYES of Louisiana, Mr. HOLLOWAY, Mr. HUCKABY, Mr. LIVINGSTON, and Mr. TAUZIN):

H.R. 587. A bill to name the Veterans' Administration Medical Center in Shreveport, LA, as the "Overton Brooks Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

By Mr. ROTH (for himself and Mr. GRAY of Pennsylvania):

H.R. 588. A bill to express the opposition of the United States to oppression in Ethiopia, to promote the development of democracy in Ethiopia, and for other purposes; jointly, to the Committees on Foreign Affairs; Ways and Means; and Banking, Finance and Urban Affairs.

By Mrs. ROUKEMA:

H.R. 589. A bill to prohibit acceptance of honoraria by Members of Congress, to provide that rates of pay for Members of Con-

gress shall not be subject to adjustment under the Federal Salary Act of 1967 or subject to any automatic adjustment, to provide that any bill or resolution which would increase Members' pay or confer any tax benefit with respect to Members as a separate and distinct class may be passed or adopted (as the case may be) only by a recorded vote, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Rules.

By Miss SCHNEIDER:

H.R. 590. A bill to extend until January 1, 1992, the existing suspension of duty on stuffed dolls, certain toy figures, and the skins thereof; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 591. A bill relating to the tariff classification of slabs of iron or steel; to the Committee on Ways and Means.

H.R. 592. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself, Mr. MCDADE, Mr. MURTHA, Mr. COUGHLIN, Mr. WELDON, Mr. SHUSTER, Mr. RITTER, Mr. CLINGER, Mr. GAYDOS, Mr. WALKER, Mr. GOODLING, Mr. GEKAS, Mr. RIDGE, Mr. MURPHY, Mr. YATRON, Mr. KANJORSKI, Mr. WALGREN, Mr. FOGLIETTA, Mr. BORSKI, Mr. KOSTMAYER, Mr. COYNE, Mr. KOLTER, and Mr. GRAY of Pennsylvania):

H.R. 593. A bill to request the President to award a gold medal on behalf of Congress to Andrew Wyeth, and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHULZE (for himself, Mr. DUNCAN, Mr. RANGEL, Mr. MCGRATH, Mr. JENKINS, Mr. VANDER JAGT, Mr. FLIPPO, Mr. BROWN of Colorado, Mr. MATSUI, and Mr. CRANE):

H.R. 594. A bill to amend the Tax Reform Act of 1984 with respect to treatment of innocent spouses; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 595. A bill to amend title 23, United States Code, relating to the control of outdoor advertising along the Federal-aid primary and Interstate Highway Systems; to the Committee on Public Works and Transportation.

By Mrs. SMITH of Nebraska:

H.R. 596. A bill to amend the Davis-Bacon Act and related statutes in order to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting; to reduce unnecessary paperwork and reporting requirements; to clarify the definition of prevailing wages, and for other purposes; to the Committee on Education and Labor.

H.R. 597. A bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking; to the Committee on Education and Labor.

H.R. 598. A bill to provide that each State must establish a workfare program, and require participation therein by all residents of the State who are receiving benefits or assistance under aid to families with dependent children, food stamp, and public housing programs, as a condition of the State's eligibiltiy for Federal assistance in connection with those programs; jointly, to the Committees on Agriculture, Banking, Finance and Urban Affairs; Education and Labor; and Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. FLORIO, Mr. SAXTON, Mr. HOWARD, Mr. RINALDO, Mr. HUGHES, Mr. COURTER, Mr. ROE, Mrs. ROUKEMA, Mr. DWYER of New Jersey, Mr. GALLO, Mr. TORRICELLI, Mr. GUARINI, and Mr. RODINO):

H.R. 599. A bill to direct the Administrator of Veterans' Affairs to establish an outpatient clinic in central or southern New Jersey; to the Committee on Veterans' Affairs.

By Mr. STARK:

H.R. 600. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for amounts paid as restitution or other damages for violations of the securities laws, for violations of law involving fraud, and pursuant to certain settlement of certain actions brought by the Securities and Exchange Commission; to the Committee on Ways and Means.

H.R. 601. A bill to amend title II of the Social Security Act to provide that, in the case of the payment of more than one monthly benefit under such title to the same individual for the same month, the first rounding of benefits before payment shall apply to the total amount of the benefits so paid; to the Committee on Ways and Means.

By Mr. STENHOLM:

H.R. 602. A bill to require reauthorizations of budget authority for Federal programs at least 10 years, to establish a procedure for congressional review of Federal programs at least every 10 years, and to improve legislative oversight of Federal activities and regulatory programs, jointly, to the Committee on Rules and Government Operations.

By Mr. TAUKE (for himself, Mr. ACKERMAN, Mrs. BENTLEY, Mrs. COLLINS, Mr. FRANK, Mr. GARCIA, Mr. GUNDERSON, Mr. HENRY, Mr. HORTON, Mr. JEFFORDS, Mrs. JOHNSON of Connecticut, Mr. KASTENMEIER, Mr. LIGHTFOOT, Mr. MARTINEZ, Mr. MILLER of California, Mr. PENNY, Mr. PERKINS, Mr. ROE, Mr. SMITH of Florida, and Mr. WELDON):

H.R. 603. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the interest on educational loans; to the Committee on Ways and Means.

By Mr. TORRICELLI:

H.R. 604. A bill to extend duty-free treatment to certain chemicals; to the Committee on Ways and Means.

By Mr. TORRICELLI (for himself, Mr. SMITH of Florida, and Mr. MONTGOMERY):

H.R. 605. A bill to amend the Internal Revenue Code of 1954 to provide that the interest on certain obligations issued by an issuer who is in arrears with respect to another obligation issued by the issuer, or guaranteed by a guarantor who is in arrears with respect to another obligation guaranteed by the guarantor, is not exempt from tax; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 606. A bill to discourage domestic corporations from establishing foreign manufacturing subsidiaries in order to avoid Federal taxes by including in gross income of United States shareholders in foreign corporations the retained earnings of any such subsidiary which are attributable to manufacturing operations in runaway plants or tax havens; to the Committee on Ways and Means.

By Mr. VENTO (for himself, Mr. FAUNTROY, Mr. LELAND, Mr. VISCLOSKY, Mr. EDWARDS of California, Mr. KILDEE, Mr. WILSON, Mr. SABO, Mr. DE LA GARZA, Mr. FRENZEL, Mr. BEVILL, Mr. OBERSTAR, Mr. SIKORSKI, Mr. SWIFT, Mr. WATKINS, Mr. ECKART, Mr. STALLINGS, Mr. GUARINI, Mr. ACKERMAN, Mr. MRAZEK, Mr. LIPINSKI, Mr. TOWNS, Mr. KLECZKA, Mr. STOKES, Mr. PENNY, Mr. KOLBE, Mr. UDALL, Mr. ROBINSON, Mr. KANJORSKI, Mr. WEBER, Mr. MINETA, Mr. KASTENMEIER, Mr. LEVIN of Michigan, Mr. TRAFICANT, Mr. RANGEL, Mr. WORTLEY, Mr. HAYES of Illinois, Ms. KAPTUR, Mr. DOWNEY of New York, Mr. WOLPE, Mr. GRAY of Illinois, Mr. HAMILTON, Mr. DERRICK, Mr. MORRISON of Connecticut, Mr. MARTINEZ, Mr. PANETTA, and Mr. FRANK):

H.R. 607. A bill to amend the Temporary Emergency Food Assistance Act of 1983 to require that excess cheese held by the Commodity Credit Corporation be made available, at the request of the chief executive officer of a State, upon a showing of need, and without charge, for distribution by eligible agencies in the State; to the Committee on Agriculture.

By Mr. WATKINS:

H.R. 608. A bill to amend the Federal Election Campaign Act of 1971 to reduce the amount that a multicandidate political committee may contribute to a candidate in a Federal election and to limit the total amount that a candidate for the office of Senator or Representative may accept from multicandidate political committees in an election; to the Committee on House Administration.

By Mrs. BOXER (for herself, Ms. SNOWE, Mr. SIKORSKI, Mr. SKELTON, Mr. LOWRY of Washington, Mr. HOYER, Mr. SMITH of Florida, Mr. SCHUMER, Mr. LEHMAN of Florida, Mr. FUSTER, Mr. OWENS of New York, Mr. BONER of Tennessee, Mr. WILSON, Mr. ACKERMAN, Mr. EVANS, Mr. DYMALLY, Mr. SCHEUER, Mr. ROE, Mr. AUCOIN, Mr. ANDREWS, Mr. MANTON, Mr. CROCKETT, Mr. CHAPMAN, Mrs. KENNELLY, Mr. TOWNS, Mrs. COLLINS, Mr. MRAZEK, Mr. MAVROULES, Mr. MONTGOMERY, Mr. KILDEE, Mr. GILMAN, Mr. GUARINI, Mr. DAUB, Mrs. JOHNSON of Connecticut, Mr. WOLF, Mr. OBERSTAR, Mr. MATSUI, Mr. DONNELLY, Mr. JONES of Tennessee, Mr. GUNDERSON, Mr. WORTLEY, Mr. FRANK, Mr. HENRY, Mr. TAUKE, Mr. LEVINE of California, Mr. GARCIA, Mr. CLAY, Mr. MARKEY, Mr. LEVIN of Michigan, Mr. CLINGER, Mr. FAZIO, and Mr. VENTO):

H.J. Res. 79. Joint resolution designating the month of March 1987 as "Women's History Month"; to the Committee on Post Office and Civil Service.

By Mr. COLEMAN of Missouri:

H.J. Res. 80. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the

systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 81. Joint resolution disapproving the salary increases recommended by the President for certain executive, legislative, and judicial positions; to the Committee on Post Office and Civil Service.

By Mr. SHAW:

H.J. Res. 82. Joint resolution disapproving pay increases proposed by the President for Members of Congress; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. SHUMWAY (for himself, Mr. BADHAM, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. BEREUTER, Mr. DANIEL, Mr. HYDE, Mr. LIPINSKI, Mr. MCCANDLESS, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. NIELSON of Utah, Mr. PACKARD, Mr. SAXTON, Mr. DENNY SMITH, Mr. SUNDQUIST, and Mr. WYLIE):

H.J. Res. 83. Joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States; to the Committee on the Judiciary.

By Mr. WALGREN (for himself, Mr. SMITH of Florida, Mr. BONER of Tennessee, Mr. FIELDS, Mr. BUSTAMANTE, Mr. TAUKE, Mr. RODINO, Mr. ROE, Mr. LEVIN of Michigan, Mr. LAGOMARSINO, Mrs. BOXER, Mr. FAZIO, Mr. RITTER, Mr. SCHEUER, Mr. GUARINI, Mr. ROWLAND of Georgia, Mr. MATSUI, Mr. DAUB, Mr. DE LA GARZA, and Mr. OWENS of New York):

H.J. Res. 84. Joint resolution to designate the week beginning March 29, 1987 as "American Physiologists Week"; to the Committee on Post Office and Civil Service.

By Mr. ROE (for himself, Mr. LIVINGSTON, Mrs. BOGGS, Mr. TAUZIN, Mr. ROEMER, Mr. HUCKABY, Mr. HAYES of Louisiana, Mr. HOLLOWAY, and Mr. BAKER):

H. Con. Res. 24. Concurrent resolution to make a correction, relating to phosphate fertilizer effluent limitation, in the enrollment of the bill H.R. 1; jointly, to the Committees on Public Works and Transportation and House Administration.

By Mr. GUARINI for himself and Mr. Gibbons:

H. Con. Res. 25. Concurrent resolution expressing the sense of the Congress regarding the initiation of free trade area negotiations with the Republic of the Philippines; to the Committee on Ways and Means.

By Ms. OAKAR:

H. Res. 39. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. DREIER of California (for himself, Mr. BOULTER, Mrs. JOHNSON of Connecticut, Mr. FAWELL, Mr. MACK, Mr. DORNAN of California, Mr. PORTER, Mr. DIOGUARDI, Mr. BRYANT, Mr. HENRY, Mr. ROEMER, Mr. CALLAHAN, Mr. SLAUGHTER of Virginia, Mr. SHUMWAY, Mr. MARLENEE, Mr. JEFFORDS, Mr. LAGOMARSINO, Mr. LUNGREN, Mr. OXLEY, Mr. BARTLETT, Mr. HUGHES, Mr. IRELAND, Mr. HORTON, Mr. DENNY SMITH, Mr. BURTON of Indiana, Mr. DURBIN, Mr. SWINDALL, Mr. SAXTON, Mr. ARMEY, Mr. MCCANDLESS, Mr. DELAY, and Mr. HYDE):

H. Res. 40. Resolution to amend the Rules of the House of Representatives to require each standing committee of the House to review and study pertinent recommendations of the President's private sector survey on cost control, and for other purposes; to the Committee on Rules.

By Mr. LOTT:

H. Res. 41. Resolution to amend the Rules of the House of Representatives to prohibit the solicitation of political contributions by Members, officers, or employees of the House of employees of the U.S. Government, and to prohibit such solicitations by any persons in House office buildings or the Capitol; to the Committee on Rules.

H. Res. 42. Resolution to amend House rules to provide for the complete, unedited, and uncensored broadcast coverage of House floor proceedings; to the Committee on Rules.

By Mrs. SMITH of Nebraska:

H. Res. 43. Resolution to express the sense of the House of Representatives that it continues to support Federal ownership and operation of the Federal power marketing administrations, opposes their sale, and supports existing Federal power policies that encourage diversity, pluralism, and competition in the electric utility industry; jointly, to the Committees on Public Works and Transportation, Interior and Insular Affairs, and Energy and Commerce.

By Mr. WALKER (for himself, Mr. GEKAS, Mr. HUNTER, Mr. ROWLAND of Connecticut, Mr. SMITH of New Hampshire, Mr. BLILEY, Mr. BARTON of Texas, Mr. LIVINGSTON, Mr. SHAW, Mr. MCCOLLUM, Mr. MACK, Mr. COBLE, Mr. BARTLETT, Mr. MILLER of Washington, Mr. VANDER JAGT, Mr. RIDGE, Mr. SAXTON, Mr. KEMP, Mr. GINGRICH, Mr. CALLAHAN, Mr. ROTH, Mr. DANNEMEYER, Mr. SKEEN, Ms. SNOWE, Mr. SWINDALL, Mr. LUJAN, Mr. LUNGREN, Mr. LOTT, Mr. REGULA, Mr. GILMAN, Mr. SLAUGHTER of Virginia, Mr. EDWARDS of Oklahoma, Mr. KOLBE, Mr. EMERSON, Mr. TAYLOR, Mr. PASHAYAN, Mr. GUNDERSON, Mrs. BENTLEY, Mr. WEBER, Mr. GREGG, Mr. DONALD LUKENS, Mr. BROOMFIELD, and Mr. ARMEY):

H. Res. 44. Resolution to amend House Resolution 12, 100th Congress, to prohibit members of the Select Committee to Investigate Covert Arms Transactions With Iran from voting by proxy; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of January 7, 1986]

By Mr. COELHO:

H.R. 525. A bill for the relief of John M. Gill; to the Committee on the Judiciary.

H.R. 526. A bill for the relief of Kumari Rajlakshmi Bais; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 527. A bill for the relief of Simon Marriott; to the Committee on the Judiciary.

H.R. 528. A bill for the relief of Stanley C. Bourassa and Katherine V. Bourassa; to the Committee on the Judiciary.

By Mr. SHUMWAY:

H.R. 529. A bill for the relief of Sjoerd Zittema and Peggy Rose Rakers; to the Committee on the Judiciary.

[Submitted January 8, 1987]

By Mr. BOEHLERT:

H.R. 609. A bill for the relief of John Brima Charles; to the Committee on the Judiciary.

By Mr. FROST:

H.R. 610. A bill for the relief of Calvin L. Graham; to the Committee on the Judiciary.

H.R. 611. A bill for the relief of Angel Maldonado-Valverde, Lusila Delgado de Maldonado, Francisco Maldonado-Delgado, Dora Luz Maldonado-Delgado, and Jose Luis Maldonado-Delgado; 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. 1: Mrs. KENNELLY, Mrs. MORELLA, Mr. PRICE of North Carolina, Mr. RAVENEL, Mr. ESPY, Mr. SMITH of Texas, Mr. SAWYER, Mr. YATRON, Mr. MARKEY, and Mr. GINGRICH.

H.R. 2: Mr. ROWLAND of Connecticut, Mr. DE LA GARZA, and Mr. ROBINSON.

H.R. 39: Mr. MARTINEZ, Mr. MOODY, Ms. KAPTUR, Mr. RINALDO, and Mr. SPRATT.

H.R. 67: Mr. DOWNEY of New York and Mr. MRAZEK.

H.R. 185: Mr. DAVIS of Illinois, Mr. BENNETT, Mr. LUNGREN, Mrs. LLOYD, Mr. MADIGAN, and Mr. DORNAN of California.

H.R. 348: Mr. DYSON, Mr. MCCLOSKEY, Mr. FORD of Michigan, Mr. SUNIA, Ms. KAPTUR, and Mr. ROE.

H.R. 372: Mr. RITTER.

H.R. 374: Mr. MCGRATH and Mr. GARCIA.

H.R. 376: Mr. CRAIG and Mr. MADIGAN.

H.R. 377: Mr. BATES, Mr. MARTINEZ, and Mr. MCGRATH.

H.R. 378: Mr. BOSCO, Mr. ACKERMAN, Mrs. BURTON of California, Mr. MARTINEZ, and Mr. FLORIO.

H.R. 434: Mr. COMBEST, Mr. MACK, Mr. BOULTER, Mr. PETRI, Mrs. VUCANOVICH, Mr. ARMEY, Mr. ROBERT F. SMITH, Mr. JEFFORDS, and Mr. SLAUGHTER of Virginia.

H.J. Res. 8: Mr. CHENEY, Mr. HILER, and Mr. HYDE.

H. Con. Res. 5: Mr. FAUNTROY, Mr. LIPINSKI, Mr. RINALDO, Mr. LAGOMARSINO, Mr. LEVIN of Michigan, Mr. ARCHER, Mr. HORTON, Mr. FRENZEL, Mr. MCGRATH, Mr. ROE, Mr. EVANS, Mr. SAXTON, Mr. RANGEL, Mr. BRYANT, Mr. WILSON, Mr. JEFFORDS, Mr. AUCOIN, Mr. ROBINSON, and Mr. SMITH of Florida.

H. Res. 14: Mr. ESPY, Mr. GRANT, Mr. HOCHBRUECKNER, Mr. JOHNSON of South Dakota, Mr. KENNEDY, and Mr. MCMILLAN of North Carolina.

H. Res. 16: Mr. GREEN, Mr. DORNAN of California, and Mr. COURTER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9. By the SPEAKER: Petition of the Synod of the Northeast, Presbyterian Church (U.S.A.), Syracuse, NY, relative to funding for the Contras; to the Committee on Foreign Affairs.

10. Also, petition of Peter J. Cojanis, Washington, DC, relative to a special session of Congress; to the Committee on Foreign Affairs.

11. Also, petition of the Secretary General, North Atlantic Assembly, Brussels, Belgium, relative to the 32d Annual Session of the North Atlantic Asembly; to the Committee on Foreign Affairs.

12. Also, petition of Peter J. Cojanis, Washington, DC, relative to a special session of Congress; to the Committee on Rules.

13. Also, petition of Donald L. Buresh, Millbury, MA, relative to the tax law of 1986; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

OUR NATION'S LOST TREASURE

HON. MARIO BIAGGI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. BIAGGI. Mr. Speaker, it is with great pride and pleasure that I reintroduce legislation to assist our Nation's gifted and talented students in reaching their full potential. It is an initiative that I firmly believe is long overdue.

This bill will target Federal assistance to support State and local programs that address the unique and pressing needs of gifted and talented children and youth. Under this legislation, $25 million is authorized in fiscal year 1988, and such sums as necessary in subsequent years, to ensure that our best, brightest, and most promising students are more effectively and specifically served by our educational system. These funds will be used to identify, and thus better serve, our gifted and talented children and youth. Highest priority will be given to those students who are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services including the economically disadvantaged, the limited English-proficient, and individuals with handicaps.

In addition, these funds will be used for preservice and in-service training and professional development activities for teachers. Teachers are entrusted with the most precious of all our natural resources—the futures and minds of our children, and ultimately, those of this Nation. It is imperative that we provide our teachers with the training, the tools, and the resources essential to any quality gifted and talented education program. Without this effort, we cannot realistically expect our crusade for excellence in the classroom to be fully successful.

And finally, this bill would establish a national center for research and development in the education of gifted and talented children and youth. This center will serve to intensify research on methods and techniques to better identify and serve gifted and talented students through innovative and stimulating gifted programs. The center will also operate as an information base on model programs and exemplary projects—instruction desperately needed if we are to successfully develop, implement, and accomplish our goal of quality gifted and talented programming. Not more than 30 percent of the funds appropriated under this legislation shall be used to conduct the activities of the national center. Clearly, the focus of this legislation is to identify and effectively serve this very special population of students.

Gifted and talented children and youth are a national resource vital to the future of this Nation and its security and well-being. Unless the special abilities of these children and youth are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost. This Nation is struggling with many critical problems that could define the future course of this Nation for years. We are grappling with ways to expand our economy while balancing the budget, we are searching for the means to compete more effectively in the international marketplace while working to reduce the trade deficit, and we are seeking to ensure our once undisputed preeminence in the world. We must not be shortsighted in our search for solutions to these problems. Our Nation's gifted and talented children offer us the tools by which to forge a permanent solution—advanced intelligence, creative thinking, and a bold curiousity about the world in which we live.

The challenge we must face here in Congress is to ensure an appropriate Federal commitment to gifted and talented programs. Without it, efforts to meet the needs of gifted children will fall short—a policy that is all too familiar—a policy that leads to these students never reaching their full potential. Collectively, this is a scandalous waste, a national tragedy that must not be allowed to continue.

I offer this legislation, along with 16 of my esteemed colleagues, as a critical step in our efforts to more fully develop and utilize the vast resources of this Nation, especially the minds of our gifted and talented children. The enormous potential of these children can promise our Nation a bright and successful future.

At this time, I wish to recognize the support and assistance of my esteemed colleague in the Senate from New Jersey, Mr. BRADLEY. He has made a commitment to this issue by introducing a Senate bill very similar to my own. I thank him for his efforts and for his past work on behalf of these special students.

For the benefit of my colleagues, I wish to insert the full text of the Jacob K. Javits Gifted and Talented Children and Youth Education Act. This measure is named after my respected and much-admired former colleague from New York, Senator Javits. The Senator is widely recognized for this work in the area of gifted and talented programming. In fact, he authored the Gifted and Talented Children's Education Act, which provided $6 million annually in Federal funds for these educational efforts. Unfortunately, this program was eliminated in 1981 when gifted and talented programming was folded into the chapter 2 education block grant, funding this and 29 other programs. Under chapter 2, gifted and talented programming has suffered from acute educational neglect. So it is in the spirit and memory of Senator Javits that I name this legislation and am honored and proud to do so.

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Gifted and Talented Children and Youth Education Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) gifted and talented children and youth are a national resource vital to the future of the Nation and its security and well-being;

(2) unless the special abilities of gifted and talented children and youth are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;

(3) gifted and talented children and youth from economically disadvantaged families and areas are at greatest risk of being unrecognized and if not being provided adequate or appropriate educational services;

(4) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented children and youth for the provision of educational services and programs appropriate to their special needs; and

(5) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training, and providing a national focal point of information and technical assistance, that is necessary to ensure that our Nation's schools are able to meet the special educational needs of gifted and talented children and youth, and thereby serve a profound national interest.

(b) STATEMENT OF PURPOSE.—It is the purpose of this Act to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in our elementary and secondary schools to identify and meet the special educational needs of gifted and talented children and youth. It is also the purpose of this Act to supplement and make more effective the expenditure of State and local funds, and of Federal funds expended under chapter 2 of the Education Consolidation and Improvement Act of 1981 and the Education for Economic Security Act of 1984, for the education of gifted and talented children and youth.

SEC. 3. DEFINITIONS.

(a) DEFINITIONS.—For the purposes of this Act the following terms have the following meanings:

(1) The term "gifted and talented children and youth" means children and youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

(2) The term "Secretary" means the Secretary of Education.

(3) The term "institution of higher education" has the same meaning given such term in section 435(b) of the Higher Education Act of 1965.

(4) The term "Hawaiian native" means any individual any of whose ancestors were natives prior to 1778 in the area which now comprises the State of Hawaii.

(5) The term "Hawaiian native organization" means any organization recognized by the Governor of the State of Hawaii primar-

ily serving and representing Hawaiian natives.

(b) DEFINITION BY REFERENCE.—Any term used in this Act and not defined by subsection (a) shall have the same meaning as that term is given under chapter 3 of the Education Consolidation and Improvement Act of 1981.

SEC. 4. AUTHORIZED PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—From the sums appropriated under section 9 in any fiscal year the Secretary (after consultation with the advisory committee established pursuant to section 7) shall make grants to or contracts with State educational agencies, local educational agencies, institutions of higher education, or other public and private agencies and organizations (including Indian tribes and organizations as defined by the Indian Self-Determination and Education Assistance Act and Hawaiian native organizations) which submit applications to assist them in carrying out programs or projects authorized by this section that are designed to meet the educational needs of gifted and talented children and youth, including the training of personnel in the education of gifted and talented children and youth or in supervising such personnel.

(b) USES OF FUNDS.—Programs and projects funded under this section may include—

(1) preservice and inservice training (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented children and youth;

(2) establishment and operation of model projects and exemplary programs for the identification and education of gifted and talented children and youth, including summer programs and cooperative programs involving business, industry, and education;

(3) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented children and youth;

(4) programs of technical assistance and information dissemination; and

(5) carrying out (through the National Center for Research and Development in the Education of Gifted and Talented Children and Youth established pursuant to subsection (c))—

(A) research on methods and techniques for identifying and teaching gifted and talented children and youth, and

(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this Act.

(c) ESTABLISHMENT OF NATIONAL CENTER.—The Secretary shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies, for the purpose of carrying out clause (5) of subsection (b). Such National Center shall have a Director. The Director shall consult with the advisory committee appointed by the Secretary pursuant to section 7 with respect to the agenda of the National Center. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

(d) LIMITATION.—Not more than 30 percent of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used for the conduct of activities pursuant to subsections (b)(5) or (c).

SEC. 5. PROGRAM PRIORITIES.

In the administration of this Act the Secretary (and the advisory committee established pursuant to section 7) shall give highest priority—

(1) to the identification of gifted and talented children and youth who may not be identified through traditional assessment methods (including the economically disadvantaged, individuals of limited English proficiency, and individuals with handicaps) and to education programs designed to include gifted and talented children and youth from such groups; and

(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification and education of gifted and talented children and youth.

SEC. 6. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

In making grants and contracts under this Act, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of children and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel serving such children in preservice and inservice training programs.

SEC. 7. SECRETARY'S ADVISORY COMMITTEE.

(a) APPOINTMENT AND MEMBERSHIP.—The Secretary shall appoint a committee composed of at least five persons who are not Federal employees to advise on the administration of this Act, including the content of regulations governing the administration of the Act. The committee shall have as members at least one person who is a director of programs for gifted and talented children and youth in a State educational agency, one person who has substantial responsibility in an institution of higher education for preparing teachers of such children and youth, one person who is nationally recognized as an authority on research in the field of special education of such children and youth, one person who is engaged as a teacher in a special program for such children and youth, and one person who is a parent of a child enrolled in an elementary or secondary school program for such children and youth.

(b) DUTIES.—The Secretary shall meet with the advisory committee at least twice during each fiscal year for which appropriations are made to carry out this Act, and shall seek the advice and counsel of the committee with respect to—

(1) identification of the most urgent needs for strengthening the capability of elementary and secondary schools nationwide to plan and operate effective programs for the identification and education of gifted and talented children and youth, and for addressing the program priorities set forth in section 5;

(2) the kinds of programs and projects authorized by this Act that are best calculated to help meet the needs identified by the Secretary and the committee pursuant to clause (1);

(3) the assessment of the effectiveness of programs and projects funded under this Act, and of progress under the Act in expanding and improving educational opportunities and programs for gifted and talented children and youth; and

(4) such other matters related to the administration of this Act as the Secretary may find useful.

SEC. 8. ADMINISTRATION.

The Secretary shall establish or designate an administrative unit within the Department of Education to administer the programs authorized by this Act, to coordinate all programs for gifted and talented children and youth administered by the Department, and to serve as a focal point of national leadership and information on the educational needs of gifted and talented children and youth and the availability of educational services and programs designed to meet those needs. The administrative unit established or designated pursuant to this section shall be headed by a person of recognized professional qualifications and experience in the field of the education of gifted and talented children and youth.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated $25,000,000 for fiscal year 1988, and such sums as may be necessary for each of the four succeeding fiscal years, for the purpose of carrying out this Act.

WHY IS THE IRAN DEAL A SURPRISE? REAGAN HAS LONG BEEN DECEPTIVE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. RICHARDSON. Mr. Speaker, I would like to bring to the attention of my colleagues an interesting article on the Iran-Contra affair written by John B. Oakes. This thought-provoking article, which was printed in the New York Times, was brought to my attention by Julius Gassner, a constituent whose own views and perceptions have contributed to my insight on issues. Mr. Oakes' article raises some important points about the President's role and responsibility in the Iran-Contra affair. I highly commend it to my colleagues. Thank you.

WHY IS THE IRAN DEAL A SURPRISE? REAGAN HAS LONG BEEN DECEPTIVE

(By John B. Oakes)

The latest New York Times/CBS News poll shows that nearly half the American public believes that President Reagan has been lying when he denies any knowledge of the Iranian-Nicaraguan arms deal.

The sad truth is that, apart from the effect on the President's own personal reputation, it doesn't much matter. Since the beginning of his first term, he and his Administration have been engaged in so much deception, particularly in connection with foreign policy, that one more bit of evidence to that effect doesn't greatly change the score.

From its very beginnings in 1981, the Administration, including the President, has not told the truth to the public about its Nicaraguan policy. It has not told the truth about its human rights policy, especially in the Caribbean, Latin America and Africa. It has not leveled with the public on its hos-

tages policy, on its information policy, on its anti-terrorist policy, even on some aspects of the most crucial issues of all—arms control policy.

Originally, Watergate was merely a sleazy political maneuver that was exacerbated by the shoddiness of Richard M. Nixon into a true constitutional crisis. This one is more serious than Watergate not only because it involves deception of the American people and our allies, and is a blow to American credibility throughout the world, but also because it is consistent with the pattern of an imperial Presidency that has repeatedly ignored or twisted the law whenever doing so has served its purpose. The result is that this has developed into the most dangerous Presidency in our history.

It is quite possible that President Reagan really did not know any of the details of the Iranian matter. However, it is not possible that any of the McFarlane-Poindexter-North-Casey operations now under Congressional inquiry could have occurred if Mr. Reagan's basic attitude had not been altogether clear toward overthrow of the Sandinista revolution and release of the American hostages from Lebanon.

The evidence strongly suggests that the President's immediate advisers had long understood that he was determined to oust the Sandinistas before he left office and was determined to get the hostages home before the next (last month's) election. The means—or the legality of the means—couldn't have mattered less.

It is all too reminiscent of Henry II's rhetorical question "Who will free me from this turbulent priest?"—without specifying who among his sycophants would rid him of Thomas à Becket, or how. Hence, no personal responsibility.

But here there is a responsibility. The spectacle of top Administration officials, including Secretary of State George P. Shultz, Secretary of Defense Caspar W. Weinberger and Attorney General Edwin Meese 3d, disclaiming responsibility and pointing the finger at someone else of lower rank is unedifying enough. But the direction in which they point is not toward the heart of the problem.

The heart of the problem is not even Donald T. Regan or William J. Casey, and certainly not John M. Poindexter or Oliver L. North. The heart of the problem is the man whose re-election in 1984 he apparently mistook for a coronation. The ultimate responsibility, of course, is the electorate's, but the immediate responsibility rests with the occupant of the White House and nobody else.

President Reagan's pleas that he didn't really know what was going on, that we get this thing behind us and that it was scmebody else's fault anyway are all equally fatuous. It is already clear that either he himself will not come clean with the American people—until he is forced to—or that he will not accept a responsibility that is surely his.

His obvious ploy is to bring up other controversial issues to divert public attention and serve as a smokescreen behind which the Iranian-Nicaraguan scandal can be quietly smothered. It's an old public-relations trick but this time it won't work. It won't work, that is, if Congress rises above partisanship.

Many think the President deserves impeachment, but for the moment that is not practicable. What is practicable is for Congress to pursue its investigations to the bitterest end. It is the only way to rescue American honor from the sorry state to which the Reagan Administration has brought it.

SOCIAL SECURITY RECIPIENTS DESERVE EVERY PENNY OF THEIR CHECKS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. STARK. Mr. Speaker, under current law a Social Security recipient's check is rounded down to the dollar. But in the case where a person receives two checks—his or her own and a deceased spouse's—each check is rounded down so that a 2-cent shortfall in the payment level can actually result in a loss of $1.98.

Today I have introduced legislation that would have multiple Social Security checks added together first and then rounded down. Although $1.98 does not buy a lot in this day and age, it could mean breakfast or lunch for a Social Security recipient.

I urge all of my colleagues to support this bill—Social Security recipients deserve, and very often need every penny of their checks.

NUCLEAR NONPROLIFERATION IN THE 100TH CONGRESS

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. WOLPE. Mr. Speaker, as we consider our agenda for the next 2 years, I would like to draw my colleagues' attention to the following December Washington Post editorial. The crafting and maintenance of a sound nonproliferation policy in both Houses of the Congress may be the most important thing we can do to create a safe and secure future for the American people. Certainly, in the words of Leonard S. Specter, "All the world will benefit from our diligence."

A SUGGESTION FOR SENATOR GLENN

Senator John Glenn is to take over the Governmental Affairs Committee in January, and he is now considering its agenda. We have a suggestion. For years one small subcommittee of Governmental Affairs has kept a careful watch over the spread of nuclear weapons throughout the world, and the world's efforts to restrain that spread. The subject of nuclear nonproliferation has otherwise fallen out of fashion in recent years. Congressional interest is generally low, and the administration's attention is erratic. But the danger is persistent.

Senator Glenn chaired that small subcommittee in the 1970s, lifting it to a notable degree of competence. Its current chairman, Thad Cochran, has brought the same kind of serious interest to it. The time has come to expand the subcommittee's assignment. Restraints can be made to work. But they require constant attention, and recent developments have been disquieting—particularly in South Asia.

India and Pakistan have each allowed the other to become an obsession and an incitement. India exploded what it called a nuclear "device" in 1974, and currently appears to have enough plutonium to build a number of bombs. Pakistan is investing much money and talent in its attempts to match India. President Reagan, to his great credit, has warned Pakistan that it will jeopardize American aid if it proceeds to enrich uranium beyond the levels needed for civilian power reactors. But there's no sign that Pakistan has been dissuaded.

India and Pakistan are both on the short list of countries that have declined to sign the Non-Proliferation Treaty and that run nuclear facilities not open to international inspection. The others are Argentina, Brazil, Israel and South Africa. The two Latin countries' pursuit of nuclear weapons has slackened since elected governments replaced the military juntas there. That makes the world a little safer. But Israel and South Africa are both isolated in their respective regions, facing hostile neighbors, and both appear to possess nuclear weapons—in Israel's case, a substantial number of them. Nonproliferation policy touches many of the central issues of American foreign relations.

The quality of congressional oversight here has great influence on any administration's performance, just as the American government's performance has great influence on other countries. Senator Glenn knows that. His chairmanship of a powerful committee now gives him the opportunity to introduce the realities of this forbidding subject to a larger audience in the Senate and the country.

A CONGRESSIONAL SALUTE TO BONNIE M. CHRISTENSEN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an exemplary civic leader in my district. On Thursday, January 22, as part of their 20th annual community recognition program, the San Pedro Lions Club, the San Pedro Sea Lions, and the San Pedro Lady Lions will be recognizing a truly remarkable woman, Bonnie M. Christensen, as the San Pedro Lions Citizen of the Year.

Bonnie has held countless positions of authority and responsibility in education, philanthropic organizations, and city government, among a number of civic pursuits. As community director for the Los Angeles Unified School District, region A, Bonnie distinguished herself with many innovative projects that have benefited not only the students and teachers, but the entire San Pedro community. Among these products are the Marine Biology Program in San Pedro, which not only has brought widespread attention to our harbor, but has served as the model for similar programs in Alaska, New Jersey, and Australia. In addition, Bonnie was instrumental in planning and establishing magnet schools in our community.

Bonnie's almost boundless energy and zeal for community service is also reflected in a long list of associations she has held for a diverse group of civic organizations. She was a charter member of the San Pedro Athletic and Recreation Committee and was soon elected to its board of trustees, while she was also

serving as a member of Assemblyman Gerald Felando's advisory committee, a position she holds to this day. She has also served in advisory capacities to the California State University, Dominguez Hills, the districtwide assistant principal, and has held a position on the school attendance review board since 1984.

There are numerous other examples of Bonnie's generosity toward her community. We all remember what a success "Clean Up San Pedro Day" was in 1980, and, with Bonnie's efforts, has been ever since. However, she also served with distinction as a member of the San Pedro Chamber of Commerce Education Committee, and as regional director of the California Association for the Gifted. Additionally, she has lent her expertise to the San Pedro Advisory Council and was a member of the Committee To Revise the San Pedro General Plan, which is now being implemented.

It is with great appreciation for her enormous contribution to our community that I recognize the achievement of Bonnie M. Christensen on this auspicious occasion. Her efforts serve as an inspiration to us all. My wife, Lee, and I wish to express our personal gratitude to Bonnie and wish her, her husband, Victor F. Christensen, her children, Victor T. Christensen, and Ann Doornbos, her son-in-law, Robert Doornbos, and her granddaughter, Heather, continued success and all the best in the years ahead.

EAGLE SCOUT BRIAN MACK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the achievements of a fine young man from my district, Brian Mack. Brian was recently honored for achieving the highest rank in Scouting, that of Eagle Scout.

The path to Eagle Scout is truly a long and difficult one. It requires an extraordinary amount of dedication and determination not usually seen in youths of this age. The tasks which must be completed to become an Eagle Scout cover virtually every realm of human experience. Some require intellectual and creative abilities while others call for physical agility and strength. Some tasks help integrate the young man into society through community action that benefits his neighborhood and world. Still other acts are performed alone to assist his growth and maturity as a person. The central challenge is, however, to set and strive for goals through initiative and dilligence.

Young men like Brian are leaders. The achievement of Eagle Scout is likely to be only the beginning of a future full of accomplishments for this young man has shown that he can perform exceptionally well without a compelling hand of authority over him. I say this not to downplay the importance of the encouragement he received from his family and Scout leaders but, rather, to assert the independence and self-motivation he has already shown.

Brian, your achievement of becoming an Eagle Scout is praised and applauded. It is with sincere pleasure that I commend you, Brian Mack, before my fellow Members of Congress.

FREEDOM FROM VERTICAL PRICE FIXING ACT OF 1987

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. RODINO. Mr. Speaker, today I am introducing, along with Mr. HYDE, legislation that reinforces longstanding congressional policy in the area of resale price maintenance.

The Freedom From Vertical Price Fixing Act of 1987 is intended to end increasing confusion in the Federal courts over the proper evidentiary standard to be applied in cases where a manufacturer, in violation of our competition laws, terminates a dealer in response to competitor complaints about the pricing policies of the dealer. As with any case dealing with allegations of conspiracy to commit illegal acts, the traditional evidentiary standard has been to recognize circumstantial evidence as an important—and often indispensable—tool in assisting juries and courts in making their findings of fact. In this sense, conspiracy law in the antitrust context is no different from conspiracy law in the criminal area. For, it is indeed the rare case—not the typical one—where we find the smoking gun or the signed, written agreement to fix prices. Circumstantial evidence, carefully weighed, is often the sole means for a jury to ferret out well-concealed combinations to violate the antitrust laws or other statutes.

Unfortunately, unnecessary confusion was injected into the body of conspiracy law by an anomalous decision issued by the Supreme Court in 1983. In the Monsanto versus Spray Rite case, the Court made statements in dicta that have led to a disturbing number of lower courts' abandoning accepted conspiracy theory and adopting a novel and virtually impossible standard of proof for vertical price fixing conspiracies involving a dealer termination. The standard announced would appear to rule out, in practical terms, the use of circumstantial evidence in supporting allegations of conspiracy so as to preclude jury consideration of such evidence. As feared at the time of the decision, we are now witnessing an unprecedented wave of summary judgment dismissals of antitrust actions brought by claimants who have asserted the requisite elements of a price fixing case sufficient to go to the jury: That a manufacturer in response to complaints from a rival dealer terminated another dealer solely for its pricing policies.

The introduced legislation is aimed at restoring the standards of evidence traditionally used in establishing anticompetitive agreements to maintain or alter prices. Utilizing the precise phrasing of prior termination decisions over the past 40 years, the bill states that a termination of a dealer by a manufacturer in response to a rival dealer's complaint is sufficient to raise the inference of a conspiracy to violate the antitrust laws' prohibition against vertical price fixing. Carefully tracking accepted jurisprudence, the standard makes clear that circumstantial evidence meeting these criteria merely raises an "inference" of a violation, and not a conclusive presumption. Under Federal practice and procedure, the effect of raising an inference is simply to shift the burden of proof to the defendant to demonstrate that its action to terminate was not a response to dealer complaints, but rather, was based on other independent, legitimate business grounds.

The traditional freedom of business people in nonmonopoly situations to deal with whomever they wish and under whatever terms and conditions that are freely bargained for is left absolutely intact by this bill. The freedom to do business or not to do business is critical to our free enterprise system and was formally enunciated in the 1919 *Colgate* decision, 250 U.S. 307. In giving Colgate full effect, the Freedom From Vertical Price Fixing Act of 1987 in no way restricts the right of defendants charged with price-fixing conspiracies to rebut the inference of conspiracy. To do so, a defendant may proffer evidence that the termination resulted solely from independent business decisions relating to individual dealer performance or to other uniformly applied internal corporate policy.

The rationale for shifting the burden of proof to the defendant once an inference of conspiracy is raised is clear: It is the defendant-manufacturer who has full and immediate access to exculpatory evidence to rebut the inference of a conspiracy. And when dealing with a business event as economically significant as a dealer termination, it is only proper that circumstantial evidence raising an inference of conspiracy, as well as evidence to the contrary, be permitted to go to the jury for evaluation. Following the Monsanto decision, however, courts in alarming numbers have precluded circumstantial evidence from going to the jury by sustaining routine motions for summary judgment based on no more than the cryptic dicta appearing in Monsanto.

The fear of such an egregious result was anticipated by the 46 State attorneys general who filed an amicus brief in the *Monsanto* case. They argued that forsaking important circumstantial evidence of conspiracy in favor of abstract justifications for illegal terminations would lead to an obvious distortion of justice and the competitive principles underpinning the antitrust laws. Their arguments carry much force, because it is the State attorneys general—and not the DOJ Antitrust Division—who have now become the undisputed frontline enforcers and protectors of our competition statutes.

The standard laid down in our bill would in no way chill desirable communications between a manufacturer and its retailers concerning the marketing of a product. Established antitrust law principles permit the supplier and individual dealer to discuss suggested retail prices as well as other nonprice terms and conditions of service that are in no way part of or connected with a price-fixing scheme.

The failure of the Justice Department to bring even a single vertical price-fixing case in 6 years has sent a disquieting message of permissiveness to potential violators. The Department's unilateral departure from congres-

sional and Supreme Court consensus on the proper characterization of the resale price maintenance offense as a per se violation has compelled this House to act at least once a year during the past 4 years to offset the persistent efforts of the DOJ to eviscerate the rule. Twice in 4 years, Congress has found it necessary to set funding restrictions to end the Justice Department's so-called amicus intervention on behalf of defendant-manufacturers in order to file briefs seeking to overturn resale price maintenance rules. Last year, the Department promulgated a set of so-called vertical restraints guidelines that in very subtle ways attempt to effect the very same result while avoiding the literal dictates of Congress' spending restriction. In response, both Houses of Congress passed the vertical restraints guidelines resolution, House Resolution 303, during the 1st session of the 99th Congress, which expressed the sense of Congress that the guidelines do not accurately state Federal antitrust law or congressional intent, shall not be considered by the courts as binding or persuasive, and should be recalled by the Attorney General.

The time has now come to restate this principle firmly and finally in the antitrust statutes so as to convey to the courts, the business community, and the consumers that Congress' commitment to price competition in a free-moving economy is unequivocal. I am gratified by the consistently strong bipartisan support received in our efforts to ensure that congressional intent remains intact in judicial interpretations of this important area of antitrust law so vitally affecting all consumers.

IMPROPER POLITICAL SOLICITATIONS

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LOTT. Mr. Speaker, today I am reintroducing a new House rule to prohibit the solicitation of campaign contributions in the House of Representatives.

Under my proposed rule, no Member, officer, or employee of the House could solicit a Federal campaign contribution from any Federal employee, and no person could solicit such contributions in House office buildings or the House portion of the Capitol.

Ironically, Mr. Speaker, this language is nearly identical to the current statutory prohibitions found at title 18, United States Code, sections 602 and 607. However, the Justice Department uses a coercion standard as a threshold for prosecution, and our own House Committee on Standards of Official Conduct recently became "married" to that standard.

I say "recently" since the House ethics manual published by the Standards Committee in 1984 indicated that any solicitation by House Members and staff of Federal employees was illegal, and I quote:

Members of Congress, candidates for Congress, and Federal employees are now specifically prohibited by provisions of Federal criminal statute from soliciting political contributions from Federal governmental employees, including employees of the House of Representatives.

The manual does go on to indicate that,

The intent of the prohibition on solicitations * * * was to prevent Federal employees from being subject to any form of political assessment,

and

protecting employees who, because of their employment and position may be subject to coercion. (Ethics Manual, 98th Cong., 2d sess., pp. 123-24.)

In other words, while the object of the statute was to prevent coercive solicitations, the means chosen to achieve that end was to prohibit all solicitations.

And yet, Mr. Speaker, just 1 year after the ethics committee published that manual, it reversed itself in its report of September 19, 1985, entitled, "Investigation of Alleged Improper Political Solicitation" (H. Rept. 99-277). The report, filed in response to a complaint which Congressman MCCANDLESS and I had filed about a solicitation received in a House office, concluded that, solicitations

are statutorily suspect only if they are to be read as seeking coerced political contributions from Federal employees, i.e., congressional staff. (p. 13)

Under the committee's new coercion standard, for a solicitation to be considered "coercive" it must have the characteristic of a "shakedown," and involve "intimidation." Moreover, there must be the "intent or perception to coerce Federal employees—congressional staff—into making political contributions," that is, evidence of "victimization." (Report, pp. 15 and 23.)

Mr. Speaker, because the ethics committee is not retreating on its coercion standard, I agree with it that this is a matter which now "should be specifically addressed in legislation." The purpose of the new House rule I am introducing today is to once again bar the House door to political solicitors. Such activity has no business in this House or in any other Federal office building, whether it be considered coercive or voluntary. If history is any guide, we should realize that by opening that door even a crack, we open this House to all manner of possible problems, pressures, abuses, and accusations. That's what led to the enactment of the Civil Service Act in 1883 and why Congress so firmly put its foot down and issued a flat ban on political solicitations rather than attempting to define and enforce a more nebulous standard.

Mr. Speaker, clauses 1 and 2 of the House rule which I am proposing is nearly a verbatim restatement of sections 602 and 607 of title 8 of the United States Code, insofar as they apply to the House. But I want to make clear here and now that I intend for the "plain meaning rule" of statutory construction to apply to this rule, that is, it means what it says. And what it says is that no Member or employee of the House may solicit campaign contributions from other Federal employees—including other House staffers—and no person may solicit such contributions in House offices, buildings, or the House portion of the Capitol.

Clause 3 of the proposed rule codifies the longstanding interpretation that these prohibitions on solicitations do not apply to Member-to-Member requests for campaign contributions. But the clause goes on to qualify this exception by prohibiting such protected solicitations from directly or indirectly soliciting a Member's staff as well.

Mr. Speaker, I regret that it is even necessary to introduce this resolution, but unfortunately it is given the recent turn of events. The sooner we close this door that has been opened, the better off the House as an institution will be. I hope the Rules Committee will move forward expeditiously on this proposal before we regret it. I urge any colleagues who are interested to join us in cosponsoring this important rule. At this point in the RECORD, Mr. Speaker, I include a copy of the proposed rule, and a letter from Common Cause in support of my resolution. The materials follow:

H. RES. —

Resolved, That the Rules of the House of Representatives are amended by adding the following new rule:

"RULE LI.

"PROHIBITION OF POLITICAL SOLICITATIONS.

"1. A Member, officer, or employee of the House of Representatives shall not knowingly solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any officer or employee of the United States or any department or agency thereof.

"2. No person shall solicit any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 in any office or building of the House of Representatives or in that part of the Capitol assigned to the use of the House.

"3. The prohibitions contained in this rule shall not apply to the solicitation of any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 by a Member of Congress of another Member of Congress, provided that any such solicitation does not directly or indirectly solicit such contributions from the employees of the Member being solicited as well.".

COMMON CAUSE,
Washington, DC, December 10, 1985.

Hon. TRENT LOTT,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE LOTT: We are writing to express our strong support for your proposal to amend the House Rules to prohibit the solicitation of political campaign contributions by House members from federal employees.

The need for such a prohibition is clear. Congressional employees and other federal workers are placed in an untenable position if Members of Congress are free to solicit campaign contributions from them. The need for this to be a flat prohibition against knowing solicitation is also clear. There is no other way to draw a line between "voluntary contributions" and "coerced contributions" and no other way to prevent the kind of implicit coercion that is bound to occur if such solicitations are allowed.

As you know, under an existing federal statute, Members of Congress are already barred from soliciting federal employees for campaign contributions. The Justice Department has said it will not proceed with a criminal prosecution under this statute, however, unless coercion can be established in the case.

The fact that Justice has established a coercion standard for bringing a criminal prosecution, however, does not vitiate the fact that a flat prohibition on such solicitations exists in the federal statute and also has been incorporated into the House ethics manual. As the ethics manual notes in explaining the application of the provision to the House, its purpose is "to prevent federal employees from being subject to any form of political assessment," and to protect "employees who because of their employment and positions may be subject to coercion."

We are aware that the House Committee on Standards of Official Conduct has said it, in effect, is "married" to the Justice Department's position that actual coercion is a necessary element of the solicitation prohibition. We believe that the Committee's interpretation is wrong and has created a serious problem.

House standards must include clear rules to prevent congressional employees and federal workers from being pressured into making campaign contributions to Members of Congress. In adopting the Justice Department's "coercion" standard for criminal prosecution of such solicitations, the Ethics Committee has, in effect, left the House without any effective prohibition in this area.

It is the responsibility of a legislative body to establish standards of conduct for its Members and employees. Such standards must be defined in terms of what is proper conduct for a public official, not in terms of what constitutes a criminal action. The House has traditionally required that its Members live up to higher standards than that of avoiding criminal conduct.

We believe it is essential for the House to move quickly to remedy this situation. Your proposal would clearly establish that Members cannot knowingly solicit any campaign contribution from a federal employee. This standard is necessary if federal employees are to be protected against undue pressure from Members in the solicitation of campaign funds. While the Ethics Committee has said it does not believe such a flat prohibition presently exists, the Committee should have no problem with the notion that such a ban should exist to protect federal employees and the integrity of the House.

We strongly support your amendment and urge the House to act on it quickly.

Sincerely,

FRED WERTHEIMER,
President.

H.R. 434

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mrs. SMITH of Nebraska. Mr. Speaker, as I address the House for the first time in this historic 100th Congress, I know I am going to displease many of my colleagues. But no matter their objections, I also know that this weekend I can make the first trip back to my district this year, and I can do so with a clear conscience.

This is because I am asking, Mr. Speaker, my colleagues to join me in rejecting a pay raise.

Tuesday, I introduced H.R. 434 to freeze congressional pay for fiscal years 1987 and 1988. As a result, my bill would repeal the COLA we received January 1 and reject both the nearly 16 percent congressional pay increase recommended in the President's budget and the pay recommendations made December 15 by the quadrennial commission.

Simply, we would continue to be paid $75,100 per year.

My bill does not address the issue of pay increases for top Federal officials of the judiciary. The merits of pay increases for these public servants can and should be debated in another context.

Many of my colleagues will call my bill an unreasonably harsh proposal, but times are harsh, and it is time we, the policymakers, send a message to the taxpayers that we are serious and truly committed about turning things around.

We don't send that message by adding to our pay checks at a time when we say we are focusing efforts on reducing the deficit and regaining control of Federal spending.

With agriculture facing the worst economic conditions in 50 years, with the country's energy producing regions fighting off depression, with the economy sluggish and the trade deficit growing, with 8 to 9 million Americans searching for work, with the number of homeless on our city streets increasing, and coming off a year that saw 138 banks fail, the United States became a debtor nation, and the Federal deficit—despite Gramm-Rudman—soar to $220 billion, how can we in good conscience worry about our salaries?

I won't contest the arguments that it is expensive to live in Washington, DC; that it is costly to keep two residences; that there are extra and unusual expenses associated with this job. But, hey folks, we knew that coming in when we campaigned for the honor to serve our districts. We can get by on $75,100 despite the financial demands, and, overwhelmingly, the public expects us to.

If you agree, please join me in opposing an increase in our salaries by cosponsoring H.R. 434.

Thank you.

REFUSENIKS: GORBACHEV'S "OPENNESS" HASN'T HELPED THEM

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. COURTER. Mr. Speaker, several emminent Jewish Americans recently returned from a visit to Moscow, where they met with both Soviet Jews and various Soviet officials. I would like my colleagues to see the following summary—written for the New York Post—of their Moscow experiences.

Henry Siegman is executive director of the American Jewish Congress, and Howard Squadron is honorary president and past chairman of the Conference of Presidents of Major American Jewish Organizations.

It is evident that racial and religious discrimination still reflect official policy in the avowedly classless Union of Soviet Socialist Republics.

MOSCOW'S BIG LIE ABOUT ITS REFUSENIKS

[From the New York Post, Nov. 20, 1986]

One week after President Reagan and Secretary of State Shultz raised the plight of Soviet Jews—particularly "refuseniks"—at Reykjavik, we were in Moscow with a small American Jewish delegation.

We spent five days meeting refuseniks in order to obtain a more current understanding of their plight. We also met with Soviet officials to get their view of the problem.

The Soviet officials insisted that the problem had been resolved in the late 1970s, when virtually all Jews who wanted to leave were allowed to do so.

More than 50,000 Jews left in 1979, the last year there was significant Soviet Jewish emigration. Those who were denied, we were told, were individuals who had access to classified information and could not leave under Soviet law for reasons of state.

These officials insisted there no longer are significant numbers of Soviet Jews who wish to leave or who have been denied permission to do so.

A different picture emerged from our meeting with the refuseniks.

In a series of meetings at their homes we saw over 150 people, from familiar names like Vladimir Slepak and Viktor Brailovsky—each of whom was exiled for five years to Siberia—and Alexander Lerner, who has been trying to leave for 17 years, to refuseniks whose names are unknown in the U.S. and who never have been visited by Americans.

We met a man who had lost his job that day because he is a refusenik; a woman who is able to work at her profession only because her employer is not aware that she is a refusenik, and a man who had been subjected to eight hours of KGB interrogation a few days earlier because he shared books on Jewish subjects with others.

We met some of those arrested in 1984 on charges of concealing firearms or drugs because they persisted in holding Hebrew classes.

We met, and with the help of one of our group who spoke Russian, arranged for the release of five young men who were arrested after participating with us in the celebration outside the Moscow synagogue on Simchas Torah.

We met countless men and women dismissed from high-level positions as academicians, scientists and engineers, now working as elevator operators and charwomen.

We met cancer patients who want treatment abroad, or just to live their remaining days in Israel.

We met many refuseniks who first applied for emigration 15 and 20 years ago and who doggedly apply again every six months.

Many began applying in 1979 when Soviet policy appeared favorable to their emigration to Israel. The Soviet government then shut the doors abruptly, leaving many Jews behind after their families already had reached Israel.

Together, they represent an aggregate of human anguish and despair to stun the imagination. Even a highly conservative extrapolation from the number of refuseniks elsewhere in Moscow and throughout the Soviet Union gives the lie to the notion that the problem has been resolved.

Clearly, those Soviet Jews who had access to classified information no longer pose any threat to the Soviet government these many years after they left or were dismissed from their jobs.

Sadly, most of them have lost their professional qualifications, having been out of work and out of touch with developments in their field.

Should they finally be allowed to leave for Israel, they will not be able to resume their careers. Their professional lives have passed them by.

When we asked these refuseniks why they applied for emigration, knowing their chances to be so slim and the consequences for their personal lives so catastrophic, they invariably replied that they would make the personal sacrifice so that their children might live full Jewish lives in Israel.

Our group traveled from Russia to Poland and visited Auschwitz and Birkenau.

There, and at other death camps, the Nazis attempted to impose their final solution to "the Jewish problem."

The monstrous evil perpetrated by the Nazis is not to be equated with any other human activity before or since; yet the question must be asked why some governments persist in creating a "Jewish problem" that requires a solution.

We also visited Romania, where half of the pre-World War II Jewish community survived.

Of that community, numbering 400,000 after the War, more than 300,000 have left for Israel with the permission of the government. The remaining Romanian Jews function openly as a religious community with the support of the government.

We argued to Soviet officials that Soviet Jews, whose applications for permission to emigrate are more than five years old, should immediately be granted permission to emigrate, and that emigration of Soviet Jews to Israel should thereafter be permitted on a regular basis.

We pointed out that such a process would have an immediate impact on the entire range of bilateral issues between the two countries.

We can only hope that message, delivered so often before, finally will be treated seriously.

INTRODUCTION OF LEGISLATION PERTAINING TO CUBAN POLITICAL PRISONERS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. RICHARDSON. Mr. Speaker, I am pleased to introduce today a bill designed to assist former and present Cuban political prisoners in getting their freedom. My bill would exempt Cuban political prisoners from certain visa restrictions. The Immigration and Naturalization Service [INS] will not presently give visas to individuals who are trying to enter this country from a third country. Cuban political prisoners who have successfully left Cuba and made it to another country such as Panama or Mexico are therefore denied visas to enter this country. This action effectively turns these individuals back over to Castro—they have left Cuba with the goal of achieving freedom in this country—and then they are denied that freedom. The policy of this administration, designed purportedly to punish Castro backfires and the people who suffer are the Cuban political prisoners who so desperately need our help.

Hearings held on human rights in Cuba late during the 99th session of Congress highlighted the dire circumstances of Cuban political prisoners. Armando Valladares, a former long-term Cuban political prisoner and author of a poignant and disturbing book on his experiences in Castro's prisons, stated that the most significant thing the United States can do for all Cuban political prisoners is to let them come to this country. My bill will ease passage into this country for a group of present and former Cuban political prisoners. It is long past time for us to do so.

I originally offered this bill as an amendment to the Immigration Reform Act of the 99th Congress. It was incorporated into the original text of the legislation and passed the House. During the House-Senate conference, it was turned into a "sense of Congress." It is good that the Congress is on record as being for facilitating the entrance of Cuban political prisoners into this country—the INS, however, still has not been legally directed by the Congress to stop its practice of denying visas to Cuban political prisoners who have braved the odds and successfully made it to other countries. This bill I am introducing today will be such a decisive step. I hope that it sees quick action, and I urge my colleagues to support it. Thank you.

TAX CREDIT FOR HOME CARE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. BIAGGI. Mr. Speaker, today I have the pleasure of introducing legislation I have authored in the past two Congresses to provide for a $500 tax credit for individuals who maintain within their household a dependent of the taxpayer who is over the age of 65. As an original member of the House Select Committee on Aging, I strongly endorse this approach both as a means of extending tax fairness to another important segment of our community but also to help us guide our policies regarding care for the elderly away from its reliance on institutional care.

Presently, approximately 11 percent of the Nation's population is over the age of 65. The number of elderly living alone has increased substantially. Additionally, the number of elderly living outside the extended family has changed drastically—23 years ago, 46 percent of those over 65 lived with their children. By 1975, this figure had dropped to 18 percent.

The number of institutionalized elderly has also risen, due to a variety of factors. In 1984, according to the National Center for Health Statistics, 22 percent of people aged 85 and older were in nursing homes, while less than 2 percent of those aged 65–74 were institutionalized. Furthermore, one in three Americans over age 85 needed some form of intensive long-term care. Currently, a majority of the elderly who need assistance with activities of daily living—bathing, dressing, feeding themselves—or with household chores receive that help at home from family members. But 1.2 million elderly persons are in nursing homes, about 5 percent of the total population aged 65 and older.

The National Center for Health Statistics estimates that the number of nursing home residents will increase by 58 percent between the years 1978 and 2003 if mortality remains constant, and by more than 115 percent if mortality declines. By the year 2030, there will be 55 million older persons aged 75 and over in our nation, representing 22 percent of the total population. These figures show how critical it is that we now consider alternatives to traditional delivery modes of health care and social services to this population. The continuum of care for this population—which should be the hub of any long-term care system that we develop in this country—should assure both access and choice to all those in need of dependent care.

Studies have shown that it is generally the family, not the government, that provides the most care for the elderly. The Health Care Financing Administration has estimated that between 60 and 80 percent of the care received by the impaired elderly is provided by family members or friends who are not compensated. In addition, information from the field clearly points to the family as the preferred provider of services to the elderly. However, I must emphasize the fact that we still fail to have a rational long-term care policy in this country that eliminates the institutional bias in our current federally funded programs.

At present, Medicaid is the largest single provider of long-term care services. This joint Federal-State health plan for the poor pays over one-half of our national long-term care bill as compared to 1.3 percent being paid for private insurance and 2 percent by Medicare. Medicare only pays for short-term stays—up to 100 days—in skilled nursing facilities for persons being discharged from hospitals. With over 1 million residents of nursing homes today relying on Medicaid to finance their health care and housing needs, we must recognize that we are talking about a significant share of our dependent care population.

Increasing the attractiveness of home care would also reduce nursing home costs, especially after 1972 when intermediate care facility care was added to the benefit package. By 1975, this change alone resulted in ICF care exceeding skilled nursing care and a concurrent doubling of the Medicaid long-term care bill to $4.3 billion. Today, Medicaid expenditures in this area have again doubled since 1975 as a result of added factors: rising costs of care as compared to number of recipients; elimination of provisions for family supplementation of nursing home payments and SSI provisions which reduce benefits to beneficiaries living with each other.

Providing a $500 tax credit for home care expenses would be an important first step to implement a national policy of long-term care. This bill cannot, however, be viewed as an isolated proposal. There must be efforts made to promote comprehensive policies that assure a continuum of care of elderly citizens.

We are beginning to receive substantial evidence of the need for both home care alternatives specifically, as this bill would provide, as well as the value of community based long-term care services now being provided on a piecemeal basis through both Medicaid as well as the Older Americans Act. A 1980

HCFA study noted that between 3.6 to 7.8 million individuals may be receiving services from family and friends—or may be in need of such services but are making it on their own.

If no preferred living arrangements can be provided for our ever-growing elderly population, these individuals will be forced into living arrangements not of choice—with the possible resultant loss of health status and emotional well-being. This brings up another important issue we must consider in this area which is how providing a tax credit of this type might in some instances lead to a reduction in the growing and serious problem of elder abuse. In testimony at hearings I have chaired of the Subcommittee on Human Services, we were advised by the specialists and even victims that one of the causes of violence against the elderly is tension caused by financial pressures related to the cost of care for the older person. In some instances this tension leads to violence.

I hope that at long last this modest and reasonable issue can get favorable attention in Congress. It is eminently fair and to a degree foresighted in that the development of alternatives to institutionalization such as advancing home care is the way we should proceed. Tax credits for home care could be the catalyst we need to move this policy along.

CONGRESSIONAL SALUTE TO JOSEPH GRANT VINCENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a very industrious and generous man, Mr. Joseph Grant Vincent, who is retiring after 35 years as one of CALMAT Corp.'s most productive employees.

As chairman of the Public Works and Transportation Subcommittee on Surface Transportation, I have worked with CALMAT, the largest producer of cement in California, on many occasions and can appreciate how valuable Grant is to the corporation and to the transportation industry. Grant certainly knows the ins and outs of the industry, beginning his career in 1951 as a truck driver and working his way up the corporate ladder as a batch operator, service engineer, superintendent, and finally to the operations manager of distribution in 1984. Grant is affectionately known as the premier hatchet man by his peers because of his unique ability to go in and shape up an operation for CALMAT.

A soft-spoken and hard-working manager, Grant's commitment to the cement industry and to the surface transportation of California includes his active participation in many industry and community organizations. Concerned with and dedicated to both the management and employees of CALMAT, Grant has served as a member and past president of the CALMAT Management Club and Employees Federal Credit Union. He has also been an important member and past chairman of the National Ready Mix Committee Maintenance Forum and Southern California Ready Mix and Rock and Sand Transportation Committee for more than a decade.

Mr. Speaker, Grant Vincent will be missed by his colleagues at CALMAT and his friends in the industry. He has proven himself to be one of the most respected and valued employees of his corporation and will continue his expertise when he moves to Phoenix to head up a CALMAT subsidiary.

My wife, Lee, joins me in commending and congratulating Grant Vincent on a job well done. We wish him and his wife Carol continued success and happiness in the years ahead.

RAY McDONALD COMMUNITY ACHIEVEMENT AWARD

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LIPINSKI. Mr. Speaker, it is my privilege and honor to rise today and honor the Chicago Valentine Boys and Girls Club, who have received the Ray McDonald Community Achievement Award sponsored by the Fifth Congressional Community Advisory Committee.

The Valentine Boys and Girls Club first opened its doors in 1939 through the dream and financial assistance of Mr. Louis L. Valentine whose purpose was to create opportunities for Chicago's youth and to promote their development and well-being through a philosophy of self-help designed to prepare Chicago youth to direct their lives through a setting of life standards and goals which will develop success and independence.

Today, the Chicago Boys and Girls Clubs, an example of dedication to a common goal, recognizes that its services for youth cannot be done without first concerning itself with the problems that exist in its communities of service and must actively participate in the resolution of those problems.

The Chicago Valentine Boys and Girls Club contributions to the community and its youth are to be commended and to organizations such as this that we are proud to recognize the awarding of the Ray McDonald Award.

ANTITRUST LEGISLATION TO RESTRAIN MERGERS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. RODINO. Mr. Speaker, today, joined by my colleague Congressman DON EDWARDS, I am introducing antitrust legislation that should exert a needed restraint on the unfettered merger activity that has all too often dislocated our local communities and distracted our business operations.

The package of procedural amendments contained in the legislation are aimed at making the Hart-Scott-Rodino reporting system a more effective tool in gathering information and permitting more thoughtful deliberations by the antitrust enforcement agencies on proposed merger transactions.

Last Congress, I introduced legislation that would extend the waiting period in which the antitrust agencies would have to evaluate pending mergers. The first part of the current bill follows the relevant provisions of H.R. 2735 to enable the Department of Justice and Federal Trade Commission to make careful judgments on the competitive effects of proposed transactions.

Currently, the Hart-Scott-Rodino Act provides less scrutiny time by the Department of Justice and Federal Trade Commission when the merger involves a cash tender offer, for example, a hostile takeover, than when the transaction is a friendly combination involving the mutual exchange of stock or other corporate assets. There is no current justification for such a distinction, particularly when today hostile takeover bids cause the greatest confusion and dislocation in the industrial world.

The extension period proposal first equalizes the waiting period for all types of mergers and acquisitions. It then provides that the reviewing agency may extend the waiting period for the submission of additional information for another 30-day period, or in the case of large acquisitions—over $1,000,000,000—for another 60 days.

The rationale for these extended time periods is that with so many assets and jobs at stake, there is no reason for the agencies to rush their review of complex, financial and competitive data in reaching an enforcement decision. The only beneficiaries of rushed judgments are the arbitrageurs and raiders, who do not wish to be holding stock should the transaction be challenged. For the average shareholder and the companies involved, more deliberate scrutiny should not undercut corporate productivity or the underlying value of the assets involved. Moreover, the proposed bill is purposely drawn to give the Department of Justice and Federal Trade Commission discretion to take less than the full amount of the time should they find no competitive problems in the proposed transactions.

A second area addressed by the proposed legislation concerns one of the most abused practices currently engaged in by corporate raiders and others seeking to evade the filing requirements of the Hart-Scott-Rodino Act: the so-called partnership loophole. At the time of the passage of the Hart-Scott-Rodino Act in 1976, Congress did not want to impose filing requirements on small partnerships—often family partnerships—and understandably directed its attention to the publicly held corporation. This policy choice made good sense at the time. But, with the onset of the corporate raider era in the late 1970's, the partnership exemption was increasingly exploited to avoid merger filings with the antitrust agencies.

This loophole can be easily closed by requiring that two or more separate persons who act in concert to acquire another corporation be required to file, provided that the dollar thresholds are met. This language should cover the situation of shell corporations, partnerships or trusts set up by various acquirers solely to evade the provisions of Hart-Scott-Rodino. The bill provides that any business association is required to file if it has $1 million in assets and attempts to merge with a

target company having $100 million in assets. This single sentence effects two significant changes: First, it catches undercapitalized operations such as shell corporations that often have only several million dollars in assets, but also several billion dollars of credit available. Second, it requires that the target company be quite large—$100 million in size. Very few family partnerships seek to acquire such large entities; and if they do, there seems little reason that they should not be required to file under Hart-Scott-Rodino as well.

Repeatedly, the hearings conducted by the Judiciary Committee have produced testimony from State attorneys general, employees, and local officials criticizing the fact that almost no information is submitted/disclosed on the impact of mergers on the communities and people most directly affected.

Thus, a third part of the bill provides for the submission of an economic impact statement. In particular, the economic impact statement requires the acquirer to specify whether, over a projected 5-year period, it intends to close or sell any plants, terminate operations at any facility, or lay off or terminate any employees. The language also requires an estimate of revenue likely to be lost by localities in which the assets to be sold are located. Finally, the bill seeks data on the debt-to-equity ratio of the bidder, so as to determine whether the acquirer plans to use credit, junk bonds, or a liquidation of the corporation's assets to finance the transaction.

A notable feature of the bill is that the economic impact statement is to be publicly disclosed, unlike the treatment accorded other proprietary data now exempted under the Hart-Scott-Rodino Act. Such disclosure will not violate the needed confidentiality respecting product lines and market share, but will offer the public necessary information about the long-term consequences of the merger.

I believe this legislation will work needed changes in the way the antitrust agencies review proposed mergers while at the same time closing loopholes that have been seized upon by those who have skillfully exploited the financial markets for their personal gain.

I urge my colleagues to join with me in supporting and moving this measure as swiftly as possible before the next takeover wave sweeps over the American economic landscape.

BUDGET PROCESS SUNSET REVIEW ACT

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LOTT. Mr. Speaker, today, I am reintroducing the Budget Process Sunset Review Act of 1987, first introduced as H.R. 5699 on October 14, 1986. The bill would establish a bipartisan commission to study the impact of the budget process on the two branches, and recommend whether the process should be continued, modified or terminated. The bill would further require Congress to consider and act on the commission's recommendations, and, unless Congress enacts legislation to continue or modify the budget process, it would expire on March 15, 1988.

Mr. Speaker, I think I've been as strong a supporter of the budget process over the years as anyone around here. I voted for it in 1974, and I've vigorously upheld its provisions through the years as a member of the leadership and the Rules Committee. But, like many of my colleagues, I've begun to wonder just how effective it has been and how much it may be distorting and disrupting the regular authorization and appropriations processes. I've formed no final opinions on those questions, but I do think they are legitimate enough to warrant a full-scale review of the budget process by a distinguished commission comprised of Members of Congress, the public, the executive branch, and the Comptroller General. The commission would report back to us by next September 30. Our committees would then have until the end of the year to report legislation either continuing the budget process in its present or modified form, or recommend its termination.

If Congress does not enact legislation specifically extending or modifying the budget process by March 15, 1988, the acts would expire. The bill would apply to both the Congressional Budget and Impoundment Control Act of 1974, and the Balanced Budget and Emergency Deficit Control Act of 1985, the so-called Gramm-Rudman-Hollings Act.

Mr. Speaker, I appreciate that there are those who will argue that this should be strictly an internal review by the House and Senate since we are dealing primarily with the congressional budget process. But I would disagree for two reasons. First, the 1974 Budget Act provides for not only a congressional budget process, but for Presidential impoundment and deferral authority as well. And the 1985 Balanced Budget and Emergency Deficit Control Act not only amends the congressional budget act, but requires the President to submit budgets which conform with the maximum deficit amount each year, and to issue the Executive order sequestering funds if we don't meet that deficit target through the regular budget process. So, it is important that executive branch officers and employees be represented on this review commission.

Second, we must never lose sight of the fact that the way we budget in both branches ultimately affects the people and the allocation of their tax dollars for public purposes. The budget process is much bigger than the internal mechanics of the Congress and the executive branch. It is the determining force in how the people's money will be spent. As such, there should be public representatives on this commission.

Mr. Speaker, I am not suggesting that we should delegate to the commission the ultimate power to decide the future of the congressional and executive budget processes. I have not provided in my bill for an up-or-down vote on the final recommendations of the commission. Instead, I have simply required that the appropriate committees consider those recommendations and report to their respective Houses their own recommendation as to whether the budget process should be continued, modified, or terminated.

The action-forcing mechanism in all this, of course, is the sunset date which will fall some 5½ months after the commission report is submitted. If legislation is not enacted by that March 15, 1988, date, then the two budget acts covered would expire.

I know there will be those who will argue that this is an invitation to inaction by those in Congress who, for a variety of reasons, oppose one aspect or another of the current budget laws. But, I do not agree that either House will let these acts expire without taking a vote on the alternatives. The very fact of a report by a distinguished commission should provide sufficient impetus for us to consider and vote on its recommendations or any options that might be proposed by our committees. I do not think the American people would forgive us for killing the budget process by inaction.

On the other hand, if we do not put in place a sunset date as an action forcing mechanism, I fear we will continue to putter along with the present system without taking the time or trouble to seriously consider the work of the commission. I want this commission's report to be something more than a dust-collector on a shelf, for a change. The sunset review process provided in my bill is the best way to ensure that result, in my opinion.

Mr. Speaker, I urge my colleagues on both sides of the aisle to join me in this sincere attempt to examine indepth the current operation of our budget process and determine whether or how it should be continued. I think it's obvious to everyone that things are terribly out of kilter in Congress, and that the overpowering presence of the budget process is a major factor in that equation. I am hopeful this budget process sunset review proposal will point the way out of this morass.

At this point in the RECORD, Mr. Speaker, I include a brief summary of my bill. The summary follows:

BRIEF SUMMARY OF PROPOSED BUDGET PROCESS SUNSET REVEW ACT

Title: The "Budget Process Sunset Review Act of 1987".

Purpose: To establish a Commission on Budget Process Review, require congressional consideration of the Commission's recommendations, and to sunset the budget process if no action is taken to extend or modify it by March 15, 1988.

Establishment of Commission: There is established, not later than 60-days after enactment, a Commission on Budget Process Review. The Commission would cease to exist on Dec. 31, 1987.

Purpose of Commission: The purpose of the Commission is to study and review the operation and effectiveness of the Congressional Budget and Impoundment Control Act of 1974, and the Balanced Budget and Emergency Deficit Control Act of 1985 and their impact on congressional and executive operations with a view determining whether such Acts should be continued, modified, or terminated.

Membership: The Commission shall be composed of 19 members including six each appointed by the President, President pro tempore of the Senate and Speaker of the House. Two public members shall be appointed by each, and not more than four executive branch officers or employees, four Senators, and four Representatives. Not more than three members from each category of six shall be of the same political party. In addition, the Comptroller General shall

serve as a member. A chairman and vice chairman shall be elected by the members.

Miscellaneous: Provisions are made for staff, per diem for non-Federal members ($150), travel, hearings, and consultants. To the maximum extent possible, the Commission would draw on existing executive and congressional staff having budgetary expertise.

Report: The Commission shall submit its final report to Congress not later than Sept. 30, 1987.

Congressional Review & Action: The report shall be referred to the appropriate committees of the House and Senate which shall conduct hearings and report their recommendations to their respective Houses not later than Dec. 31, 1987.

Sunset: Following such committee reports, unless legislation is enacted by March 15, 1988, specifically continuing or modifying the budget acts referred to above, such acts shall cease to be effective on that date.

DR. JOSEF BEGUN

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. COURTER. Mr. Speaker, it is a peculiarity of the Soviet Constitution that everyone has the right both to practice religion and to agitate against it. What they do not have is the right to teach religion.

The authorities know they cannot prevent religious feelings, even in subjects whose entire lives have been lived under Communism. But they do hope to prevent the young from infection by anti-Communist interests of their elders.

A moving account of one who has tried to teach, as well as practice, his religion has appeared in a recent Jeane Kirkpatrick column. I feel that its account of the persecution of Josef Begun deserves the attention of my colleagues.

[From the Washington Post, Dec. 22, 1986]

SHCHARANSKY'S ADVICE

(By Jeane Kirkpatrick)

It has become traditional for major newspapers in many American cities to focus in the weeks before Christmas on the most needy persons in their area in hopes that the glow of the season will stimulate special sympathy and generosity for those oppressed by poverty, old age, ill health, bad luck and bad management of their own lives.

It is a good tradition, one that illuminates the social problems of great cities—aging, isolation, child abuse, disrupted families, poverty, homelessness—by showing how they affect the lives of real persons.

Similarly, such great political abstractions as freedom, repression and pluralism also are most easily grasped when their impact is seen through the experiences of particular people. Human rights activist and former gulag inmate Anatoly Shcharansky told American audiences last week that focusing public attention on particular prisoners can make a life-and-death difference.

Anatoly Marchenko, Shcharansky said, died in a Soviet prison. The cause, he said, was not just Soviet abuse, but also Western indifference. Recalling his own long imprisonment, Shcharansky told a New York audience, "In my case there were strong campaigns all over the world; protests from the top levels and grass-roots levels. In this [Marchenko] case, the public opinion of the West reacted quite differently. The results you see yourself."

Shcharansky's view is shared by other former political prisoners—Huber Matos, Armando Valladores, Jacobo Timerman, among many others—who have credited their release and survival to international public attention. Spokesmen for Iran's Baha'i community credit public attention with the dramatic decline in government executions of Baha'i members from 100 in 1983 to three in 1986.

In this Christmas season, we should focus on just a few of the world's neediest political prisoners who are being denied their most basic human rights.

Dr. Josef Begun, a 55-year-old Soviet Citizen of Jewish descent, has been convicted three times for the crimes of teaching Hebrew, cultivating the study of Jewish culture and history, and seeking permission to emigrate to Israel. Begun, a mathematics graduate of Moscow University, first applied for an exit visa in April 1971. His application denied, he was fired from his job, barred from employment even as a manual laborer and hounded by the KGB. In 1977, Begun was arrested for giving private Hebrew lessons and convicted for leading a "parasitic way of life."

He was sentenced to two years of penal exile in Siberia and was barred from living in Moscow, where his family resided. Rearrested in 1978 for overstaying a rare 48-hour visit with his wife and son in Moscow, Begun was sentenced to Siberia for another three-year term. Again released, again rearrested, in 1983 Begun's books, papers and Hebrew writings were confiscated, and he was convicted of "especially dangerous crimes against the state." He was given the maximum sentence—seven years' imprisonment and five years of exile.

All three trials were filled with violations of regular Soviet legal procedures and of international legal standards.

During his current imprisonment, Begun has been subjected to especially harsh treatment. He has spent several periods in a special punishment cell (for giving a lecture on the Holocaust and wearing a yarmulke). His health has seriously deteriorated, his coronary heart disease exacerbated by the harsh conditions under which he must live. His daily rations and exercise periods have been cut in half. His correpondence is limited to one letter every two months.

Begun, recently hospitalized again, was never active in politics. His crimes consisted of giving Hebrew lessons when he was denied all other employment, studying Jewish history, disseminating information on Hebraic culture and seeking to emigrate to Israel.

Begun is not alone in paying a heavy price for his religious interests. Assistant Secretary of State for Human Rights Richard Schifter pointed out recently that during the past 12 months at least 90 other Soviet citizens have been sentenced to long prison terms for religious practices.

Dr. Anatoly Koryagin, 47, is the Ukrainian psychiatrist who in the late '70s exposed the Soviet practice of confining political dissidents and religious observers to psychiatric hospitals, where they are submitted to pain-inducing, mind-destroying drugs.

Now, however, it is Dr. Koryagin who needs help.

For blowing the whistle on these practices, now well documented, Koryagin was sentenced to seven years imprisonment and sent to the dreaded Christopol prison, where he has suffered repeated beatings, a grossly inadequate diet and seriously deteriorating health. Now that his sentence has been extended, his wife—who has not been allowed to visit him for more than two years—and his friends are gravely concerned for his life.

Pastor Pyotr Rumacik, 53, vice president of the Council of Evangelical Baptist Churches in the Soviet Union, has been sentenced to prison or exile four times for a total of 12 years. His crime was engaging in activities for an "unregistered" church. Currently serving a five-year sentence that was imposed in 1980 and has already been extended, he has been subjected to a grossly reduced diet, heavy labor, deprived of his Bible and repeatedly committed to a punishment cell. Pastor Rumachik also suffers heart trouble and deteriorating health.

He is the ninth Evangelical Baptist in the Soviet Union to be resentenced to prison this year.

But Soviet citizens are not the only ones who risk harsh punishment for exercising human rights guaranteed under their own constitutions and under the International Declaration of Human Rights and the Helsinki Accords. There are other prisoners in other lands.

What can we do for these and thousands of others who have been brutally denied their legal and human rights in Eastern Europe, Africa, Asia, Iran and elsewhere? Anatoly Shcharansky tells us these countries want access to Western technology and credits. Therefore, he says, "linkage can help open the gates."

So can our continuing attention.

OPPOSE THE SALE OF FEDERAL POWER MARKETING ADMINISTRATIONS

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mrs. SMITH of Nebraska. Mr. Speaker, last year, the administration proposed the sale of the five Federal power marketing agencies.

They tried to sell their proposal as deficit reduction, sound business sense, and good government.

But in my opinion, selling the PMA's is none of those things. Selling the PMA's is unwise public policy that would sacrifice an important national resource for short-term gain.

And a majority in the Congress agreed. We voted last year to block all funding for the administration to proceed with this initiative.

In light of rumors that the administration would again assume revenues from the sale of the PMA's in the 1988 budget, 76 of my colleagues—from both sides of the aisle—joined me in writing a letter to OMB, urging the administration not to propose the PMA sale.

Despite our warning, the budget we received on Monday again does just that—but with a slight change in focus.

While last year's initiative focused on the two largest PMA's, this budget singles out the smallest. But an attack on any one PMA is an attack on the entire program.

I am introducing a sense-of-the-House resolution today in opposition to the sale of the PMA's. I ask that the text of my resolution be included in the RECORD with my statement.

Mr. Speaker, I pledge my personal support for the Federal power program in its entirety and urge my colleagues to cosponsor the resolution and join me in defeating this unwise proposal.

OUT OF MANY, ONE

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1986

Mr. SHUMWAY. Mr. Speaker, today I am introducing, on behalf of myself and 17 of my colleagues, legislation to provide for a constitutional amendment designating English the offical language of the United States.

As the voters of my State confirmed overwhelmingly this past November in their approval of proposition 63, a common language is the bond that fosters harmony out of our great diversity. America has been immeasurably enriched by her ethnic, cultural and religious diversity, and it is vital that our "melting pot" tradition be preserved. At the same time, however, a common language has been a powerful factor in forging national strength, and in promoting unity and stability.

I am deeply concerned that many existing Government policies send conflicting signals to language minorities, that they leave those with limited English proficiency isolated on the fringes of our society, and that linguistic pluralism will lead to divisiveness as it surely has in other countries.

English never has been nor should it ever be the only language spoken by Americans. Indeed, in a world growing ever more complex, ! strongly encourage all Americans to learn a second, if not a third language. However, English is assuredly our native tongue, and it deserves a measure of legal protection now afforded to it by custom only. The amendment I am proposing would provide that needed protection by designating English as our official language. It does not seek to discourage the use of any foreign language for religious or ceremonial purposes, for domestic use, or for the preservation of ancestral culture. Additionally, the bill would not affect the teaching of foreign languages to American students.

I strongly urge my colleagues to join with us in sponsoring this needed measure to end existing divisiveness over language and reaffirm our national motto: E Pluribus Unum. Out of many, one.

RICE AND TRADE—ONE EXAMPLE

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LEHMAN of California. Mr. Speaker, as the 100th Congress begins its deliberations on trade, I would like to call to the attention of my colleagues an article from this month's Atlantic Monthly magazine.

Titled "The Rice Plot" and written by Atlantic's distinguished Washington editor, Mr. James Fallows, the article examines the role of rice and rice farmers in shaping Japan's political and policy approach toward its domestic agricultural and international trade policies.

Not only does the article provide insight into the cultural significance of rice in Japan and its influence on Japanese politics, but for many of us it may provide a parallel for similar difficulties which we each may face in our efforts to create a broad, national trade policy.

[From the Atlantic Monthly, January 1987]

THE RICE PLOT

(By James Fallows)

Who is really to blame for our tiresome trade problems with Japan? Everyone has heard about the usual suspects—indefatigable Japanese businessmen, big-spending American politicians, lackadaisical American workers, and so on. But there is another candidate whose significance is well recognized in Japan but barely comprehended in the United States: the doughty Japanese rice farmer.

The farmers' importance is not obvious from looking at the trade charts. Japan grows about 11 million tons a year of the distinctive gluey japonica rice that its people prize above all others. If every Japanese paddy were drained tomorrow and converted into, say, a small export-electronics shop, Japan would have to spend only about $3 billion to import rice. That would just about offset three week's surplus in Japan's balance of trade with the United States.

Nonetheless, the farmers may be the key to the trade problems, because they have such an important effect on how other Japanese live, and because their status says so much about Japan's mercantilist approach (We Sell, You Buy) to foreign trade. Their impact is indirect, and it operates through the vehicle that affects everything else about Japan—the cost and scarcity of land.

Japan is, of course, a small island nation short of everything except people. It has a population half as large as that of the United States in an area smaller than California—or, to put it another way, a population twice as large as France's in two-thirds the space. But Japan seems even more crowded than those numbers would suggest. In part that's because of the mountains, which take up two thirds of the total area, but it's also because of the farmers, who take up almost half of what's left. Japan's land area is 378,000 square kilometers, or about 151,000 square miles. Of that, 66.9 percent is mountains and forest, and another 3.1 percent is rivers and channels. Farmland takes up 14.3 percent, leaving houses, offices, factories, roads, parks, schools, and stores to be squeezed onto the remaining 15.7 percent. In contrast, the United States is twenty-five times larger to begin with, and a higher proportion of its land is usable.

The significance of the crowding is not simply that it discomfits big-boned Americans who are used to the wide open prairies but that it distorts so many other aspects of Japanese life. Because land is so expensive, people cannot afford to buy more than a tiny plot on which to build a house. Real-estate ads do not say "house on acre and a half" or even "half an acre"; they say "124.93 sq. meters." Because the price of land keeps rising, people save in order to invest in land itself—rather than in larger houses, furnishings, appliances, or other items whose purchase would stimulate economic activity and that might conceivably even come from abroad. Because the price never stops going up, no one wants to sell. Because no one wants to sell, the price goes up even more.

Kenichi Ohmae, the director of the Tokyo office of McKinsey and Company, a consulting firm, has pointed out that at current prices Japan is worth more than the United States. He is not making an abstract moral judgment—he's talking about the two countries' land. The Japanese land market has all the markings of a classic speculative bubble, in which price bears no relation to economic fundamentals. But before a bubble can burst, someone has to be eager to sell, which has not happened in Japan.

Perhaps the Japanese would still be intent on exports, rather than domestic consumption, if they had bigger houses and more money left over after paying for land. But I think the spartan nature of Japanese home life encourages salarymen to spend more time at the (comparatively) plush office, dreaming up new export plans, and at the bars, cementing those crucial work-group relationships. What's more, it reinforces the export-or-die mentality that helped Japan recover after the war but is now making problems for it and the rest of the world. The United States needs more of that anxiety-induced energy; Japan could do with less.

Therefore, anything that makes this crowded, expensive country more crowded and expensive than necessary is bad for the Japanese, since it keeps their living standard artificially low. And it's bad for everyone else, since it increases the ferocity of Japan's export drive. This brings us back to agriculture, and in particular to rice.

On the half of all that land taken by farming, more than half is taken by rice. To spell it out: one quarter of the precious habitable land in this tiny country is used to grow one crop. After a three-week train trip from the far north to the far south of Japan, I was surprised that the rice-growing proportion was not even higher. Ninety percent of Japan's farm households grow at least some rice. To the naked eye Japan seems to be carpeted with rice paddies. Although the pressure of human crowding is most intense in the cities, above all Tokyo, nearly every part of the country suggests a struggle to the death between farmland and land used for anything else. On the train routes through Japan's "rice belt," in the northern part of the main island, Honshu, the scenery alternates between mountains and rice paddies, with only an occasional factory to vary the landscape.

Tiny houses, slightly larger than the infamous "rabbit hutches" of the cities, are tucked in among the paddies, typically with only a dike-top walkway, a few feet wide, separating the house from the fields. This is the Japanese equivalent of the vast, unvarying fields of Kansas, though it is wet, hilly, miniaturized. Even in the major cities—Osaka, Kyoto, Hiroshima, Tokyo—I have seen little paddies slipped in between houses or office buildings. Hokkaido, the frontier-like northern island of Japan, is startling to visitors, because it offers something found nowhere else in the nation: flat land just sitting there, unused.

By any normal economic reasoning, Japan's insistence on devoting so much land to farming, especially rice, is insane, as if Manhattan were attempting to grow its own wheat and corn. Naturally, the farmers are

hardworking and dutiful. Their yields per acre are not far behind those in the rest of the world. Paddies in Japan can produce 480 to 500 kilograms of rice on a tenth of a hectare; the average in California is 620. (I am using the metric system because Japan uses it. A kilogram is 2.2 pounds; a hectare is 2.47 acres.) But each of those hectares is so costly, and the typical farm is so small—excluding those in Hokkaido, two thirds of the farms are one hectare or smaller, and it would take 151 average-sized Japanese farms to equal one average-sized farm in the United States—that Japan's production cost per kilogram of rice is grotesquely out of line with the rest of the world's.

It's hard to make precise comparisons, since the yen had been rising rapidly in value while international farm prices have been going down. According to estimates made in the fall of 1986, Japanese rice costs somewhere around six times as much as the "highest-quality" (that is, most japonica-like) California rice and ten times as much as rice from the world's lowest-cost producer, Thailand.

Apart from returning seamen who sneak in bags of California rice, and manufacturers who use processed rice for crackers, the Japanese import not a grain of this less-expensive foreign rice. Indeed, Japan now grows more rice than its people can eat. (Production per hectare has been going up; consumption is going down.) One consequence is that Japanese families spend on food about 30 percent of all that they spend, which is about twice as much as Americans do, and clearly more than the Japanese would if they opened their markets. Because the government, which controls all sales of rice, gives the farmers an even higher price than it charges consumers, the Japanese also pay for rice farming in their taxes.

The total public cost of rice-subsidy programs is about $6 billion a year. Together with subsidies for the Japan National Railroad (which is about to be "privatized"), the rice programs help explain why Japan runs sizable budget deficits while spending next to nothing on defense. Farmland is almost exempt from tax, which further increases the burden on everyone else. These extra expenses for food, taxes, and, of course, housing help explain why many Japanese feel they are living on the margin, even as they bankrupt competitors around the world.

Kenichi Ohmae has waged a one-man campaign to show that "we salaried workers are the victims of rice farmers." He points out that the selling price of most assets bears some relation to their profitability. A business might be sold for twenty or twenty-five times its annual profit. Rice-growing land in California is typically sold for thirty times its annual profit. But in Japan, Ohmae says, paddy land may sell for 2,000 times its profit—which is to say, it scarcely sells at all. On a visit to Yamagata prefecture, a rice-growing stronghold in northern Honshu, I asked prefectural officials about recent sales of farming land. None of the men I spoke with, including one who had worked there since the 1950s, could remember any sales.

Somewhere in Japan some land is of course sold for houses, but the price is out of sight. From 1960 to 1980 the overall cost of living in Japan went up by 600 to 700 percent. The price of residential land in big cities went up by 1,800 percent, and the price of farmland by 2,700 percent. The rigidity of the land market may reflect some deep Japanese desire to cling to a family piece of soil, but the artificially prosperous rice business also has an effect. Because of rice subsidies, farmers can make a profit on land that would otherwise have to be put to some different use. Ohmae says that the ultimate solution to Japan's housing problem does not lie in public-housing schemes or lower mortgage rates.

Instead, he says, the only answer is to open up the country to rice imports, which would drive the farmers' price down. He contends, "If the price of rice in Japan became as low as in the U.S., the price of land would become one fifth the current price," assuming that land prices remained 2,000 times the annual rice profit. "Putting it another way, land for housing is costly because the government supports the price of rice." Ohmae has proposed an elaborate agricultural-reform scheme, to encourage farmers to grow other crops and prevent them from using any flat land within fifty kilometers of big cities. Even if his calculations are wildly off, and even if the price of land might fall by only one half or one fourth, his central point—expensive rice means expensive land—is hard to dispute.

Why do the Japanese put up with it? Rice farmers made up nearly half the population just after the war, but now they make up only 12 percent, and 90 percent of them hold down regular jobs and farm only part-time. Why can't the rest of the population, overtaxed and ill housed, change the system that produces the overpriced rice? Some of the answers are understandable by Western reasoning, but others hint at the enormous gulf between Japanese and Western motivations.

One part of the Japanese system is perversely "rational" in a way that Americans can easily understand. Like America's subsidies for tobacco and milk, Japan's farm policy is partly a reflection of sheer political muscle. In the gerrymandered Japanese electoral system rural votes are more than twice as important as urban votes. Because the average rural voter is older than the urban voter, he is more likely to vote. Like the retirement centers of Florida, Yamagata and Nugata prefectures muster high turnouts on election day. Every Japanese Prime Minister since 1960 has been elected by a rural constituency.

Japan's farmers are organized into a nationwide network of agricultural cooperatives, and these are tremendously important sources of money for politicians in the dominant Liberal Democratic (that is, the conservative) Party. Hard as this may be to believe, it costs politicians even more to stay in office in Japan than it does in the United States, because their official allowances are so low. In return for contributions from the coops, politicians pledge support; the "rice caucus" numbers 120 of the 511 members of the Diet's lower house. The cooperatives have their own stake in keeping things as they are: they have become multifaceted businesses, operting savings plans and selling machinery and supplies. All of this would come to a halt if the market opened up.

Many Japanese claim that they have another practical reason for growing their own, costly rice: if they didn't, they would be importing nearly all their food and would be too vulnerable to disrupted supplies. Japan is already the world's largest net importer of food, and is proportionally more dependent on imported food supplies than any other major power. It now produces only half the calories its people eat, down from 80 percent soon after the war. About a third of its farm imports come from the United States, which enjoys a number of sweetheart deals giving its wheat and beef preference over cheaper products from China, Australia, and Argentina.

Rice is practically the only major farm item for which Japan can satisfy its own demand. The rice "self-sufficiency" ratio is about 110 percent—10 percent more is grown than eaten. (This sits in warehouses and either spoils or is periodically unloaded at a loss on the export market.) Since nearly all the wheat, corn, and soybeans consumed in Japan come from America, the overall self-sufficiency ratio for grains and legumes is only 32 percent.

In a 1980 Japanese poll 75 percent of the respondents agreed that "in principle, domestic [farm] production should be increased whenever possible." Only 16 percent chose the alternative answer: "It is better to consume imported products if they are less expensive." When I have asked Japanese friends about importing rice, most of them have asked right back. "But how could we trust you to keep selling?" The main evidence of American unreliability is the hideous "Nixon shocks" of the early 1970s, in which the United States suspended soybean exports for a couple of days.

"We live on rice," Iwao Yamaguchi, the senior executive director of the national alliance of farmers' cooperatives, called Zenchu, told me. "It is outside free-trade principles. We are a hundred percent self-sufficient, and we must always be. Japan is an independent nation, and it is incumbent on us to be independent in rice supply."

If you're an outsider, it's hard to take this concern quite as seriously as the Japanese obviously do. For one thing, rice is less and less a staple in the Japanese diet. Only twenty-five years ago rice accounted for almost half of Japan's daily calorie intake. Now, as people have turned to bread and noodles, it's just above one quarter. If simply having enough food to fill people's bellies were the government's main goal, it could lay up a several years' stockpile of rice from the world market for the cost of one year's domestic subsidy. Or, as Kenichi Ohmae proposes, it could buy enough land in Arkansas to meet Japan's total rice demand for the cost of about two years' worth of subsidies.

Moreover, in any dispute grave enough that the United States would be trying to starve the Japanese, many other things would be getting scarce as well, starting with fuel to run the tractors and cook the rice. Yamaguchi gave his most heartfelt response when I asked him whether "rice security" made sense, considering Japan's many other vulnerabilities. "We can survive without fuel," he said. "In an emergency we can pull plows through the field. Our fathers did it. We can make fertilizer of our own. But without food—above all, rice—we cannot survive."

The most interesting thing about the rice-security argument is that most Japanese seem to be unaware of what its logic implies. They are saying, after all, that they cannot rely on anyone else for things that really matter to them. While food may be a more elemental need than other products, the same fears accompany international trade in any basic product—steel, cars, and, these days, semiconductor chips. If the Japanese cannot trust us to sell them rice, how can they expect us to trust them? Isn't this what the whole process of world trade,

"comparative advantage," and interdependence is all about?

For forty years the Japanese have honorably made their way in the world by appealing to others' sense of comparative advantage. They have offered steadily more attractive goods, at steadily more competitive prices. They have left it to buyers in the United States, Europe, and Asia to respond. With greater or lesser degrees of resentment, other nations have accepted the consequences of Japan's success, which are dependence on foreign supplies and disruption of local businesses. They have done so not because of theoretical reverence for free trade but as a practical matter. What would happen to an American politician who now proposed to keep out all cars made in Japan?

Almost none of the Japanese I've met have seen any contradiction between their country's dependence on more-or-less open markets elsewhere and their own fierce desire to preserve the traditional, not-too-efficient patterns of home life. Rice epitomizes the traditional customs that free trade would destroy but that the Japanese are determined to preserve.

When they think of rice, even today's urbanized Japanese think of their devoted uncle or grandmother stooped over in the fields. When they go back to the home village, they want to see the same familiar paddies, green, well tended, bearing the new year's crop. At the busy commuter-railroad station near my house in Tokyo thousands of passengers push and shove each morning but tenderly avoid the boxes full of rice seedlings, pale and fresh in the springtime rains, stalks heavy with ripe golden ears during the fall monsoon. When the first Japanese settlers moved to Hokkaido, a hundred years ago, it was a land of wheat and barley but no rice. On their deathbeds, Professor Hemmi Kenzo, of Tokyo University, has said, the lonely pioneers would ask their children to place a few grains of rice in a bamboo tube and shake it, "so the parent could at least hear the sound of rice once before he or she died."

I have seen tears well up in the eyes of a no-nonsense salaryman when he recalled his meager hi-no-maru lunches of the postwar days: a rectangular arrangement of snowy white rice with a small, red sour plum in the middle, resembling the Japanese hi-no-maru flag.

If they ever let the waves of cheap foreign rice wash in, the Japanese would mourn their lost rice fields and paddy-based life—but Americans now mourn their dead steel mills and outdated machine-tool plants. Can the Japanese have it both ways?

One of the few people who do see the contradiction clearly is Iwao Yamaguchi, of Zenchu. The rice growers cannot compete with foreigners, he told me recently, and they should not have to try. The world has gotten carried away with free trade. It would destroy Japan's farmers, as it has destroyed manufacturing jobs in the United States. The root of the problem, he said, is the greed of Japanese manufacturers, deluging the world with "downpour exports." No wonder America is unhappy; he's been to Michigan and seen laid-off auto-workers. The solution is not to spread the misery to Japan's now happy farmers but to curtail free trade across the board.

Some Japanese industrialists also recognize that their long-term interests and the farmers' are at odds. The Keidanren, Japan's rough equivalent of a national chamber of commerce, periodically appeals for more farm imports, as a way of heading off anti-Japanese protectionism overseas. The headquarters of the Keidanren and Zenchu face each other in Tokyo's Ohtemachi district, and the farmers usually respond to these appeals by draping big protest banners out their windows, directed at their adversaries across the street. Most Japanese I have spoken with seem to agree in their bones (or "in the stomach," as they would put it) with the farmers, not the businessmen. Far from complaining about the price of food or land, they regard the social cost of imports as being too heavy to bear. When the U.S. Rice Millers' Association formally protested Japan's closed market last September, most Japanese seemed to see it not as a straw of hope for lower prices but as a threat to a cherished way of life.

Eventually and incompletely, the rice-farmer problem may solve itself year by year the total paddy acreage goes down, as farmers leave the land or switch to more-compact fruit- or vegetable-growing operations. Most "farmers" actually hold regular jobs in offices and factories, since rice cultivation now takes only about twenty full days of work a year. Many of the people left full-time on the farms are grandfathers and grandmothers without heirs willing to take over the work.

As they die or retire, their families do not sell the land—God forbid—but may lend or lease it to neighbors, who can then farm on a larger and more efficient scale. For half a dozen years the government has been cutting back the annual increase in rice-support prices, and the farmers' union thought it had won a great victory last summer when it merely kept the price from being cut. One agricultural economist, Yoshikazu Kano, even contends that Japanese rice can someday be truly competitive. With better breeding techniques, larger plots, and more highly educated farmers, he says, Japanese growers can match the American price. Of course, until that far-off day, they must be shielded against cut-rate foreign competition.

A few Japanese have attempted a frontal assaut. Last fall the *Sankei* newspaper published a front-page article belaboring the cost difference between Japanese and California rice. Kenichi Ohmae keeps issuing manifestos, attempting to persuade urban Japanese to complain about the high cost of food and the outrageous price of land. In a society where personal motivations approximated an economist's supply-demand chart, such a campaign might succeed. Indeed, it would never have to be launched. Do Americans need to be persuaded to buy Japanese cameras or watches? Korean or Taiwanese personal-computer "clones"? But in a mercantilist society where low-cost consumption carries less weight than other, more subjective values, such a campaign hasn't a chance.

DISALLOWANCE FOR TAX DEDUCTION PAYMENTS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. STARK. Mr. Speaker: Today I introduce a bill to disallow a tax deduction for payments made in restitution for fraud or securities law violations.

I introduced a similar bill in the 99th Congress when it became apparent that E.F. Hutton would be able to take a tax deduction for payments made in restitution for its fraudulent check-kiting scheme. In May, 1985, E.F. Hutton plead guilty to an unprecedented 2,000 felony counts of intentional mail and wire fraud. Hutton paid a $2 million fine and agreed to make restitution to the victimized banks for having taken what amounted to interest-free unsecured short-term loans. According to the tax laws, although the $2 million fine was not deductible, the restitution payments to the banks could be deducted by E.F. Hutton.

Taxpayers should not be liable to make amends for such unconscionable cases of abuse by corporations and individuals. And yet, unless we change our tax laws to disallow a deduction for restitution, all the taxpayers will continue to subsidize corporations and individuals whose greed is unrestrained by law.

The bill introduced today is expanded to cover payments made to disgorge benefits received from violation of securities laws. The Ivan Boesky affair has put insider trading on the front page of the news because of Boesky's prominant position on Wall Street and the size of the deals in which he was involved. But the problem of insider trading is a growing concern, not limited to Boesky or solved by his removal from business. Since 1981, the SEC has brought 77 insider trading cases, more than the total number of insider trading cases in the previous 47 years of the Commission's history. In the SEC case year ending September 30, 1986, the SEC brought 30 insider trading cases. From these cases, the SEC recovered approximately $30 million in illegal profits.

Ivan Boesky, the richest and best known arbitrager, agreed in November, 1986, to plead guilty to a felony count stemming from his insider trading activities. He also negotiated a settlement with the SEC to pay a fine of $50 million and a restitution payment of $50 million. As with E.F. Hutton, the fine is not deductible but the $50 million paid in restitution may be deductible for Boesky. For a high income taxpayer like Boesky, that deduction could amount to a $25 million subsidy by the taxpayers for Boesky's wrongdoing.

We can no longer tolerate tax laws that indirectly condone fraud and securities law violations. The bill to correct this situation follows:

H.R. —

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

SECTION 1. DENIAL OF DEDUCTION.

Subsection (f) of section 162 of the Internal Revenue Code of 1986 (relating to fines and penalties) is amended to read as follows:

"(f) FINES AND PENALTIES, ETC.—

"(1) FINES AND PENALTIES.—No deduction shall be allowed under this chapter for any fine or similar penalty paid to a government for the violation of any law.

"(2) RESTITUTION FOR FRAUD, FOR VIOLATION OF A SECURITIES LAW, OR PURSUANT TO SETTLEMENT OF CERTAIN ACTIONS BROUGHT BY THE SECURITIES AND EXCHANGE COMMISSION.—No deduction shall be allowed under this chapter for any payment of restitution or other damages to a party—

"(A) injured by a violation of a securities law (as defined in section 21(g) of the Secu-

rities Exchange Act of 1934 (15 U.S.C. 78u(g))), or a violation of law involving fraud, with respect to which—

"(i) the taxpayer has been convicted or found civilly liable, or

"(ii) the taxpayer's pleas of nolo contendere is accepted by the court of competent jurisdiction; or

"(B) pursuant to a settlement agreement reached between the taxpayer and the Securities and Exchange Commission in an action brought against the taxpayer by the Commission under section 21(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d))."

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall apply to amounts paid after April 30, 1986, in taxable years ending after such date.

COMPREHENSIVE CAMPAIGN FINANCE REFORM ACT OF 1987

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LEVINE of California. Mr. Speaker, today my colleague from Washington, Mr. JOHN MILLER, and I are introducing legislation known as the Comprehensive Campaign Finance Reform Act. This measure is identical to the legislation which we introduced in the 99th Congress, and is designed to increase public participation in the electoral process by providing for taxpayer financing of House general election congressional campaigns and by imposing strict, new spending and contribution limits on political action committees. Unlike other campaign reform measures, this bill not only further restricts the amount which a PAC can give to a single candidate, but also limits the total amount a PAC can contribute to all Federal candidates in an election cycle. I am confident that if this legislation is enacted, it will make elected officials more accountable to the entire public and less beholden to a few, moneyed special interest groups.

I believe that the vast majority of my colleagues share my concern about the recent proliferation of PAC's and their disproportionate role in congressional contests and legislative activities. In the 1974 election, 608 PAC's contributed $12.5 million to congressional candidates. In our recent election, 4,100 PAC's are estimated to have given more than $140 million to congressional candidates. This trend is even more troubling in light of the fact that the increase in PAC receipts has been accompanied by a relative decrease in contributions from individual citizens. Individual contributions have dropped from three-fourths (73 percent) of total House receipts in 1974 to less than half (47 percent) in 1984.

I am not so much disturbed by the existence of special interest groups as I am by the disproportionate influence they wield. What distinguishes a powerful interest group is not necessarily its membership or popularity, but rather its wealth. During the last decade, annual PAC expenditures have increased tenfold. Their capacity to influence the legislative process has grown accordingly. Yet, I am not convinced that these special interest groups are championing the interests of the public any more effectively today than they were 10 years earlier. What is clear is that enormous pressures have been placed on representatives to accommodate the interests of these well-heeled lobbying organizations.

I am also disturbed by the growth of independent groups which can spend unlimited money for or against a candidate. Because of such groups, candidates for Congress find themselves having to run against both an opponent and a formidable and unaccountable political action committee. It is no wonder that the average cost of campaigning for the House has tripled since 1974.

In order to promote equal balance between the role of PAC's and individual contributors in elections, I would like to see the House adopt the Comprehensive Campaign Reform Act of 1987. This measure limits the amount of money a congressional candidate may accept from a PAC to $100,000 per election cycle. PAC contributions to individual candidates will be reduced from $5,000 to $2,500. Unlike a number of other campaign finance reform proposals, our legislation does not raise individual contribution limits. Raising the $1,000 individual limit will affect a very small percentage of the electorate and will do nothing to give voice to the millions of Americans who already feel shut out of political process.

In order to limit the overall influence of the most active PAC's, our legislation provides that a special interest group may only contribute up to $500,000 to all candidates in an election cycle. This novel provision would force the top PACs' to curb their spending habits and perhaps limit their ability to influence legislative process. While placing a limit on overall spending by an individual PAC is an unprecedented legislative recommendation, it is based on the well-established notion that while PAC's themselves may be useful, there is something alarming about the excessive amounts of campaign money that flow from very few PAC organizations. Consequently, a limited number of special interest groups have disproportionately dominated the attention of members and the legislative process itself.

In order to make House candidates and members more accountable to the public at large, the Comprehensive Campaign Reform Act proposes public financing for House general elections similar to the system utilized in the Presidential primary race. If participating candidates agree to abide by various spending limits, including an overall $350,000 spending ceiling, then they may receive up to $100,000 in matching funds for all $100 or less in-state contributions. If one candidate does not abide by these limits, then his opponent can receive an unlimited amount of matching funds for additional small contributions raised. This $350,000 spending ceiling was carefully chosen. This spending limit is high enough to ward against protecting incumbents, and low enough to encourage active competition without excessive campaign spending.

Finally, in order to protect candidates from unlimited attacks by independent organizations, my legislation provides candidates with matching funds equal to the amount that is spent in independent advertising—excess of $5000—against them or for their opponents. Unlike other legislation, I have not proposed providing candidates with an equal amount of air time utilized by independent committees. Such a provision would chill the interests of broadcasters to air any independent political advertising. Additionally, proposals which only provide matching air time to counter independent advertising are ineffective in countering independent advertising in newspapers and direct mail.

Running for, and remaining in, Congress is an expensive proposition. We should do all we can to ensure that elected offices cannot be bought and sold and that the public does not have such a perception of our political process. If we allow campaign costs to rise continually, members and prospective candidates will only become more dependent on the support of a few moneyed interests. We have never supported a plutocratic form of government in this country and we never should. If government is to remain by the people and for the people, then Members of Congress must look for campaign support from all the people. Adoption of the Comprehensive Campaign Reform Act will help us return to that way of governing.

THE B-1 BOMBER: AN OVERWEIGHT, UNDERPOWERED, AND GROSSLY OVERPRICED THREAT TO THE NATIONAL SECURITY

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. WOLPE. Mr. Speaker, before all is said and done, the American taxpayer will have spent more than $30 billion on a fleet of B-1 bombers that appear to be nearly useless in the defense of the Nation. In its 1988 budget request, the Pentagon has requested more than $600 million for repairs to this fundamentally flawed machine. As we consider this bloated budget request and its relevance to the substantial national security needs of our Nation, I want to bring my colleagues' attention to the following analysis of the B-1's limitations, written by retired Marine Corps Lt. Col. David Evans.

THE B-1: A FLYING EDSEL FOR AMERICA'S DEFENSE?

(By David Evans)

For two decades, the B1 has stood as the pre-eminent totem of the Air Force's macho commitment to a manned bomber. It was resurrected in 1981 by the Reagan administration—after being killed by President Carter—as the crown jewel of a massive and on-going strategic nuclear weapons modernization program.

Now in production, the B1 is, at this writing without a doubt the most expensive airplane in history. That the B1 is expensive should not of itself disqualify it from inclusion in America's arsenal if the higher costs yield a more effective deterrent. But the airplane is not only expensive to buy and operate, it is not at all clear that it is a better bomber for the Air Force. Indeed, in certain respects, the B1 is a step backward.

The B1 is more expensive to operate than the B52, too heavy, underpowered and difficult to maneuver when called upon to per-

form its design mission as a low altitude penetrating bomber.

About two-thirds the size of the B52, the B1 costs at least five times more: at least $250 million a copy. That figure does not include the costs of integrating all the B1's computerized systems, a goodly chunk of the electronics, the training simulators or the rotary weapons launchers in the bomb bays, all of which were shoveled into other budget accounts to keep the costs within politically acceptable limits. This much is inescapably clear—when all the costs are properly lumped together, the $20.5 billion budget for 100 B1's certified to Congress by Defense Secretary Caspar Weinberger back in 1981 understates the overall cost by at least $10 billion.

The operating costs are similarly upscale. The eight-engine B52 costs about $7,000 to operate per flying hour. It might be noted that repeated calls have been made inside the Pentagon to retire the B52 because its high operating costs were gobbling up readiness funds. The four-engine B1 costs a staggering $21,000 per flying hour; most of this phenomenal increase is explained by the high price of the airplane's complex spare parts. At nearly three times the operating cost for a B1 force that is one-third the size of the current fleet of 300 B52's, each B1 has to be three times more effective for the Air Force to get its money's worth.

With the first batch of the new bombers now flying out of Dyess Air Force Base, Texas, it is fair to ask if the B1 indeed represents "New Strength for America's Defense," as proclaimed in a recent brochure published by the prime contractor, Rockwell International. A number of factors weigh against that expectation:

It's too heavy. At least 80,000 pounds were added to the original B1A design of the 1970s. Since the wings remained the same size as those on the earlier B1A, each square foot of wing must lift more dead weight than any other operational plane ever built. The technical term is "wing loading," and for the B1B it is an extraordinary 245 pounds per square foot—double that of the B52 and, for that matter, twice the wing loading of Boeing's 727 and 747 commercial jets which were not designed for maneuvering at low altitudes.

It's underpowered. The B1's four engines provide a total thrust of 72,000 pounds. Each pound of thrust has to push about six pounds of airplane through the air. This "thrust-to-weight" ratio is markedly lower than the B52, which has about the same relative power as the 727 and 747—one pound of thrust for each four pounds of gross weight.

The underpowered B1 shares the problem of the old B47, the Air Force's first heavy jet bomber, which acquired a reputation among pilots as notoriously underpowered for its weight.

The B1 can compensate somewhat by kicking its engines into afterburner, effectively doubling the available thrust. At this power level the B1 has about the same thrust-to-weight ratio as the modestly powered B52 and the 747. But on afterburner, the B1's engines also gulp 280,000 pounds of fuel an hour. For an airplane carrying only 195,000 pounds of fuel at takeoff, the implications for long range missions are obvious.

It's short-legged. The B1's inherent problems yield some perverse results. With its high wing loading, the B1 has to fly slightly nose high in order for its wings to generate enough lift. This technique creates higher induced drag. The net effect of the B1's various shortcomings in an aircraft unable to climb above 20,000 feet. It, therefore, must fly through denser air, where jet engines burn more fuel. The overall penalty is an unrefueled range at least 1,000 miles less than the B52, according to the Air Force's own published assertions. "The B1s will be suckling up to their tankers just as they cross into Soviet airspace," asserts one Pentagon official, "assuming the Evil Empire doesn't go after the tankers that now have to fly closer to Soviet borders."

It doesn't fly well. As it approaches and crosses into enemy territory, the B1B must drop to very low altitude—200 feet if possible—to stay under the coverage of ground radar. To fly this low, following narrow valleys, riverbeds and such requires a highly maneuverable aircraft, with sufficient reserve thrust. If the wing loading is double, however, the turning maneuverability is cut roughly in half. Unable to twist and turn with agility, the airplane's ability to hug the ground while flying over sharply changing terrain features is seriously constrained.

It does not work as advertised. The B1's extra weight has made the plane tail heavy. It is therefore more likely to stall pulling up to scoot over hills. The Air Force hopes to minimize the problem with a Stall Inhibitor System, which will simply prevent the pilot from making a hard pullup. A computerized Stability Enhancement System will be added later as a further refinement. Both features will cost more money, blowing another hole in the $20.5 billion cost myth. The Air Force, pointing to a fuel management system to control the plane's center-of-gravity problems, denies the aircraft is unstable. But if the B1 is so stable, these add-on systems would be unnecessary to fly the aircraft safely at its maximum weight.

Since the B1 cannot make the maneuvers necessary for ground-hugging flight at the 200-foot altitude claimed by the Air Force, it will have to fly higher. Now vulnerable to radar detection, it must rely more on its highly complex electronic jamming system to spoof Soviet defense. The problem is that not one B1 is equipped with a complete, working system. "They don't have one whole-up airplane at Dyess," claims an analyst in the Office of the Secretary of Defense. General Larry Skantz, Commander of the Air Force Systems Command, the buying agency for the B1, somewhat disingenuously describes the B1's defensive avionics as "not fully matured."

The Air Force's problem is akin to my recent trials hanging strings of Christmas tree lights. Every bulb was snugged into its socket and every strand was tested before going on the tree. After carefully weaving 10 stands from top to bottom, one set maddeningly refused to light.

The B1's avionics are like that. The pieces have been individually bench-tested, but a complete system has not yet been installed in the BI and—this is key—subjected to rigorous operational testing. Although the poor flying qualities of the airplane make it more dependent than ever on its esoteric electronics, the Air Force has virtually no idea if they'll work under mission conditions.

It cannot be fixed. There is simply no way of redressing the B1's many shortcomings. Larger wings would reduce the wing loading, but they would impose a weight penalty of their own. The added cost would be horrific.

More powerful engines would require a major redesign costing hundreds of millions more dollars. Larger engines would consume fuel at a faster rate, reducing the range further; extra fuel tanks would reduce the bomb load. The trade-offs are all bad.

How did the Air Force get into this mess? Basically, by ramrodding through an untested, paper design. The B1B, a plane so changed from the original B1-A that it must be considered a different plane, is a case study in what can happen when a fully-equipped prototype is not built and tested under operational conditions before the production go-ahead. The Pentagon committed itself to buy all 100 B1's four years before the first B1B began flight testing.

More importantly, warning signs and misgivings were ignored. The public record is dotted with skeptical press reports. An internal Air Force report of 1982, paradoxically titled the "Affordable Acquisition Approach," warned each B1 ultimately could cost 11 times more than the B52.

An Air Force briefing to Defense Secretary Caspar Weinberger and his deputy, Frank Carlucci, in March 1981, a full seven months before President Reagan authorized full production, was characterized by one participant as a "pretty fast sell" that nevertheless failed to convince a skeptical Weinberger. Weinberger went so far as to ask Sen. John Tower (R-Texas), chairman of the Senate Armed Services Committee, about the impact of not producing the B1B. But neither Weinberger nor Carlucci argued half as vigorously for cancelling the B1 as they did for money to start other programs.

However, these factors are simply spinoffs from the central problem: the B1's design concept is flawed. Richard Delauer, former undersecretary of defense for research and engineering, claimed in 1983 that the B1's wing loading was made deliberately high to take advantage of the airplane's variable-sweep wing. More speed, more lift—no problem.

To be sure, the high wing loading provides a smoother ride through low altitude turbulence, but it also prevents the aircraft from achieving an efficient cruise altitude for needed range. In defending the plane's design, Delauer avoided the point entirely that high wing loading defeats the ground-hugging maneuverability the plane needs to get to its targets undetected.

The Air Force asserts it needs the B1 to hunt down mobile Soviet ICBM's like the new SS-24 and SS-25 missiles. Finding a camouflaged, imprecisely-located missile launcher while flying 500 miles per hour a few hundred feet off the deck imposes its own problems. The crew is likely to fly over the target with too little time to shoot. In any event, using a nuclear bomb to take out a target the size of a railroad car is rather like dropping a piano to smash a rollerskate.

An air of unreality permeates the intended operational environment. The Air Force plans to send the B1 against missiles that it likely cannot find, which will have been fired hours before it gets there.

The B1 stands as another example of the Air Force's perennial fascination with "precision strike." Its rationale in this case may be a form of strategic escapism, recalling the delusions before World War II that B17's, equipped with the miraculous Norden bombsight, would drop bombs right down the smokestacks of German industry. Appalling losses quickly disabused the precision bombing enthusiasts of these notions, and the B17's were ultimately sent in huge streams to carpet bomb German cities.

Again, the Air Force has squandered its capacity to perform the one attainable mission—flattening enemy cities—essential for deterrence.

For this mission, is a manned bomber even needed? Absolutely. It is the *only* weapon in the triad—bombers, land-based and submarine-launched missiles—that can be operated safely every day. For high confidence in a retaliatory capability, the bomber is the weapon of choice. The Air Force has a valid mission, it has built effective bombers in the past, and a new bomber is earnestly needed to replace the B52. But the B1B is evidence of the service's institutional decay. Clear-headed design discipline has eroded into a preoccupation with overly-complicated technical gimmickry.

Exactly how the B1 fiasco happened may be less important than why it happened. Looking at the players, it is evident that all those who pushed the program got what they wanted. In the B1, the ideologues got a "can't miss" litmus test. What President Carter cancelled became the quintessential test of right-wing ideological purity. The party faithful got their platform plank. The Pentagon found the B1 useful for pumping up its budget. The Air Force brass got a glitzy new program. And the defense contractors in their thousands nationwide got their money.

By these standards, the B1 program is a huge success. It certainly confirms Nobel laureate James Buchanan's theory of Public Choice. Large public institutions, he said, respond primarily to concerns of bureaucratic turf and self-interest, rather than the larger public good they purportedly serve.

In the case of the B1, the burning question remains: What did the taxpayers get? If nothing else, the B1 should go a long way toward convincing the laity that much of what passes for national security activity has little to do with defense.

A successor to the B1 is right around the corner: The even more expensive "Stealth" Advanced Technology Bomber (ATB) will be priced higher than the B1 at nearly $300 million a copy. Reports are already appearing of a $2 billion overrun on this $36 billion program.

The B1 disaster occurred in the light of day, whereas the "Stealth" bomber is gestating as a highly classified "black" program. The same people and institutions that asked for trust, and delivered the B1B, are now asking for even more trust and more money to pursue the ATB program. But now, with even greater possibilities for performance shortcomings and runaway costs, the taxpayers have every right to ask if another dose of expensive weakness is necessary.

B-1 BOMBER REPAIR FUND IS REQUESTED

NEW WEAPON SUFFERS FROM MAJOR DEFECTS

(By Molly Moore)

The Air Force, struggling with major problems that officials say have weakened the capability of its new B1B strategic bomber, is seeking more than $600 million to correct some of the plane's defects, according to Pentagon officials.

Air Force officials said they need $420 million to find and repair problems with the plane's electronic defense equipment, one of the key components of the bomber, which is intended to serve as a cornerstone of President Reagan's program to upgrade the nation's nuclear forces.

In addition, the Air Force has asked for money to extend the aircraft's testing program by almost four years in an effort to identify and correct a series of problems that include flight control, terrain-following radar and missile-launching systems, Penatagon budget officials said yesterday.

The Air Force's money request, contained in the Defense Department's new fiscal 1988 budget requests to Congress, underscores the severity of the problems plaguing the $28.3 billion program to build the 100 supersonic bombers. The B1B bomber, along with the "Stealth" Advanced Technology Bomber, is considered a critical leg of America's defenses into the next century.

Some of the aircraft's deficiencies have reduced the capabilities of the bomber and have limited the flexibility strategic planners have in deploying the low-flying airplane on a full range of missions, according to Air Force officials.

"It's got limitations which we would rather not have," said Maj. Gen. Peter W. Odgers, deputy for the B1B program in the Aeronautical Systems Division at Wright-Patterson Air Force Base in Ohio. "But . . . we have high confidence that we can correct these limitations."

Some officials contend that the bomber's problems are so severe that the 31 aircraft now in the fleet would barely be able to accomplish a mission in event of a war.

"If I were on the other side, I wouldn't be too worried," said one government official familiar with the B1B problems.

Officials monitoring the program blame the setbacks on a combination of planning errors, production delays and unexpected failures in some of the plane's most sophisticated systems.

The sources note that some of the problems, especially production delays in training equipment and spare parts, will become even more acute as bombers enter the fleet at increasingly faster rates in coming months.

Odgers said that Air Force officials expect to uncover even more problems as testing continues, especially in the electronic countermeasures network, a complex system of 118 black boxes that serves as the plane's computer brain for processing and reacting to intelligence information.

"That capability is far less than what we had hoped it would be," Odgers said in a recent interview at Andrews Air Force Base. Odgers added, "To tell you the truth, we haven't gotten that far to really understand just how serious it is."

Odgers said officials are still attempting to diagnose problems in the avionics equipment to give it the capacity of meeting the Soviet threat as evaluated by the U.S. military in 1982. The general estimated that the equipment would not have full capability to meet the 1982 specifications and "a number" of the current threats for almost two years.

Reagan used the expected capability of the advanced defensive avionics equipment as one of his major selling points when he persuaded Congress five years ago to revive the B1B program, which President Jimmy Carter had canceled.

Defense Secretary Caspar W. Weinberger told a breakfast meeting of reporters yesterday that there are "always problems" with any new weapon. "The B1 is a very good bomber . . . . It will do what it is supposed to do."

Defense Department officials note that even though some subsystems of the plane have been delayed on the assembly lines, the bomber has met most of its production deadlines and the 100th plane is scheduled to be delivered from Rockwell International Corp. as scheduled in April 1988.

Defense officials blame many of the program's problems on the decision to begin producing the aircraft at the same time that research and development efforts were under way, forcing engineers to experiment with some systems before they were completely developed.

Even though engineers added 41 tons to the weight of the aircraft and included several new systems in its design, they used the aerodynamic data and flight simulators from the original B1A version of the bomber in calculating flight controls, according to Odgers.

As a result, officials discovered major flight control problems in the B1B during initial flight tests, Odgers said. The critical problem occurred as the bomber pitched up and down across the sky in aerial refueling tests, making operations virtually impossible.

The inaccurate data also left the aircraft unable to achieve its anticipated capabilities for a high angle of attack and stability in flight, according to Odgers.

Odgers said the Air Force and Rockwell International did not demand changes in data for the new bomber because "we thought we knew this aircraft aerodynamically pretty well."

"The first time we came out and tried to put this configuration on the aircraft, we did very little simulator work," Odgers said. "It was all done on a pencil and a piece of paper by engineers and computer modeling. When we went to the flight test, it was an unacceptable system."

Odgers said the Air Force is continuing efforts to correct the problems.

The Air Force request to extend the B1B test program for at least 44 more months means engineers will still be attempting to work kinks out of the system long after the 100th bomber is delivered to the service in April 1988.

Odgers said the Air Force has not yet given approval for pilots to train at the plane's lowest operational altitude of 200 feet because development is so far behind on the plane's terrain-following radar, another important component of the bomber's mission capability.

The sophisticated radar originally was to be proved in the F16 fighter program before being introduced to the B1B. Because of delays in the initial program, however, the B1B program was forced to pick up much of the development of the system, according to Odgers.

He said the bomber has achieved unlimited capability to fly at 200 feet in test programs, but that the Air Force is not completely satisfied that it is safe enough for flights by operational pilots.

While the force of B1Bs is being introduced, the Air Force is continuing to use its aged B52 bombers and plans to introduce the Stealth bomber into active service early in the next decade.

INTRODUCTION OF LEGISLATION DENYING FEDERAL CONTRACTS TO COMPANIES VIOLATING LABOR LAWS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. CONTE. Mr. Speaker, earlier this month, I introduced legislation today to deny Federal Government contracts to companies or labor groups when the Secretary of Labor certifies

that they have engaged in a pattern of willful violations of Federal labor law. This legislation—balanced and fair to all parties—is very important to American workers and will ensure that the Federal Government does not reward chronic lawbreakers.

Mr. Speaker, 20 years ago, similar legislation was introduced. The report on that bill by the House Special Committee on Labor suggested that Federal contracts be denied to repeated violators of the National Labor Relations Act. Similar legislation was again introduced in the 94th Congress. In July 1977, President Carter sent to Congress a package of reform measures which included a debarment provision. And, during the 95th Congress, the House passed the labor law reform bill which strengthened NLRB remedies against repeated violators of the Labor Relations Act. An amendment offered on the House floor to strike the debarment provisions failed, 301 to 111.

The rights, duties and prohibitions set out in the National Labor Relations Act are not self-enforcing. If a company or a union fails to comply with a Board order, the Board can seek enforcement through the Federal courts. But legal rights have limited value if many years are required to enforce them. It is time for more effective remedies.

Mr. Speaker, it is time for more effective remedies. Debarment for repeated and willful violators will preserve the integrity of the Federal contracting process by withholding Federal contracts from companies or unions that willfully and systematically violate Federal court or NLRB orders. The United States should not be subsidizing those who repeatedly violate the law.

Debarment remedies are established as appropriate in the case of willful violation of other Federal statutes. Such provisions exist in the Davis-Bacon Act, Executive Order 11246, and the Walsh-Healy Act, among others.

A Supreme Court decision last February—Wisconsin versus Gould—pointed to the need for Federal legislation in this area. In Gould, the Supreme Court struck down a Wisconsin statute that prohibited the State from doing business with companies that violate Federal labor law. The court's ruling effectively set aside similar statutes in Connecticut, Ohio, Maryland, and Michigan.

Writing for the Court, Justice Blackmun noted that Congress intended that Federal labor law be enforced by the Federal Government, leaving little room for overlapping State enforcement. They ruled that the Wisconsin statute was invalid because the Federal Government—not the States—must regulate labor law.

Under the bill, the Secretary of Labor may remove or reduce the contract restrictions imposed against a company or union, if there is no other source for the materials or services or if the national interest so requires. The debarment period is for a maximum of 3 years and can only occur after a pattern of willful violations and only affects the awarding of contracts after identification by the Secretary of Labor. In no instance may an existing contract be canceled. All a company or union needs to do to avoid debarment is to obey the law.

The bill also requires the Comptroller General to provide the name of the violating person to each agency and department of the Federal Government. Because the Supreme Court's decision in Bowsher versus Synar—the Gramm-Rudman-Hollings decision—cast some question on the role of the General Accounting Office within the framework of the doctrine of separated powers, I am singling out this provision for special attention. Although the Court did not rule specifically on the constitutional status of the GAO, there was some debate on this point during the oral arguments on the Gramm-Rudman-Hollings lawsuit.

If the status of the Comptroller General is ever held unconstitutional by the courts, therefore, it is my intention that the entire statute should not fall based on this one provision. Moreover, if the Comptroller General's function is ever deemed to not be "ministerial"—within the meaning of the Bowsher versus Synar decision—it is my intention that the remainder of the statute should not be affected by such a finding.

There should be no financial incentive for those who break the law. The present procedures penalize law-abiding businesses and employees by not protecting them from the unfair competition of corporations not complying with the law.

The question is: Do we want our tax dollars spent on contracts with companies that break the law? The Office of Federal Contract Compliance estimates that 40 percent of our labor force is employed by firms that do business with the Federal Government, either directly or indirectly. This bill only assures that Federal funds will not be used to help break the law.

Mr. Speaker, in past years, legislation similar to this has gained bipartisan support because it is fair, and it is balanced. The bill only asks that corporations doing business with the Federal Government obey the law. I urge quick action on this bill by the Committee on Education and Labor.

TIGHTER AG LIMITS COMING

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. BEREUTER. Mr. Speaker, while there are a number of important issues we must address during the first session of the 100th Congress, one issue which will almost certainly be considered in the near future will be tighter restrictions on huge Federal farm subsidies going to large farming operations. Targeting farm program payments to family owned and operated farms that most need them should be our goal. However, obtaining this goal by limiting direct Federal payments to large farmers must be tempered by a recognition that we must also find a method to maintain farm program participation by the larger farm units in order to effectively reduce production. Regardless, an approach must be carefully sought.

This point is well articulated in an editorial that appeared recently in one of the leading daily newspapers in my congressional district. I commend to the attention of my colleagues the editorial, "Tighter Ag Limits Coming," from the December 12, 1986, edition of the Lincoln Journal.

[From the Lincoln Journal, Dec. 9, 1986]

TIGHTER AG LIMIT COMING

Because of the media's fascination with Reagan administration foreign-policy follies, other matters of public importance—even public interest—aren't picking up much of an audience. Case in point are comments made the other day by Sen. Patrick Leahy, D-Vt., incoming chairman of the Senate Agriculture Committee.

Leahy said, in a telling interview, that a major goal for him next year will be tighter restrictions of federal subsidies to farmers—especially the largest ones. "This is going to send some tremors through a lot of people. Some of the major agribusinesses are going to scream like mad," the chairman-designate conceded in advance.

Earlier this year Congress affixed a limit of $250,000 on direct federal payments to individual farmers. That was a concession to what was happening in the field; that is, the previous $50,000 limit was being punched full of holes.

By legally dividing farms and allocating acreage among family members or business associates, the $50,000 limit could be skirted. The trick is in the definition of a farm operator. For Leahy, the "first challenge" for the reorganized Senate Ag Committee. "is going to be to define the farm entity. Then there would be strong bipartisan support for capping payments" to individual farmers, he said.

If that were done, not only would the cost of federal farm programs decline (from the $25.6 billion spent during the fiscal year which ended Sept. 30) but Leahy believes general public support for helping the farmer would pick up.

"I think most people are very, very uncomfortable with huge subsidies going to a few people." Right he is. "We know what the problem is when we see any farming entity getting hundreds of thousands of dollars in government subsidies, and other farms, which on an individual basis are every bit as productive. . . are going bankrupt," Leahy said.

That sort of commentary should play well with a majority of active Nebraska farm operators.

TRIBUTE TO DOMENICO "NICK" STRANGIO

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LAGOMARSINO. Mr. Speaker, I rise on this occasion to announce to this Chamber the retirement of Domenico "Nick" Strangio of Oxnard, CA, the public affairs officer at the Naval Ship Weapon Systems Engineering Station for nearly 19 years.

Mr. Strangio's total Federal service will exceed 40 years. He served in the Army 8 years, the Air Force for 13 years and has been with the Port Hueneme naval facility since 1967.

Since his arrival in Ventura County, Nick has been very active in community affairs. He has served as president of the Port Hueneme

Chamber of Commerce; grand knight of the Oxnard Knights of Columbus; president of the Ventura County Council and U.S. Navy League as well as serving as a national director of the latter group; vice president and member of the executive boards of the Ventura County Council and the county council of the Boy Scouts of America; vice president of the Cabrillo Music Theater and Oxnard Shores Community Association; and as organizing member of the Oxnard Union High School District Partners in Education Program. He is also a member of the Elks and the Channel Island Yacht Club.

In recent years he has received numerous awards for his contributions to community affairs. He is the recipient of a California State resolution as well as resolutions of commendation from State Senator Gary Hart, Assemblyman Jack O'Connell, and Assemblyman Tom McClintock. In addition, he received a certificate of appreciation from Representative Bobbi Fiedler.

Mr. Strangio was presented the Herbert C. Templeman Award last April by the Navy League for continuous dedicated service to its Maritime Program.

During his more than 35 years in public relations, Nick has edited five newspapers and founded and published a monthly magazine. He also planned and developed public affairs programs in Detroit, Houston, New York, Munich, Rome, London, Paris, Madrid, and others. Key among them are the broadcast of a religious program over Vatican Radio in Rome; United States participation in the Le Bourget Air Show outside of Paris; introduction of American style football to Spaniards in Madrid; and comprehensive plans and surveys for the Jupiter Missile Program for Italy.

For his outstanding accomplishments in the area of public affairs, Mr. Strangio has received citations from the State Department, Allied forces, State and local agencies. His many awards include those for excellence and merit from the Navy Chief of Information and commendation medals from the Army and Air Force.

Prior to assuming duties at the Port Hueneme facility, he was public relations/publications director of the Sacramento Metropolitan Chamber of Commerce. At the Port Hueneme station, Strangio is credited with coining the stations' motto, "Fleet Support is Our Heritage;" designing and renaming the station newspaper, "Interface;" producing a variety of audio-visual programs and special interest publications; and forming the Plankowners Association.

Mr. Strangio was born in a small village in the province of Reggio Calabria, Italy. At the age of 6, he and his mother left Italy to join his father in Buenos Aires, Argentina, where he attended elementary school. On September 1, 1940, the family, which now included a sister born in 1936, migrated to California. The long journey by ship from Buenos Aires along the east coast of South America and through Panama Canal took 28 days.

The family settled in Sacramento where Nick began his education while learning to speak and write English and culminated with his graduation from McClatchy High School.

He went into the Armed Forces in 1946 and served on active duty for more than 20 years with the Army and Air Force. Strangio served nearly 15 years overseas, principally in Germany. His first and last duty assignments were in Berlin. His first assignment was as a member of an armored cavalry unit and his last as chief of information at Templehof Central Airport.

While raising a family, Strangio continued his education, attending Long Island University and the University of Maryland. He received his bachelor's degree in 1971 from the University of La Verne at Point Mugu, CA. He is multilingual speaking English, German, Spanish, and Italian.

Nick and his wife Jean have two married daughters; Susan, who lives in southern Germany and Linda, a professional ballet dancer, who returned to Oxnard in 1983 after living nearly 13 years in Munich where she was a soloist with the Munich National Ballet. Susan is the mother of Strangio's two grandchildren.

Nick, who has been selected to appear in "Who's Who in California," plans to remain actively involved in and supportive of local agencies and programs such as the Oxnard Community Relations Commission to which he was recently appointed.

I ask my colleagues to join me in wishing a well-earned and happy retirement to Nick and Jean Strangio, good citizens, good public servants, and good friends.

IN MEMORY OF KEITH THURSTON

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. COELHO. Mr. Speaker, later this month, a valued friend and constituent, Mr. Keith Thurston, will be honored at a retirement dinner to mark the end of many years of service to both the Modesto Bee and the Stanislaus-Tuolumne Central Labor Council.

Keith moved to Modesto in 1956, and went to work for the Bee, continuing his work in the newspaper printing business. He became active in the Modesto International Typographical Union, later serving as its president. In 1964 he was elected to the Stanislaus-Tuolumne Central Labor Council, and since 1974 has been the secretary-treasurer. His retirement on December 30, 1986 from both the newspaper and the labor council leaves a void that both institutions will be hard-pressed to fill.

Keith and his wife Louise have sold their house and purchased a motor home, and plan to spend the next several years leisurely traveling throughout the United States. Since he has been an active member of the Stanislaus County Democratic Central Committee, I will quite naturally miss Keith's presence in Modesto. Yet I want to wish him a happy retirement and happy travels, with the hope that he continues to keep in touch with his friends in the 15th Congressional District.

FREEDOM OF HOUSE BROADCASTING

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LOTT. Mr. Speaker, today I am reintroducing the "Freedom of House Broadcasting Resolution of 1987," a new House rule to ensure the complete, unedited, and uncensored broadcast coverage of all House proceedings.

Mr. Speaker, 8 years ago next March, the House began providing live audio and visual broadcast coverage of its floor proceedings to all accredited stations, networks and cable systems. Since that time we have seen our exposure from that coverage expand considerably, especially with the growth of cable systems in this country and the gavel-to-gavel coverage of our proceedings by the Cable Satellite Public Affairs Network, more popularly known as C–SPAN.

As a result of this exposure, I think the American people have benefited immensely, both in terms of learning how their democratically-elected Government operates, and of being informed on the important public policy issues of the day. The House did the right thing in opening the TV window on this Chamber to the American people. And the broadcast networks and stations, particularly C–SPAN, are to be commended on using this coverage and helping to bring our citizens that much closer to their elected Representatives and the decisionmaking process.

Nevertheless, the fact that the House opted for owning and operating the broadcast system itself posed problems both of perception and potential abuse. This potential for abuse was realized in 1984 when the Speaker, without warning, changed the camera coverage policy to show an empty Chamber while Republicans were delivering special order speeches. This set off a partisan firestorm that took some time to quell. It also renewed the old debate over who should control the cameras.

TIME FOR A CHANGE

Given the evolution of the House broadcast system, I think it is time to reassess its present operation and control with a view to assuring a more balanced and objective means of covering our proceedings. I am not proposing that we resurrect the network pool option, nor the public broadcast alternative that I thought was worth further exploration back in 1978. I think we must begin with the premise that we now have a House-owned system that is of high quality, both technically and professionally. There is no need to junk what we now have—to throw the cameras and crew out with the bathwater. Instead, we must seek ways to refine the system and properly insulate it from both the prospect and perception of partisan manipulation, control and censorship.

The resolution which I am introducing today is entitled the "Freedom of House Broadcasting Resolution" because it is designed to both free the TV system from the potential for partisan manipulation and control, and to restore

the first amendment freedoms of broadcasters who should be entitled to cover this Chamber with their traditional tools, just as print journalists are permitted to record our proceedings with their tools, rather than being forced to rely on our doctored RECORD.

PROVISIONS OF RESOLUTION

Under my proposal, the Speaker would still retain ultimate authority and responsibility for the House broadcast system since under our precedents and rules, the Speaker has absolute authority over the Chamber and the gallaries. However, to assist the Speaker in this responsibility, there would be created a completely bipartisan Broadcast Advisory Board consisting of the majority and minority leaders and two other Members from each party. At present the Speaker presumably has a broadcast advisory committee consisting of two Democrats and one Republican, but it was completely defunct for nearly 4 years, and, as far as I know, it hasn't met since its reconstitution in late 1984.

The other important aspect of my resolution is the provision that turns the daily operation of the broadcast system over to the executive committee of the Radio and Television Correspondents' Galleries—the group which represents all the professional broadcasters accredited to the Congress. The executive committee would have responsibility for the hiring and supervision of the broadcast system's personnel, and for establishing the daily camera coverage policies. The resolution does require, however, that coverage be gavel-to-gavel, including special orders, a view of the Chamber while Members are voting, and periodic views of the entire Chamber on a uniform basis throughout the day in conformance with acceptable standards of House dignity and decorum.

Finally, the resolution vests in the Clerk, again subject to the direction and control of the Speaker, responsibility for purchasing equipment for the system and paying its employees; and in the Library of Congress and National Archives responsibility for maintaining the recordings of our proceedings for viewing and research purposes, and for purchase by the public.

CONCLUSION

Mr. Speaker, it is my hope that the Rules Committee will give my proposal serious consideration as it exercises its oversight responsibilities for the House broadcast rule and system. I think my resolution will restore credibility to the system by freeing it from political control and restoring the first amendment freedoms of broadcasters. At the same time it will insure that coverage will continue in a manner that does not detract from the dignity and decorum of our proceedings.

At this point in the RECORD I include a brief summary of the "Freedom of House Broadcasting Resolution." The summary follows:

BRIEF SUMMARY OF LOTT FREEDOM OF HOUSE BROADCASTING RESOLUTION

Sec. 1. Title. "The Freedom of House Broadcasting Resolution of 1987."

Sec. 2. House Rules Amendments. (a) House Rule I, clause 9, the current House broadcast rule, would be stricken in its entirety; (b) a new House Rule LI would be added, entitled, "Broadcast Coverage of House Floor Proceedings."

Clause 1. Establishment of System. A House Broadcast System would be established to provide complete and unedited coverage of House proceedings while the House is in session including coverage of voting, special orders, and periodic views of the entire Chamber on a uniform basis throughout the day.

Responsibility for the implementation of the broadcast system would be vested in the Speaker who would be assisted by a completely bipartisan, six-member Broadcast Advisory Board.

The responsibility for the daily operation of the system, including the designation and supervision of employees and formulation of camera coverage policies would be vested in the Executive Committee of the Radio and Television Correspondents' Galleries.

The Clerk would be responsible for the purchase of equipment and compensation of employees,

Clause 2. Access to Coverage. All accredited broadcast stations, networks and systems would have access to live coverage, as would House members and congressional offices. Coverage or recordings could not be used for commercial or partisan political purposes.

Clause 3. Storage of Recordings. The Library of Congress and National Archives would be responsible for maintaining recordings of House proceedings for viewing and research purposes, and for purchase by the public.

SENATE REPORT: STOP STONEWALLING

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. COURTER. Mr. Speaker, there is no excuse for denying the House Select Committee on Iran the report written by the Senate Intelligence Committee. The committees are not supposed to be competitors; we should be working together in a spirit of bipartisanism and cooperation to answer the American people's questions expeditiously, as our select committee's chairman has said so eloquently. The stonewalling by the Senate Intelligence Committee should stop before further damage is done to the reputations of individuals and the integrity of the institutions of Government by leaks from the report, which we are already seeing.

When the Washington Post, the Washington Times, and the New York Post all write editorials agreeing on the need to publish the report, as they did yesterday, it should be clear that continued suppression by the new Senate majority is irresponsible and unacceptable to Democrats and Republicans across the spectrum of America.

[From the Washington Post, Jan. 7, 1987]

LET'S SEE THE REPORT

The Senate Intelligence Committee declines to make public a long, unclassified staff report on the closed hearings it conducted last month on the Iran-contra affair. There is much Democratic mumbling to the effect that the report is not only imcomplete (Vice Adm. Poindexter and Lt. Col. North did not testify, for instance) but also misleading and that publication of this particular draft would obstruct the further probes now under way. One Republican, William Cohen, joined six Democrats in questioning the fitness of the draft before the committee, whose disgruntled chairman, Dave Durenberger, then adjourned the meeting before publication of a different and presumably more acceptable draft could be considered. This action took place on Monday even while the committee was still in Republican hands.

The Democrats insist that theirs was a vote of responsible discretion, not of secrecy. But none of the objections voiced is convincing. The committee's action has inevitably fed suspicions that the reason the committee—or at least its Democratic membership—voted as it did is that the draft in question suggests that the intelligence committee, in its first sweep through the material in December, came up with nothing showing that President Reagan knew of the diversion of Iran arms sales profits to the Nicaraguan resistance.

Gratified by this measure of exoneration, the White House seized on it to assert the president's openness to congressional review and to push an onus of cover-up and partisanship upon the Democrats. It would have been strange for the White House not to seize such an opportunity. The fact is that the Democrats are in a weak position to reply.

The new Congress is just starting its work, in this matter as in others. The Democrats have many months—most of a year, if some of the more ambitious investigatory projects are approved—to add to the record that the Senate Intelligence Committee started to compile in December. No doubt the committee's opening sweep, launched in haste, was not comprehensive and thorough; it could hardly have been. But public examination of its unclassified findings would surely establish the limitations, and meanwhile other official investigations would fill in the gaps.

At this moment the most important thing is to establish the credibility of congressional inquiry. This cannot be done if the Democrats act in a way to convey the idea that only information damaging to President Reagan will be allowed to flow freely into the public domain. Lets see the report.

[From the Washington Times, Jan. 7, 1987]

THE WAR IS ON

Congressional Democrats insist they want to get the facts out on the Iran-"contra" affair. This is decent of them since the country is eyeball deep in innuendo and not a little bored. But if this were the goal, wouldn't the Democrats have demanded that the Senate Select Committee on Intelligence publish the findings of its investigation? The loyal opposition obviously has other things in mind.

Sen. Robert Byrd said the report didn't offer a "complete picture." Meaning what? That President Reagan probably didn't know about the diversion of money to Nicaragua from the Iran arms sales?

It is clear that the party of compassion wants to keep the report bottled up so it can get on with the business of tanning Ronald Reagan's hide. If Democratic leaders were truly interested in discovering the scope of American involvement in Nicaragua, they would find out who is privately funding the Sandinistas—and the Salvadoran guerrillas. They would also investigate those Americans who are in Managua working for the Communists and would try to learn what promises Daniel Ortega has extracted in ex-

change for, among other things, Eugene Hasenfus.

Instead, they seem interested exclusively in the right wing. The "mysterious" funding network that has kept the Nicaraguan resistance alive will be hung out for inspection in hopes that it will shrivel and die. Then the Democrats can kill official funding, thus enabling the Sandinistas to consolidate their revolution.

During the upcoming war, the Democrats can be expected to denounce trading arms for hostages, but don't they plan a more dangerous game themselves, granting Mikhail Gorbachev national security concessions each time he releases one of his innumerable hostages? Besides, have the national security implications changed, or did the Democrats support "contra" aid in the past just because Ronald Reagan asked them to? Is punishing Mr. Reagan more important than serving that national interest?

In the end, the debate will concern opposition to Communist expansion in this hemisphere, and a sizable number of Democrats are coming down on the wrong side. Unlike the president, they have turned their backs on Nicaragua and were nearly successful in abandoning El Salvador—points that need to be kept in mind in the days and weeks ahead.

[From the New York Post, Jan. 7, 1987]

WHY DEMOCRATS ARE SITTING ON IRANSCAM REPORT

Senate Democrats claim that publication of the Senate Intelligence Committee's preliminary Iranscam report isn't in the national interest. That's hogwash.

The truth, it seems, is that the report completely exonerates President Reagan. And from the standpoint of the Democrats, that's not a happy outcome.

Even more to the point, as the Democrats and some camera-hungry Republicans in Congress see it, publishing it would give the public too much too soon. They want Iranscam to drag on as long as possible.

Senate majority leader Robert Byrd, for example, wants to give the newly created select investigatory committee a far-reaching mandate—and an Oct. 31 "deadline." Byrd, in other words, wants the inquiry to continue for a full 10 months.

That, as minority leader Robert Dole points out, means that the special committee's report and recommendations wouldn't be out until well into 1988—as it happens, an election year.

Clearly, even the pretense of bipartisanship in this probe has gone out the window. The Democrats hope to use the inquiry to savage the Reagan administration, and to give their presidential candidate a leg up.

It is, of course, vital that the nation learn just what happened in the Iranscam episode—but soon. A drawn-out investigation could paralyze government.

Those on Capitol Hill who aspire to Watergate-like stardom would do well to take note of the potential riskiness of any such endeavor.

Ronald Reagan remains as exceedingly popular president. And if it becomes clear that White House communications chief Pat Buchanan is right—that "The left is not after the truth. The left is after Ronald Reagan"—it's the Democratic Party that's likely to pay the price.

MID-VALLEY UNIT ACT

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LEHMAN of California. Mr. Speaker, today I am joined by my California colleagues, the Honorable CHIP PASHAYAN, TONY COELHO, and BILL THOMAS in introducing legislation which will authorize the construction of the Mid-Valley Canal as an integrated unit of the Federal Central Valley project. Construction of the Mid-Valley Canal will provide additional surface water to help relieve the serious ground water overdrafting which exists in the Mid-Valley service area, an area which includes approximately 2.8 million acres of irrigated land located in portions of Fresno, Kings, Kern, Madera, Merced, and Tulare Counties.

This area is one of the most productive agricultural regions in the world and grows commodities ranging from almonds and alfalfa to grapes, peaches, and zucchini. Because of the semiarid nature of region, irrigated agriculture in the region has been and continues to be supported by the development of stored surface water resources and overdrafting of ground water acquifers. Virtually all environmentally sound and economically viable local, surface water resources have been developed and sophisticated irrigation technologies are being employed to maximize the present use of available water supplies.

Despite the development of local surface water supplies and use of water conserving irrigation technologies, the area still faces a serious ground water overdrafting problem that threatens its economic vitality. Hydrological studies conducted indicate that the ground water in the region is overdrafted by approximately 1.5 million acre-feet annually, and unless additional surface water is provided that over 440,000 acres of productive land may be abandoned within the foreseeable future.

The Mid-Valley Canal, in conjunction with existing facilities and through water delivery agreements, would provide the means to deliver an additional 550,000 acre-feet of water available from northern California and the Sacramento-San Joaquin Delta.

The Bureau of Reclamation has been conducting an investigation of the feasibility of this project and has completed its status report and we anticipate congressional hearings on the project early this year.

Following is a copy of the bill.

H.R. —

A bill to authorize the construction of the Mid-Valley Unit of the Central Valley Project.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mid-Valley Unit Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) there is need for a federally constructed project to serve approximately 4 million acres of irrigated agricultural lands located in Merced, Madera, Fresno, Tulare, Kings, and Kern Counties, California;

(2) there is presently an overdraft of groundwater in these counties that would be alleviated by providing irrigation, municipal, and industrial water supplies;

(3) a federally constructed project would facilitate optimum conjunctive use and reuse of surface and underground water supplies enhancing the agricultural stability of the San Joaquin Valley; and

(4) fish and wildlife resources and outdoor recreation opportunities would be enhanced by construction of a project.

SEC. 3. AUTHORIZATION.

(a) AUTHORIZATION.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary"), acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain, the Mid-Valley Unit, as an addition to and an integral part of, the Central Valley Project, California, upon completion of a favorable Planning Report/EIS on the San Joaquin Valley Conveyance Investigation.

(b) PRINCIPAL WORKS.—The principal works of the Mid-Valley Unit shall consist of pumping plants, pumping generator plants, power plants, power transmission facilities, canals, channels, levees, drains, flood control works, pipelines, regulating reservoirs, off-stream and on-stream storage reservoirs, deep wells and pumps, and distribution systems and facilities consistent with the recommendations of relevant planning documents. The Secretary is authorized and directed to utilize, whenever feasible, existing water supplies, conveyance and storage facilities.

(c) PROVISION OF WATER.—The Secretary is authorized to provide water supplies for the irrigation of approximately 4 million acres of land in Merced, Madera, Fresno, Tulare, Kings, and Kern Counties, as identified in the Planning Report/EIS on the San Joaquin Valley Conveyance Investigation.

SEC. 4. FISH AND WILDLIFE ENHANCEMENT AND RECREATION.

The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Mid-Valley Unit shall be in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 5. WATER DELIVERY AND STORAGE AGREEMENTS.

The Secretary is authorized and directed to—

(1) execute a contract with the State of California for the wheeling, delivery, exchange, and storage of water through the facilities of the State Water Project of California for use in the Mid-Valley Unit; and

(2) execute contracts with the State of California for the construction or enlargement of conveyance and storage facilities for joint use.

SEC. 6. LOCAL COST-SHARING AGREEMENTS.

The Secretary may enter into agreements with the Mid-Valley Water Authority, a California Joint Powers Authority, for the provision of all or any portion of the authorized distribution facilities as the local contribution to the cost of the project.

SEC. 7. STATE AND LOCAL PUBLIC INTEREST.

In locating and designing the works and facilities authorized for construction by this Act, and in acquiring or withdrawing any lands as authorized by this Act, the Secre-

tary shall give due consideration to relevant reports by the State of California, and shall consult with local interests who may be affected by the construction and operation of the works and facilities or by the acquisition or withdrawal of lands, through public hearings or in such manner as in his discretion may be found best suited to a maximum expression of the views of such local interests.

SEC. 8. AUTHORIZATION OF FUNDS.

There is authorized to be appropriated for construction of the Mid-Valley Unit as authorized in this Act, the sum of $, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

INTRODUCTION OF LEGISLATION MAKING PENSION RIGHTS A MANDATORY TOPIC OF BARGAINING

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. CONTE. Mr. Speaker, earlier this month, I introduced legislation which would protect the rights of retirees in collective-bargaining agreements. This legislation, which has been introduced in past Congresses, has never advanced beyond the hearing stages.

Mr. Speaker, in 1971, the Supreme Court ruled in Allied Chemical and Alkali Workers of America versus Pittsburgh Plate Glass Co. that retirees' benefits are not, under the meaning of section 8 of the National Labor Relations Act, a mandatory subject of bargaining. The Court's decision overturned an earlier decision by the National Labor Relations Board which held that the benefits of already-retired employees were a mandatory subject of bargaining as terms and conditions of employment of the retirees, themselves.

My legislation would adopt the view of the NLRB and thus overturn the Supreme Court's decision. Section 8 of the National Labor Relations Act requires, as a mandatory subject of bargaining, terms and conditions of employment. Under the Supreme Court's decision, the rights of retirees—including pension and health benefits—are apparently not included in terms and conditions of employment even though the NLRB held that the benefits of already retired employees vitally affects the terms and conditions of current employment.

The bill would make bargaining with respect to retirement benefits for retired employees a mandatory subject of bargaining. In addition, it is illegal to make unilateral changes in an area considered to be a mandatory subject of bargaining. Without my legislation, conditions affecting retired employees can be altered unilaterally by labor or management.

I believe that this legislation is necessary to protect the rights of retired employees who, in many cases, helped build the company for which they worked. To that extent, they should be able to share in the future successes of that company. Retired employees often live on fixed incomes in an inflationary economy. The cost of living has risen steadily in recent years and the cost of hospitalization has more than doubled. Yet, pension and hospitalization benefits under collective-bargaining agreements have tended to lag behind costs, in part because the adjustment of these benefits remains a permissive rather than a mandatory subject of bargaining. Absent legal compulsion, some employers and unions have voluntarily continued their practice of bargaining with regard to retirees' benefits, but others have taken the opportunity to stop serious bargaining in this area as well as to make unilateral changes in retirees' benefits.

Mr. Speaker, in years past, the Education and Labor Committee has held hearings on legislation similar to this. I would urge that this bill move beyond the hearing stage and to a markup by the full committee. I urge support for my bill.

NO END IN AFGHANISTAN

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. BEREUTER. Mr. Speaker, the troubled situation in Afghanistan has long been a concern of this Member. A recent editorial in the Sunday Lincoln Journal-Star brought home once again the plight of Afghanistan and the need to continue international pressure on the Soviets to end their occupation of this country.

The following editorial serves to focus public attention on the terrible plight of Afghanistan and, therefore, deserves to be reprinted in the RECORD.

[From the Lincoln (NE) Journal-Star, Dec. 28, 1986]

NO END IN AFGHANISTAN

The Soviet Union's occupation of Afghanistan enters its eighth year with little sign of success for either the invading Soviets or the Afghan resisters. But if there is yet no victor, there are losers aplenty.

Reportedly, close to 1 million Afghanistan citizens have been killed. Roughly 5 million, about a third of Afghanistan's population, have become refugees, seeking safety in neighboring lands.

So the country is paying a terrible price. Yet the resistance movement fights on, and effectively enough to prevent total Soviet domination.

Moscow is paying a stiff price, too. The original invasion and subsequent atrocities committed by Soviet and Afghan government troops have outraged much of the world. U.S. officials estimate Red Army troops have suffered 25,000 casualties. The Kremlin's economic investment in the war effort amounts to billions of dollars a year.

You'd think the Soviets would want out of such a costly proposition. And Mikhail Gorbachev, top man in the Kremlin, has said the government wants to end its involvement in Afghanistan. In July Gorbachev announced that six Soviet regiments would be withdrawn from Afghanistan. But it turns out that four of the regiments are anti-tank and anti-aircraft forces—not much of a sacrifice, considering that the guerrillas have no tanks and no aircraft.

Such actions speak louder than words, and other steps by Moscow suggest it is prepared for a long-term struggle. Recently the Kremlin replaced the head of the Kabul puppet government, seeking greater unity and efficiency. An aggressive new general now commands Soviet troops in the area. And Moscow is increasing pressure on Pakistan and Iran to choke off outside assistance to the guerrillas. Meanwhile, Afghan children are being subjected to Soviet-style education that presumably will make the rising generation more sympathetic to the invaders.

Moscow would give up only reluctantly its goal of a thoroughly Sovietized Afghanistan. And apparently the Soviets are deriving enough immediate benefits from this war to justify pursuing it.

It is clear that Afghanistan has become a training ground for the Soviet military. The army is learning how to fight guerilla wars, a useful skill in this age. New weapons have been tested. And geographically, Afghanistan could prove a valuable base for future Soviet adventures.

Can the West raise the cost of Moscow to a point where the balance shifts? Expected increases in aid to the guerrillas will keep the pressure on. A thoughtful U.S. policy toward Pakistan, including assistance with the refugee flood, can help Islamabad resist Soviet coercion.

An unrelenting diplomatic offensive is called for, too. At every opportunity, in every international forum where the Soviets are represented, the West ought to inject the issue of Afghanistan. A continuing effort should be made to oust the Kabul government from its seat in the United Nations. And human rights violations in Afghanistan must be widely publicized.

Moscow is not heedless of world opinion. And it should be remembered that Gorbachev was not a full member of the Politburo when the decision to invade Afghanistan was made in 1979. Given the inherited nature of his involvement and his inclinations toward reform in other spheres, Gorbachev may well be less averse than some of his comrades to a negotiated settlement of the conflict. Especially if the costs of this Soviet adventure can be made to grow.

TRIBUTE TO THEODORE HOLLIS ROCHE, JR.

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LAGOMARSINO. Mr. Speaker, it is with a heavy heart that I rise on this occasion to morn the passing of an old friend and prominent Santa Barbara, CA, attorney, Theodore Roche, Jr.

A graduate of Lowell High School in San Francisco where he was born, and of St. Ignacius College, Mr. Roche was a former partner in the law firm of Sullivan, Roche and Johnson. He opened a branch of that firm in Santa Barbara and after becoming partner emeritus, he opened his own law firm, also in Santa Barbara. For over 25 years he was the owner of the North Hollywood Lincoln-Mercury agency.

Mr. Roche was a distinguished member of the community, demonstrating his leadership by serving as a past director and president of the Santa Barbara Cancer Foundation, and former director and officer of Unity Church, Wood Glen Hall, Hillside House, Baptist

Homes and La Morada. In recognition of his outstanding service to the community and church, Ted was the recipient of the Kiwanis Club Layman's Award.

An active member of the California Republican Party, Ted was a member of the Inner Circle as well as the Senatorial and Central Committees.

An inveterate sportsman and tennis player, he was past president of the Northern California Tennis Association and was a member of the San Francisco Olympic Club, the Valley Club, Santa Barbara Club and the California Tennis Association.

I know that I speak for the citizens of Santa Barbara and all who knew him, that we will miss his charm, his wit and his graciousness. I ask my colleagues here in the House to join my wife Norma and I in offering our sincerest condolences to Ted's wife Shirley; daughter Ruth Dull, sons Theodore III, Robert, Reverend Randall, Donald and Gerald; and to his 10 grandchildren and 6 great-grandchildren.

HILMAR HIGH SCHOOL NEW CHAMPIONS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. COELHO. Mr. Speaker, I would like to take this opportunity to congratulate the Hilmar High School football team of Hilmar, CA, on its recent championship.

After asserting itself as the winningest small-school football team in the Stanislaus district the past 5 years, the Yellowjackets of Hilmar High capped their perfect regular season record with their first Sac-Joaquin Section Championship on November 21, 1986.

Their triumph was the fruit of their years of dedication and love for the game of football. Furthermore, their success on the gridiron should serve as a living reminder of the power of perseverance in all endeavors of life. I take great pride in commending this team on their efforts.

HESS': A REGIONAL AND NATIONAL RESOURCE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. RITTER. Mr. Speaker, it gives me great pleasure as the Congressman for the 15th District, representing the Lehigh Valley of Pennsylvania, to mark the 90th anniversary celebration of Hess' Department Stores, Inc., on Monday, January 12, 1987.

In 1888, Charles and Max Hess founded Hess', which had taken over the entire hotel on Hamilton Street in Allentown. Max Hess cultivated a three-point merchandising philosophy, which said: "Be the first; be the best; be entertaining." This philosophy creatively combines marketing with value and quality. In this way, Middle America is treated to a unique blend of fashion, excitement, and quality in products and service.

In 1968, Phil Berman bought Hess' for $16 million. With enterprising skills, vision for the future, and Hess' management team, Phil Berman opened new vistas through opening branch stores and expanding beyond the Lehigh Valley. With 5 stores in our Lehigh Valley, the year 1979 saw a total of 19 stores. In the same year, Crown American Corp. bought Hess'.

The retirement of Phil Berman in July 1985 marked the end of an era, but a new one was about to begin. Irwin Greenberg became chief executive officer as well as president. In the Hess' tradition of excitement and value, Irwin Greenberg featured the experimental "Video Shopper's Catalog" for viewing in the home—a first for a department store retailer. This was a boon especially for invalids and the homebound. By 1988, Hess' plans to grow by the addition of eight new stores which will extend as far south as Virginia and north to New York in Schenectady and Syracuse.

The enterprise of Hess' is a study in imagination. Innovation, glamour, and showmanship walk hand in hand with solid quality, reasonable prices, and customer relations that have a long tradition of cordial service.

Personally, I have not known the Hess brothers but I count Mrs. Max [Betty] Hess and Phil and Muriel Berman as friends as well as the new leader, Irwin Greenberg. I am deeply grateful for their commitment to the greatness of the Hess' chain and the high level of human talent, skill and spirit it engages. Greatness like this builds and enhances our community and our country.

REGULATORY OVERSIGHT AND CONTROL ACT

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LOTT. Mr. Speaker, today I am reintroducing the "Regulatory Oversight and Control Act of 1987," which I previously sponsored in the 98th and 99th Congresses as H.R. 3939 and H.R. 1339, respectively.

The bill was originally introduced in response to the Supreme Court decision in INS versus Chadha, and subsequent decisions, holding the one- and two-House legislative vetoes over executive actions unconstitutional.

Under my legislation, all Federal regulations subject to informal rulemaking under the Administrative Procedure Act would be submitted to Congress for up to 90 days before they could take effect. Major regulations, those which an agency estimates could cost the economy $100 million or more in any year, would have to be approved by the enactment of a joint resolution. Nonmajor regulations could be disapproved by the same means.

Mr. Speaker, in addition to the new legislative veto device provided in my bill, title I contains a regulatory reform package that is essentially the same as a compromise worked out between various parties inside and outside the House in the 97th Congress. The main feature is the requirement that agencies perform regulatory analyses on proposed major regulations and their alternatives before they make a final decision, and that they choose the most cost-effective alternative unless another is mandated by law.

Moreover, both existing and new major regulations would be subject to 1-year sunset dates, meaning they would have to be resubmitted in the same or amended form every 10 years, both through the rulemaking process, and the congressional review process which requires approval by joint resolution.

Mr. Speaker, the Rules Committee, of which I am a member, conducted extensive hearings in the 98th Congress on the effect of the Chadha decision on the Congress and on what steps we might take to rectify the loss of the traditional legislative veto. It is my hope the committee will complete its work in this Congress and make an affirmative recommendation on my proposal to establish a uniform congressional review process for all regulations. Rulemaking is lawmaking, after all, and the Congress must retain ultimate control over this important constitutional prerogative. It is too important an activity to abdicate to the unelected regulatory bureaucrats.

At this point in the RECORD I include a summary of the bill. The summary follows:

BRIEF SUMMARY OF LOTT "REGULATORY OVERSIGHT AND CONTROL ACT OF 1987"

(Amendments to the Administrative Procedure Act)

TITLE I—AGENCY RULEMAKING IMPROVEMENTS

Regulatory analysis of major rules

Agencies would be required to perform regulatory analyses of major rules and alternatives. Major rules are those which the agency or President determine would have an annual impact on the economy of $100 million or more or would otherwise have a substantial impact. The agency would be required to choose the most cost-effective alternative unless another alternative is mandated by the underlying statute. The President (or the Vice President or other Executive Officer confirmed by the Senate) would establish guidelines for compliance and would review and monitor compliance. The Comptroller General may also monitor compliance.

Regulatory agenda

Each agency shall publish in the Federal Register in April and October of each year a regulatory agenda listing all rules the agency tends to propose, promulgate, modify, repeal or otherwise consider in the next 12-months. Certain information is required to be included with each rule listed on the agenda.

Agency review of existing rules

Not later than nine months after the effective date, each agency shall publish in the Federal Register a schedule for the review of existing major rules over the next ten years. A final schedule would be published not later than six months later, after public comment. The President could add rules to this review schedule. The reviews would be subject to the same comment and analysis requirements as new major rules.

Sunset for major rules

All newly proposed and existing major rules scheduled for review shall include a date on which they shall cease to be effective, not later than 10 years after they are initially effective, in the case of new rules,

and according to their sunset review schedule for existing rules.

Informal rulemaking process

The informal rulemaking process is amended to provide greater notice, information, and opportunity for oral and written public comment.

Judicial review (modified "Bumpers amendment")

When agency actions are challenged in the courts, the courts shall independently decide all relevant questions without according any presumption in favor or against the action.

Appeals of agency orders ("race to courthouse" problem)

When agency actions are challenged in two or more courts of appeals within ten days of their issuance, the Administrative Office of the U.S. Courts shall, by random selection, designate one court in which the record shall be filed.

Intervenor funding

Federal funds could not be used for public participation in agency rulemaking proceedings unless specifically authorized by law.

TITLE II—CONGRESSIONAL REVIEW OF AGENCY RULES

Submission and review of agency rules

Agencies would be required to submit most rules of general applicability to Congress for a 90-day review period. The rules would be referred to one committee of primary jurisdiction in each House or to an ad hoc committee if more than one committee has primary jurisdiction.

Congressional action on rules

Major rules could not take effect unless a joint resolution of approval is enacted within 90 days of continuous session of Congress; other rules could take effect unless a joint resolution of disapproval is enacted within the 90-day period, and could take effect sooner if neither House has acted on a resolution within 60 days or if either House has rejected a resolution.

Committee consideration of resolutions

In the case of major rules, resolutions of approval must be introduced by the chairman (or his designee) of the committee to which the rule is referred within one day after the rule is received, and the committee would be required to report the resolution not later than 45 days after receipt of the rule, or would thereafter be discharged of the resolution. Other rules would be subject to joint resolutions of disapproval which the committee could report at its own discretion or would be required to report if a "motion for consideration" is filed within 25 days after the rule is received and is signed by one-fourth of the membership of the House involved not later than 30 days after the rule is received. If the committee has not reported such a resolution within 45 days after receipt of the rule, the resolution would be discharged.

Floor consideration of resolutions

Resolutions reported or discharged would be referred to the appropriate calendar of the House involved, a motion to proceed to their consideration would be privileged and, if adopted, debate on major rules resolutions would be for two hours, and for other rules resolutions, one hour. If one House receives a resolution from the other House and has not reported or been discharged of its own resolution within 75 days after the rule is received, the resolution of the other House would be placed on the appropriate calendar.

(Amendments to the Rules of the House)

TITLE III—REGULATORY OVERSIGHT AND CONTROL AMENDMENTS TO HOUSE RULES

House regulatory review calendar

A Regulatory Review Calendar would be established in the House to which all joint resolutions of approval and disapproval would be referred once reported or discharged from committee. The Calendar would be called on the first and third Monday and second and fourth Tuesday of each month after the approval of the Journal. Priority consideration would be given to resolutions for rules whose review period would expire before the next calling of the Calendar. Motions to proceed to the consideration of a resolution would be nondebatable except for resolutions discharged pursuant to a "motion for consideration" signed by one-fourth of the membership, in which case the motion would be debated for twenty minutes.

Regulatory appropriations riders

The present House rule restricting the offering of limitation amendments to appropriations bills would be amended. At present such limitation amendments can only be offered after other amendments are disposed of and only if the House votes down a motion that the Committee of the Whole rise. Under the proposed rule change, limitation amendments could be considered during the initial amendment process with respect to regulations for which a resolution of disapproval has not been considered by the House, or has been passed but not enacted, during the specified review period.

Oversight improvements

Committees would be required to formally adopt oversight plans at the beginning of a Congress and their funding resolutions could not be considered until the plans have been submitted to the Government Operations Committee. Committees would also be required in their final oversight reports to relate their actual oversight activities and accomplishments to their original plans. The Speaker could create special ad hoc oversight committees, subject to House approval.

FEDERAL OFFENSE OF TREASONOUS ESPIONAGE

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. MOLINARI. Mr. Speaker, today I have reintroduced legislation to create a new Federal criminal offense of treasonous espionage, consisting of the unauthorized disclosure of classified information damaging to our national security for profit. Although the sensational stories regarding the Walker spy ring and other recent cases of espionages are no longer on the front pages of our newspapers, the serious nature of such action remains.

Espionage for profit, where the single motivating factor is greed, is particularly repulsive. The legislation I have introduced today would separate those who supply information for profit from those who would do so for ideological reasons. In addition, the legislation allows for a penalty of death in the case of treasonous espionage. A person who engages in this type of activity should realize that he or she is risking their own life. Such activity can put the lives of millions at risk and the penalties must be severe.

Although measures have recently been put into place to strengthen our security measures, we need strong legislation such as this to serve as a deterrent to those who would in the future contemplate disclosing for profit sensitive information damaging to our national security.

IN RECOGNITION OF GOODWILL INDUSTRIES OF BROWARD COUNTY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. SMITH of Florida. Mr. Speaker, I rise today to honor the Goodwill Industries of Broward County, FL, and to extend my sincere congratulations upon their receiving the first J.M. Foundation "Search for Excellence" award for facility-based work adjustment programs.

Recognized for their ongoing program to prepare disabled individuals to enter the work force, Goodwill Industries of Broward was selected out of a field of 320 applicants to receive this award. This company is truly deserving of recognition, and I am pleased that Goodwill Industries of Broward has received congratulations from Vice President George Bush, from the Broward community, and now from the U.S. Congress.

Executive Director Robert Galinis, Deputy Director Steve Fleisch and their staff are to be commenced for their outstanding leadership and commitment to rehabilitation and education. I am pleased that Goodwill Industries of Broward County has been honored by the Vice President of the United States at the White House this past fall.

The dedication and devotion of the people of Goodwill Industries of Broward, has enabled many disabled adults to lead productive lives. These women and men deserve our sincere honor and respect as, year after year, they make Broward County a better place in which to work and live.

THE HOME EMPLOYMENT ENTERPRISE ACT OF 1987

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LIGHTFOOT. Mr. Speaker, today Congressman DICK ARMEY and I are introducing a bill, the Home Employment Enterprise Act of 1987, which would allow workers the freedom to choose to work at home. In a country which prides itself on allowing people freedom of speech, association, and religion, it is unfortunate that some people are being denied another right—that is, the freedom to choose to work at home.

This situation exists because of outdated Department of Labor regulations which prohib-

it people from working at home in certain industries—embroidery, women's apparel, jewelry, gloves and mittens, buttons and buckles, and handkerchiefs. These regulations, approved over 40 years ago, have not been substantially changed since then. Last summer, the Department of Labor started the process of lifting the restrictions on these industries through the regulatory process, but it could be a long time before new regulations are promulgated.

It is, therefore, imperative that legislation be approved that would give immediate relief to the workers in these restricted industries. This legislation would lift the prohibitions of working at home in these industries, and would also extend to these workers the full protections of the Fair Labor Standards Act.

No one wants to see workers exploited or to deny them minimum wage and overtime protections. Today's workers should be guaranteed at least the minimum wage and overtime pay. But then, no one should want to stymie American creativity, ingenuity, and enterprise. Keeping these restrictions in place limits job creation and business development, especially in our Nation's more rural areas.

During the last several years, our rural communities have been hard hit by the downturn in the agricultural economy. Businesses have closed, and jobs are scarce. Many farm families have sought additional employment to help make ends meet during these difficult times. Many of these families have turned to cottage industries scattered throughout rural communities as a way to earn a few dollars.

These industries, many of them employing homeworkers, have generated needed jobs and income in rural communities. To many farm families, the opportunity to work at home has been an attractive alternative to traditional jobs in a factory or a business.

By choosing to work at home, the traditional husband/wife partnership on the farm can be maintained. Furthermore, working at home means reduced child care, clothing, and transportation expenses. It also enables these workers to set their own hours and to work as many or as few hours as they desire.

This is an important issue in my district. Many of my constituents have expressed outrage about the government's attempts to close down these cottage industries. They take offense when outsiders tell them that they are being exploited by these industries. They also find it hard to believe that the government would rather have them collecting welfare than earning a living in one of these restricted industries.

As one homeworker in a restricted industry wrote,

It is real funny that the last 5 years we farmed and lost money the government never came in and told us we had to make minimum wage. Now we are (making minimum wage), and they're trying to stop us.

Another homeworker wrote,

It doesn't seem fair to have restrictions in one industry and not in others. Under current law, sewing men's apparel in the home is legal, while sewing women's apparel is illegal. Furthermore, it is all right to knit sweaters in the home, but it is not all right to knit mittens and gloves.

To many in my district and to me, these regulations are inconsistent, arbitrary, and unfair. They are denying many people who want to work in their homes the right to work in their homes. And, they are preventing the creation and retention of many jobs in our Nation's rural communities. With this in mind, I urge my colleagues to take prompt action on this legislation.

THE WAR OF POINTS GOES ON

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. BOEHLERT. Mr. Speaker, since last October 25, my office has been deluged with calls from all over the country, from many of my colleagues' constituents, asking about the current status of the onerous IRS ruling on mortgage refinancing. October 25 is when the nationally syndicated columnist Ken Harney wrote the following newspaper column which I would like to submit for the RECORD.

As it will sharply affect hundreds of homeowners across America, I would like to remind my colleagues of this ruling, and invite them to cosponsor legislation I have introduced today with Mr. STALLINGS. Our legislation, H.R. 4849 or 4911 in the 99th Congress, will clarify current law and stop the IRS from skimming revenue off the impressive boom in home refinancing.

As you'll remember, last May the IRS shocked millions of homeowners with the news that the deduction for refinancing-related "points" must be taken over the life of the loan, often up to 30 years, not in the first year, as has been the common practice for as long as anyone can remember. This action was announced even though points paid on a new mortgage or a home improvement loan are deductible up front, and Congress has never—never—expressed its intent that refinancing points be treated any differently.

Our bill would cause no major revenue loss—the Treasury has never seen that revenue since taxpayers have routinely deducted home mortgage points for years. It's also worth noting that the Treasury already nets more revenue when homeowners refinance—smaller interest payments mean smaller interest deductions. The ruling also needlessly complicates the alternative minimum tax.

In short, the IRS ruling is a nasty swipe at the 2 million Americans who welcomed dropping interest rates last year by refinancing their homes. The action is an inappropriate and confusing revenue grab that runs against the principles of fairness, simplicity, and tax relief for average Americans.

When Congress adjourned last fall, our bills had nearly 200 cosponsors in the House. The list of cosponsors for our new legislation is already growing toward our new goal of 218 cosponsors, a House majority. A companion bill is being introduced in the Senate, and we seek to clarify current law before April 15.

Incidentally, Mr. Speaker, we have appealed more than once to the Secretary of the Treasury and the IRS Commissioner to review this inappropriate action, and have received no response. This ruling may affect more than 2 million families holding $150 billion in home mortgages, but we have received no response.

Congress can supply him with the response. My colleagues who are interested in helping set this straight should contact either me or Mr. STALLINGS. More information follows in the column by Mr. Harney:

[From the Washington Post, Oct. 25, 1986]

THE WAR OF POINTS

(By Kenneth R. Harney)

If you're one of the estimated 2 million American homeowners who have recently refinanced or are currently refinancing a mortgage, you need to know about the latest skirmish in the war of points of 1986.

Don't confuse this with the tax-revision war of 1986. The homeowners' fight concerns a much narrower issue, but one that may touch your bank account more deeply next April 15. It has to do with the deductibility of prepaid interest—known as "points" in mortgage parlance—that your lender subtracted from the dollars you received when you refinanced.

Your loan may have been quoted at 10 percent with three points, 9 percent with four points, or 8½ percent with five points. Whatever it was, you paid hard-earned bucks—interest in advance—to your friendly lender. Most likely the fees added up to $1,000 or more, since one point equals 1 percent of the loan amount.

The first shot in the war of points occurred in May, when the Internal Revenue Service shocked homeowners and lenders with a terse announcement. The IRS, in a warning, said it was readying a "revenue ruling" that will prohibit homeowners from deducting their refinancing points next April unless the proceeds of the new loan are used for home improvements.

Home buyers, tax lawyers, real estate brokers, accountants and mortgage lenders hit the ceiling. Why shouldn't all prepaid home-mortgage interest be deductible, they asked? Why should points on new mortgages and points on home-improvement loans be eligible for writeoffs, but not points on run-of-the-mill refinancings?

The IRS reached back to the last major tax revision—in 1976—for its answer. Since that law specifically exempted only points on new mortgages and home-improvement loans from a general ban on deductions of prepaid interest, the IRS reasoned, Congress must have intended that points on home refinancings were not deductible. They must be capitalized instead—written off in the course of the refinanced mortgage.

Wrong, said several members of Congress. The 1976 tax law didn't specifically mention refinancing, they argued, because no one on Capitol Hill thought it needed separate reference. Home-mortgage financings as a whole, including refinancing, were exempted from the prepaid interest-deduction ban a decade ago, according to the members of Congress.

The IRS refused to back off its position. So did the members of Congress. They introduced legislation that would pull the rug out from under the IRS, even if it went ahead with its controversial ruling.

One of the bills, sponsored by Rep. Sherwood L. Boehlert (R-N.Y.), quickly picked up 120 cosponsors in the House. The other bills, one each in the Senate and House, pulled in 80 more cosponsors.

With 200 legislators joining the effort to reverse its interpretation of Congress' intent 10 years ago, the IRS fell silent. It never published its ruling. Neither, however, has it publicly offered any hint that it was changing its mind.

As a result, tax lawyers and accountants across the country have been uncertain of what to tell their clients about refinancing.

The congressional sponsors of the "points-reform" bills aren't satisfied with the uncertainties created by the IRS inaction. Led by Boehlert, they've sent a letter to Treasury Secretary James A. Baker III demanding that he force the IRS either to reverse its position of last spring or to go to a neutral corner and allow Congress to clarify the law.

Backed up with a new congressional research study, the letter charges that the IRS's sudden interest in the issue was "purely a revenue grab, since so many Americans suddenly are refinancing," in the words of Dale Curtis, tax aide to Boehlert.

"How come it took them 10 years to focus on refinancing?" Curtis asked. "Because there wasn't potentially much money in it [additional tax-revenue dollars for the IRS] until this year. Otherwise, they would have let the whole thing ride."

The new congressional research cited by the members of Congress concludes that the Treasury would see net revenue gains during the coming decade by allowing the current deduction of points to continue. Although there would be an $80 million loss in 1987, the study said, from then on a pro-refinancing tax policy produces net revenue. That's because homeowners generally would be lowering their total mortgage-interest deduction by shifting to lower-rate mortgages via refinancing.

What's the outlook? Treasury Secretary Baker hasn't responded to the letter yet, and Treasury spokesmen were unavailable to comment. But Curtis is convinced that the IRS is going to be reversed—"either by Congress next year," he predicts, "or through Treasury's in-house political wisdom. The refinancing handwriting's on the wall."

JACK WATERMAN RETIRES

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the retirement of Jack Waterman as Ventura County Assessor.

Jack Marcus Waterman was born May 14, 1923, in Helena, MT, into a large family of six brothers and two sisters. After completing high school he joined the Navy in 1942 and served for 23 years and 6 months, retiring as a chief petty officer. His duties included service as aviation machinist mate and instituting and instructing schools in basic military requirements and aircraft fundamentals. He attended management schools and taught Navy leadership as well.

Jack was hired by Ventura County Assessor's office in 1962 as an appraiser trainee. After a year he was promoted to appraiser. In June 1964 he obtained his associate of arts degree from Ventura Community College and continued his education by taking classes through the University of California Extension. Promotions in the assessor's office followed, going from supervising appraiser, March 1967, assistant chief, real property, June 1973, and chief—valuation November 1975. He sought and won the position of assessor in November 1977 and retired from that position in November 1986.

Jack has earned a reputation in Ventura County for his knowledge of tax laws and sensitivity to taxpayers.

I ask my colleagues to join me in wishing a very happy retirement to Jack and his wife Eileen. They plan to spend time with their six children, Doretta, Patti, Sharon, Michelle, Tracy, and Jack III.

CONGRESSIONAL AWARD PRESENTED TO 51 YOUTHS IN 10TH DISTRICT OF VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. WOLF. Mr. Speaker, on December 16 I had the honor of presenting Bronze, Silver and Gold Congressional Awards to 51 high school and college students from the 10th District of Virginia in a ceremony held in the Cannon Caucus Room and the second local congressional awards ceremony in Virginia.

I formed the 10th District Congressional Award Council 2 years ago composed of 48 community leaders representing business, education, religious, political, and youth services who recommend young people to receive congressional award medals for outstanding voluntary public service and personal achievement.

As you know, the Congressional Award Program was established by Congress in 1979 and is designed for Members and the private sector to work together to recognize initiative, achievement, and excellence of America's youth. Young people may earn awards by meeting criteria established in the areas of voluntary public service, personal development, and physical fitness. It is the only award which Congress presents to youth ages 14 to 23 in recognition of their voluntary public service and personal excellence.

Mr. Speaker, our youth are our leaders of tomorrow. This program serves the important purpose of motivating our young people to succeed and achieve personal excellence while making a contribution through service to their communities.

Murriel Price and George Layne, principal and assistant principal, respectively, at McLean High School in McLean, VA, are co-presidents of the 10th District Congressional Award Council.

Council members including Sister Majella Berg, RSHM, Rabbi Laszio Berkowits, Margaret Bocek, Anne Bumpus, Robert Butt, Leslie Butz, Michael Collins, Mark Crowley, Dan DeSomma, Bob Dix, Linda Douglas, Joseph Downs, Fred Drummond, Rev. Emmitt Eccard, Dr. Richard J. Ernst, the Honorable Nancy Falck, the Honorable Shannon Geddie, the Honorable Dorothy Grotos, Father John A. Geenan, the Honorable John F. Herrity, Fred Hetzel, Michael Horwatt, the Honorable Henry Hudson, Rev. Peter James, Dr. George W. Johnson, Rev. Neal Jones, John Koons, Jr., Nancy Kramer, Henry Lampe, Dr. Mary Anne Lecos, Rev. Aaron Mackley, Dr. Philip Mazzocchi, Jr., Leonard McDonald, Dr. Elicabeth Morgan, Anne M. Morton, the Honorable Martha Pennino, John W. Pumphrey III, William Roeder, the Honorable Kenneth Rollins, Jan Schar, the Honorable George P. Shafran, Dr. Robert Spillane, Dr. Margaret Stimfle, John M. Toups, Lorraine Whitfield, Richard E. Wiley, Earle C. Williams and Susie Wyland.

In addition to recognizing the work of the council, I would also call attention to the outstanding jobs in preparation for the awards ceremony performed by Margaret Stimpfle, award review committee chairman; Anne M. Morton, ceremony committee chairman; Bob Dix, fundraising committee chairman; William Roeder, legal committee chairman; Jan Schar, treasurer; George Layne and Murriel Price, networking committee chairmen; and Linda Douglas, public relations committee chairman.

Young people may earn a congressional award by achieving activity goals in each of the following three areas. Within standard age and time requirements:

Voluntary public service: To provide voluntary public service to community.

Personal development: To develop personal interests, social and employment skills.

Physical fitness activities: To improve health and fitness and leadership skills.

Bronze Award: Youth can be recommended for a Bronze Award if they are between the ages of 14 and 17 and have completed 200 activity hours—100 hours in voluntary public service, 50 hours in personal development and 50 hours in physical development.

Silver Award: Youth can be recommended for a Silver Award if they are between the ages of 17 and 20 and have completed 400 activity hours—200 hours in voluntary public service, 100 hours in voluntary public service, 100 hours in personal development and 100 hours in physical development.

Gold Award: Youth can be recommended for a Gold Award if they are between the ages of 20 and 24 and have completed 800 activity hours—400 hours in voluntary public service, 200 hours in personal development and 200 hours in physical development.

Recipients of the congressional award from the 10th District of Virginia are:

Bronze Award recipients: Sheila K. Brown, McLean H.S.; Adam S. Chaskin, Langley H.S.; Richard H. Epstein, Langley H.S.; Mary Beth Geiven, McLean H.S.; Delya Ghosh, McLean H.S.; Andrew C. Hee, Langley H.S.; Nicole C. Hollis, McLean H.S.; Karen Ann Derndt, McLean H.S.; David E. Kildee, Langley H.S.; Stephen E. Ling, Langley H.S.; Sarah H. Moody, St. Agnes Episcopal; Melody Yun Ng, James Madison H.S.; Ellen E. Payling-Wright, McLean H.S.; Kevin W. Stone, Langley H.S.; Beverly J. Wade, James Madison H.S.; Noelle D. Willett, W. T. Woodson H.S.; and Saeri Yuk, McLean H.S.

Silver Award recipients: John L. Bailey, Langley H.S.; Deborah Anne Berkowits, McLean H.S.; Sarah Anne Bibb, James Madison H.S.; Jisoo Cha, McLean H.S.; Debra D. Cluff, Langley H.S.; David H. Collier, McLean H.S.; Daniel S. Donahue,

Washington-Lee H.S.; Chandak Ghosh, Yale University; Diana F. Glasener, James Madison H.S.; Teresa L. Hancock, Washington-Lee H.S.; Raymond R. Hoare, Langley H.S.; John Jay Jacobs, Wakefield H.S.; Amy C. Lambeth, Wakefield H.S.; Kristen L. Larson, James Madison H.S.; Rhonda E. Leavenworth, W-L H.S.; Jennifer Anne Mahar, James Madison H.S.; Mark R. Melia, Wakefield H.S.; William H. Mobley, W-L H.S.; Seung Eun Oh, Langley H.S.; John S. Pettibone, Langley H.S.; Kevin S. Reed, James Madison H.S.; Maureen E. Reilly, W-L H.S.; Deborah M. Scoffone, W-L H.S.; Margaret K. Smith, McLean H.S.; Michelle E. Staggs, Langley H.S.; Christopher D. Wells, W-L H.S.; Andre Dennard Williams, McLean H.S.; Jennifer H. Wilson, McLean H.S.; Maureen Wolthuis, McLean H.S.

Gold Award recipients: John M. Falk, Washington and Lee University; Glen David Gaddy, John Hopkins University; Kathleen Marie Gelven, College of William and Mary; Kathryn Hart, Marymount University; Heidi Joi Underwood, Marymount University.

FATHER RONALD E. KURTH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Ms. KAPTUR. Mr. Speaker, this past November 20, the Toledo community lost one of its most passionate voices for justice, Rev. Father Ronald E. Kurth. At 49 years of age, Father Kurth had struggled valiantly against one of the most debilitating forms of cancer. Yet in this struggle, as in his entire life, he exemplified the virtues of perseverance, love and courage as well as demonstrated the full measure of human dignity.

Throughout his career, Reverend Kurth had fought to reform the institutions of society often grown cold in the face of human despair. It was his special gift of love that reached to the impoverished and to those people existing at the margins of society. His work in reforming the State and local prison systems is widely recognized.

In 1983, Father Kurth was recognized by Governor Celeste for his work in the area of civil rights. In recognition of his work as a community organizer, he won the Service to Mankind Award of the Fort Meigs Sertoma Club for his efforts in the local criminal justice system. Father Kurth considered his greatest award coming in February 1983 when a consent decree was signed in Cleveland by attorneys for Ohio, for the inmates, and by U.S. District Judge Frank Battisti, which required the eventual closing of the 87-year-old Mansfield Reformatory.

It is fitting here as a lasting tribute to quote from his own words, remembering the role of people of faith regardless of denomination, in serving justice and the potential for human dignity for all people:

I simply argue that the cross be raised again at the center of the marketplace as well as on the steeple of the church. I am recovering the claim that Jesus was not crucified in a cathedral between two candles * * * but on a cross between two thieves; on the town garbage heap; at a crossroads so cosmopolitan that they had to write his title in Hebrew and in Latin and in Greek * * * at the kind of place where cynics talk smut, and thieves curse and soldiers gamble. Because that is where church people ought to be, and what church people should be about.

TRIBUTE TO RONALD AND MARY ELLEN KARL

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. MRAZEK. Mr. Speaker, one of the acknowledged cornerstones of the American way of life has been a traditional spirit of volunteerism.

Of course, this special trait of our people can take many forms. For many of us, the hour or so required to make a blood donation every 6 weeks serves as our contribution to the welfare of others. Others give time to deliver meals to the elderly, organize Toys for Tots campaigns or provide auxiliary assistance at the local hospital. None of these gestures should be discounted, regardless of the relative amount of time required to perform the acts.

Nevertheless, Mr. Speaker, for some members of our society, volunteerism is a way of life. As a case in point, I would offer for the edification of my colleagues the example of Ronald and Mary Ellen Karl of Eatons Neck, Long Island.

In 1983, these old friends joined the Coast Guard Auxiliary. In the interim, they have compiled a collective 4,000-plus hours as volunteers in a variety of pursuits.

Among their contributions to the auxiliary have been service as instructors, leading public education courses in boating safety and training for auxiliary members in specialized disciplines; as courtesy examiners, providing free vessel examination for the boating public; as operators, performing safety patrols aboard their own vessel *Bottomtime* and assisting a total of 141 individuals and 56 vessels in distress during the course of their service; as auxiliary coxswains, achieved by completing more than 225 practical tasks ranging from line handling and towing procedures to navigation rules; as communications specialists, monitoring distress frequencies for the Coast Guard; and as qualification examiners, assisting in training, and qualification of the membership in the Boat Crew Qualification Program.

Beyond this, Mr. Speaker, my friends, Mary Ellen and Ronnie, have found time to place first in the 1985 Third Northern Coast Guard District Boat Crew Competition. They received the 1985 Division Captains Award for outstanding service. They obtained AUXOP status within 1 year of membership, an extremely high level of achievement within the auxiliary obtained by completing seven demanding specialty courses in seamanship. And they recently graduated from the National Search and Rescue School at the Coast Guard Training Center in Cape May, NJ.

Mr. Speaker, the 4,000-plus volunteer hours which I cited as the Karls' service to the Coast Guard Auxiliary is probably a conservative estimate. I know that they have logged countless hours at night manning their radio, a last beacon of hope for mariners in distress. This vigilance extends to two mobile radio units in their cars, and to service as communications links between auxiliary vessels on patrol and the Eatons Neck Coast Guard station.

It has been my pleasure to know Mary Ellen and Ronnie for years; Mary Ellen even once served me well as a secretary and now has been appointed as an aide to the commodore of the Third Northern Coast Guard District. I therefore am pleased and proud to call their selfless efforts to the attention of my colleagues as an example for all of us.

ARTHUR C. CLARKE: THE MENACE OF CREATIONISM

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LEHMAN of Florida. Mr. Speaker, I recently had the privilege of meeting Arthur C. Clarke during a visit to Sri Lanka. Mr. Clarke, who makes his home outside the capital city of Colombo, continues to write about the world's current problems and our prospects for the future.

I was thrilled to be presented with a copy of his recent book, "1984: Spring/A Choice of Futures." In giving me this book, Mr. Clarke remarked that the most important essay in the collection was the last, entitled "The Menace of Creationism."

Mr. Speaker, I would like to share this essay with my colleagues. I am confident that they will find his words on the subject both entertaining and enlightening.

The essay follows:

THE MENACE OF CREATIONISM

Today's mail brings a letter from a schoolteacher in Anchorage, Alaska, with the request: "My students have been interested in the debate surrounding Evolution versus Creation. I would value your opinion . . ."

As it happens, my first scientific hobby was fossil-collecting, and I didn't gravitate toward astronomy until the ripe age of ten or so. But I always retained an interest in paleontology, which was considerably heightened when I met Louis and Richard Leakey during the production of *2001: A Space Odyssey.*

On that occasion, Dr. Leakey confided to me that he had written a play about an anthropologist who is sent back into the past by an African witch doctor, so that he can observe the origin of man. He would have been delighted to see how close his son came to achieving this in the magical opening of *The Making of Mankind*—where, in one breathtaking sequence, it seems that the TV camera has indeed gone back to the Dawn of Man, to gaze directly into the eyes of our ancestors.

But to return to the Alaskan teacher's question: the blunt answer is that Evolution versus Creationism is not a matter of *Opinion*—mine or anyone else's. Evolution is a FACT, period.

What *is* a matter of opinion is Darwinism. That is a THEORY—and it's unfortunate

that many people (sometimes deliberately, sometimes ignorantly) confuse the two.

The FACT of Evolution is now almost as well established as the shape of the Earth—which, incidentally, is still denied by some religious fanatics, because there are several passages in the Bible which imply that the Earth is flat. Of course, no one can *disprove* the hypothesis that the world was created six thousand years ago—or for that matter six thousand *seconds* ago!—so that it now appears as it is, complete with faked fossils and an infinite wealth of phoney yet utterly convincing evidence indicating an age of millions of years. But such a theory is also impossible to *prove*; and why should God perpetuate such a gigantic fraud—such an insult to the intelligence which is our noblest attribute?

As a tragicomic footnote to the history of science, the nineteenth-century naturalist Philip Gosse attempted to reconcile the fossil record with Genesis, by just such intellectual contortions—but even the pious Victorians laughed his book *Omphalos* to scorn. If there *is* such a crime as blasphemy, belief in this form of "Creationism" comes close to it. Einstein summed up the situation perfectly: "The Good Lord is subtle, but never malicious."

I find it almost incredible—and indeed tragic—that any intelligent person can possibly find the slightest threat to his religious beliefs in the concept of Evolution, or the immense vistas of time opened up by geology and astronomy. On the contrary—they are infinitely more awe-inspiring and wonderful than the primitive (though often fascinating and beautiful) myths of our ancestors. Indeed, some devout Christians (e.g., the Jesuit priest Dr. Teilhard de Chardin, to give the best-known example) have made them the very basis of their own faith.

So why do people who call themselves Christians object to Evolution? I suspect that the reason isn't very flattering: it damages their ego—their sense of self-importance. That same impulse made their counterparts, four hundred years ago, refuse to accept the now indisputable facts of astronomy. That famous act of stubborn stupidity by the Catholic Church (though let's be fair—Galileo was a cantankerous genius who practically insisted on martyring himself, despite the attempts of his many clerical friends to stop him) did more than any other event in history to destroy the credibility of the Christian religion. It also brought Italian science to a full stop for centuries—a chilling reminder of what a victory for Creationism could do to American education.

And to American industry and security! It is not generally realized that there are also matters of enormous practical, commercial and even *strategic* importance involved in the Evolution-Creationism debate—it's not merely(!) a matter of religious belief. The discovery of new mineral resources and oil fields is now a branch of applied geology—a science which cannot be studied rationally without an understanding of the time scales and mechanisms involved. Although I've no doubt that there are some geologists who think that everything began around 4000 B.C., I'd invest in their companies just about as readily as I'd trust myself to an airline navigator who believes that the Earth is flat.

(Incidentally, I'm working on a theory that the attempt to persuade Americans that the world is six thousand or so years old is actually a diabolical Russian plot, because some KGB genius realizes that "Creationism" will ultimately destroy the U.S. oil and mining interests. The next move is to get Congress to pass a law making pi = 3, as is clearly stated in I *Kings* vii.23 and 2 *Chronicles* iv.2. Then Detroit will be forced to manufacture cars with elliptical wheels, etc. You can take it from there. . . .)

One of the glories of the American way of life—the very reason the United States has attracted refugees from foreign tyrannies and still continues to do so—is that every citizen is allowed to express his own opinion. But there are limits; as a wise jurist remarked, freedom of speech doesn't include the right to shout, "Fire!" in a crowded theater.

I would defend the liberty of consenting, adult Creationists to practice whatever intellectual perversions they like in the privacy of their own homes; but it is also necessary to protect the young and innocent. Though it would be absurd—and inhumane—to suggest that a teacher who sincerely believes in Creationism should be excluded from the educational system, he should not be allowed to conduct classes in biology or the earth sciences—any more than a flat-Earther should be allowed to teach geography. (Though some flat-Earthers and Creationists might well serve as devil's advocates, challenging pupils to refute their arguments, and thus begin the painful process of thinking for themselves.)

The resulting debates would probably be no more heated than those going on right now between scientists who believe in Evolution but don't believe in Darwin—a situation which has been gleefully exploited by the Creationists. Darwin's theory (repeat, THEORY) states that the force or mechanism which drives the evolutionary process is natural selection; favorable modifications or adaptations survive, while the losers in the genetic lottery die out. No one doubts that this happens, but many biologists do not believe that it can explain all the truly fantastic phenomena (and creatures) that exist in the world of living things. For even a "simple" bacterium contains a greater degree of organization than New York City (no great compliment, perhaps). The evolution of life, particularly in its complex modern forms, seems to involve far too many improbable coincidences—even if the dice are biased by natural selection.

Yet in billions of years, even the most improbable coincidence do happen. For example: only an hour after I'd started writing this article, I had a visit from one of Darwin's most vigorous latter-day critics—the astronomer Dr. Chandra Wickremasinghe, who annoyed many of his fellow scientists by appearing at the recent Arkansas trail. But he probably upset the Creationists even more, for he has no doubt of the reality of Evolution and the huge time-scales involved.

In their 1981 book *Space Travellers: The Bringers of Life*, Dr. Wickremasinghe and his colleague Sir Fred Hoyle suggest that the universe is literally infested with bacteria—perhaps originating in cometary environments, which are exceedingly rich in water, carbon and all the essentials of life. Startling though this theory is, they have now gone on to propose a far more revolutionary idea, which in a way is an updating of William Paley's "argument from design," viz., "If you find anything as complicated as a watch—there must be a watchmaker."

Hoyle and Wickremasinghe argue that the marvelously adapted life forms on Earth (including us) were planned by a superintelligence which "seeded" our galaxy with spores, carefully designed to evolve into future higher organisms. The idea that God (or whatever you like to call our Creator) was a genetic engineer working with DNA a few billion years ago seems to be quite compatible with religious faith. Incidentally, the concept is not new; it was developed in Olaf W. Stapledon's magnificent history of the next 2 billion years, *Last and First Men.* (A book which profoundly influenced my own career and writing.)

Hoyle and Wickremasinghe's theories are, to say the least, stimulating; it will not be easy to prove or refute them. Even if they are wrong, they may be valuable in opening the eyes of biologists (and astronomers) to possibilities that have been overlooked—except by science-fiction writers. . . .

Finally, I would like to express my contempt for those who refuse to face the obvious fact that we are all part of the animal kingdom, and regard this as in some way demeaning. As Thomas Huxley said to poor Bishop Wilberforce when he demolished him at the famous 1860 Oxford debate: "I would far rather have a humble ape for an ancestor, than a man who used his talents to oppose the search for truth. . . ."

Technically speaking, of course, we *don't* have apes for ancestors; we both diverged from a common stock, hence the popular use of the word "cousin" for the relationship. As one who still mourns for two deeply loved little monkeys, I would be proud to claim an even closer kinship.

When one looks at the incredibly diverse pattern of terrestrial life from the *cosmic* viewpoint, the apes and monkeys no longer seem our cousins—but our brothers and sisters.

Who, then, are our cousins? Why, of course, the flowers and the trees. . . .

Does anyone object to *that* relationship?

Soon after this article was written, I came across the following statement, issued just a few months earlier by a distinguished group of scientists:

"We are convinced that masses of evidence render the application of the concept of evolution to man and the other primates beyond serious dispute."

This should settle the matter, as far as those who call themselves Christians are concerned. For whatever their doctrinal differences, surely even the most fanatical Protestants will admit that the Vatican does speak with a certain authority on matters of faith. . . .

Yes, the Pontifical Academy of Sciences summed it up very well. Evolution is now "beyond serious dispute."

LEGISLATION CUTTING OFF AID TO THE NICARAGUAN CONTRAS UNTIL THE CONGRESSIONAL INVESTIGATING COMMITTEES HAVE REPORTED

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. LEVINE of California. Mr. Speaker, for the last 2 months our Nation has suffered through the most serious foreign policy debacle since the Bay of Pigs, and the most debilitating domestic scandal since Watergate. These twin crises were spawned by the Presi-

dent's decision to attempt to trade arms for hostages, and the actions of high level administration officials to use funds generated by those sales to fund the Contra war in Nicaragua. It has become increasingly clear in recent weeks that the administration has been actively involved in procuring funding for the Contras during a period when direct or indirect government assistance to the Contras was banned by law. These actions were apparently taken despite President Reagan's having said in connection with the funding for the Contras approved last year that—

I want to state unequivocally that I will not augment this $100 million through the use of CIA or any other funds that have not been approved by Congress for this purpose.

The law demanded as much, and the President declared that he would abide by it. Yet even before the diversion of funds from the Iranian arms sale to the Contras, the administration appears to have been actively engaged in circumventing the law in order to pursue a policy repudiated by Congress.

Numerous unanswered questions remain about the extent of administration involvement in this secret aid network and the amounts of money which reached the Contras as a result of administration activities. It is totally unacceptable that the Contras should benefit from the administration's illegal activities and be subsidized by the American taxpayer. We should halt the flow of legal money until we can determine how much the Contras have received under the table through the administration's secret aid network.

The General Accounting Office continues to be unable to account for fully half of the $27 million in humanitarian aid which Congress authorized for the Contras in 1985. The Contras claim that they never saw the $10 to $30 million in profits from the Iranian arms sale. And, most recently, the Secretary of State has admitted that no one can account for the whereabouts of $10 million he solicited from the Sultan of Brunei. Numerous allegations have been made in the press about the possible whereabouts of these funds: That money was deposited in the personal bank accounts of high Contra officials in the Cayman Islands, that it has been used by the Contras to bribe Honduran officials to ease the strain of thousands of Contras remaining in armed camps inside Honduras, and that it has been used to finance drug-smuggling operations allegedly carried out by Contra associates. Whatever the truth of any of these allegations, we cannot continue sending aid to the Contras when we have no idea whether more than half of the aid we sent in 1985 has been used for any of the purposes which were used to justify our sending it.

Until the special investigating committees of Congress have had the opportunity to review the entire case, including all activities undertaken by the administration in Central America, the records of the various bank accounts involved in the diversion of the Iranian arms profits, and how the money diverted from this operation as well as previous aid to the Contras was used, we should stop sending American taxpayers' dollars to an uncertain fate in Central America.

That is why Representative JIM LEACH and I are today introducing legislation to cut off all aid to the Nicaraguan Contras until the congressional investigating committees complete their investigations of the diversion of funds from the Iran arms sales to the Contras, and until previous aid sent to the Contras is accounted for.

Until we do know how much money the Contras may have received as a result of the administration's secret and possibly illegal resupply operation, and we remain unable to account for previous, authorized aid, it would be irresponsible to continue to send more money to the Contras. Congress cannot continue to blithely authorize expenditures of taxpayers' money until we have a much more complete accounting for the money which has already been spent, and a better understanding of how those in the administration have spent other funds earmarked for the Contras. Our bill would put a halt to our legal support for the Contras until it can be determined just how much illegal support they have received with the administration's help, and what they have done with the aid we have sent before.

ERROR IN THE TAX REFORM ACT

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. SCHULZE. Mr. Speaker, one of the most glaring errors made in the Tax Reform Act of 1986, was the elimination of deductions for interest on educational loans. Interest deductions on loans are not tax loopholes. These deductions are investments in our future—investments in our children's minds and intellect.

The overriding theme of the 100th Congress is competitiveness. This is as it should be. However, denying interest deductions for educational loans, and specifically for those in lower- and middle-income classes who need them the most, is noncompetitive and counterproductive. Mr. Speaker, this should not be.

Today I am introducing legislation to reinstate interest deductibility for qualified educational expenses. I urge my colleagues to join in this effort and support America's economic and cultural future.

LATVIAN HELSINKI GROUP FORMED

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. HOYER. Mr. Speaker, I would like to call my colleagues' attention to the founding of a new Helsinki Monitoring Group founded by three citizens of Soviet-occupied Latvia. The group calls itself "Helsinki '86" and has issued a statement of principles in which it pledges to block the path of lies and terror, to grant all nations the freedom of self-determinations and to observe the Helsinki accords closing document agreed-to principles.

As my colleagues are aware, Latvia is one of the three small Baltic nations invaded and illegally occupied by the Soviet Union under Stalin in 1940. Together with Estonia and Lithuania, Latvia had been independent since the end of World War I, having thrown off the yoke of the Russian Empire. Nevertheless, Stalin used the treacherous Molotov-Ribbentrop Pact with Hitler on the eve of World War II to lay the groundwork for crushing those free and prosperous nations flourishing at the very doorstep of Stalin's enormous, yet impoverished, police state. The last prime minister of Latvia, Karlis Ulmanis, was seized by the occupation forces and disappeared into the gulag. At the same time, approximately 34,000 Latvians were shot or deported to Siberia by the occupation forces. Following the Nazi occupation and Soviet re-occupation during World War II, over 60,000 Latvians were sent to Siberia. Approximately 50,000 more were sent to eastern Russia in 1949. As a result of being located between two giant aggressor states, Latvia saw its population reduced from around 2 million in 1935 to 1.3 million in 1945.

The U.S. Government does not recognize the Soviet seizure of Latvia, nor does the U.S. adherence to the Helsinki accords change that position in the least.

Mr. Speaker, the Latvian people still long for their freedom and the rights guaranteed to them under the Helsinki accords. There are at least a dozen Latvian political prisoners in the Soviet Union of which the West is aware. When a delegation of American officials visited Riga recently, they were told, "you are our only hope." I am sure that we will continue to press for the rights of the Latvian people under the Helsinki accords, and justify the hopes that they have placed in us.

Mr. Speaker, I would like to express my gratitude to the World Federation of Free Latvians for providing the Helsinki Commission with the documents of the "Helsinki '86" group, and to Cdr. A.M. Mezmalis, U.S. Navy, retired, for their translation. At this time, I submit them for inclusion into the RECORD:

Dear Countrymen in Foreign Nations:

We are turning to you with a request to have these documents translated into international languages and to have them delivered to the addressee. Our people's situation is critical, that you know; and, our existence is not solely dependent on ourselves. Therefore, do not get tired in your endeavors to find help from the democratic nations, and at every opportunity bring more to light all of the injustices inflicted on our people. Do not be preoccupied with your overabundance; that will bring only destruction and extinction. Hold your people like god. "My nation is my God." Every Latvian must live with such a conviction. Not to lock oneself up in a narrow nationalisltic circle, but be international. . . . History shows that every nation's fundamental sovereignty is based on emigration. We, in our homeland, are able to do very little. We, who have established this group in face of our destiny . . . and nonetheless, we are speaking openly, because our nation is worth more than we.

If you have the opportunity, inquire about us where we are after half a year, a year, or only just after a few weeks. All these documents you can publish.

GROUP " 'HELSINKI' 86,"

July 1986.

(Signatories: Grantins, Linards; Bariss, Martins; Bitenieks, Raimonds.)

Taking into consideration Articles 49 and 50 of the Latvian S.S.R. Constitution, we agree to establish a group which will monitor how our people's economical, cultural and individual rights are being observed.

We agree, openly and without censure or pressure from outside, to inform international organizations about violations that are being carried out against our nation itself.

Our principle—to block the path of lies and terror.

To grant all nations the freedom of self determination. To observe the Helsinki Accords' closing documents agreed to principles.

We agree to name the group Helsinki.

"'HELSINKI' 86,"
Liepaja, Latvia.

(Signatories: Grantins, Linards; son of Alberts; born in 1950 in Omska region; working in Bosericinska region as 2nd grade "Dailradi" amber, metal jewelry craftsman; 47-8 M. Bukas St., Liepaja; Bitenieks, Raimonds; son of Ernests; born in 1944, Liepaja, Latvia; working in Liepaja's central hospital as (driver?); 102-46 (Graupes?) St., Liepaja; Bariss, Martins; son of Peteris; born in 1947 in Latvia (L. . . . .?) region, town of (L. . . .?); working in Liepaja's (G. . . . .?) enterprise.

To USSR General Secretary Mr. Gorbachev:

We petition you, Mr. Gorbachev, to help us realize Article 69 of the Latvian S.S.R. Constitution, which states that Latvian S.S.R. reserves the right to secede from the Soviet Union. Please, also respect our people's interests. Permit us in our own nation to speak and to be understood in the Latvian language. Permit us, ourselves, to determine our destiny by referendum.

Permit us, ourselves, to east our own bread, and that which is left over, to sell to others; and not the other way around, to have only leftover bones, claws and udders to be cast aside for the people who are the producers of all of the material benefits. Permit us to freely meet with all of the peoples of the world; we have done no evil to any nation, and we have not earned to be locked up and taught with whom to be friends and with whom not to be.

Your people own unimaginable land vastness, from the Baltic Sea to Japan. You are in both, the North Pole and the South Pole. You are in all of the oceans of the world, and you also own the cosmos. That is almost as much as that which belongs to God. Is all that not enough for the Russian people? Do you really need, in addition, 1.5 million Latvians and an insignificant piec of land by the Baltic Sea? Come to us as friends, and in return you will receive friendship. Respect other peoples and you will be respected. If you do not respect other nations, then you will be inflicting an irreversible evil on your own people.

We need to remember a fairy tale, one that is common to many nations, about a fisherman, a gold fish and his wife.

We want to believe you that you will build a foundation for a democracy. Everyone will benefit from that, and there will not be any losers.

GROUP "'HELSINKI' 86,"
Liepaja, Latvia, July 1986.

Signatories: Grantins, Linards; Bitenieks, Raimonds; Bariss, Martins.

Soviet Union Communist Party Central Committee:

Latvian Communist Party Central Committee:

On July 30, 1986, after entering merchandise store No. 2 on Vitols Street, Liepaja, an elderly woman asked me to explain to her the writings on the appropriate price list. The captions were written only in Russian. The old woman said, with tears in her eyes, that nowhere any longer can she go shopping alone; everything is in the Russian language. The saleswomen do not feel it necessary either to speak in the native language or to learn Latvian, explaining that Russian is the main language, that others are unnecessary, and that this is the Soviet Union. After listening to the elderly woman's story, I also wanted to know why there are no captions in Latvian. I went to see the store manageress. The store manageress declared, in a rudely bold tone, that all documentation comes to her only in the Russian language, and that there is no one to translate; I said that this can be accomplished with the help of a dictionary. The store manageress replied that such an accusation has already been dealt with, and that the trade administration has denied the use of Latvian language captions. The manageress told me not to be assertive because this here is the Soviet Union. My nation's and my own honor was offended. I tried to explain to her that the Soviet Union and the Russian federation are not one and the same thing like she is trying to tell me. There are to be two languages in Latvia, firstly Latvian and only secondly Russian. Then, the offended store manageress tried to tell me that Latvian riflemen have fought for it to be this way. I saw that there is no sense speaking with such a person, where each of her uttered words is full of chauvinism. I only know that, if conversation is about the Latvian riflemen, we were taught in school that they were fighting for freedom and an independent Latvia, where national culture, language and traditions can be cultivated in freedom; and, that the Soviet Union was joined to feel more secure and more free.

The Latvian language is one of the oldest living languages, surviving and fighting the millenia, through plagues, through wars and inquisitions; and God has not given such an authority to anyone to deny a people their own language in their own country, not to mention the "people".

1. we want to know if inside Soviet Latvia exists the right to conduct a dialogue in Latvian?

2. What will be done to preclude newcomers from using the "two-stories high" Russian language in public places, which destroys the morality of children, teenagers and also adults more than foreign pornography?

3. Will steps be taken to prevent discrimination against the Latvian language?

4. Why has here developed a situation where the majority of the new, well-built and comfortable homes are being occupied by newcomers from outside the country, while the majority of Latvians live in old, dilapidated buildings and under humanely degrading conditions? That is a secret, but deliberate creation of animosity between nations, one that neither serves the Latvian nor the Russian interests. Why does not the state security service want to be aware of such lawlessness?

5. Why is no one fighting against the inheritors of czarist Russia's ideas?

Please provide a reply to us either through the press or directly in writing.

GRANTINS, L.

(Signatories: Grantins, Linards—1950, "Dailrade", Liepaja; Bitenieks, Raimonds—1944, Liepaja's palace (illegible), (illegible), (illegible), driver; (Illegible), (illegible)—1944, Gas group (illegible), (illegible), service master; Biezais, Vilis—1954, LRSPK photographer; Andersons, Guntis—1950, LRSPK photographer; Arajs, Vilnis—1954, Liepaja's bus park; Juris (illegible)—1944, Liepajas bus park; (Illegible), Janis—1945, Liepaja's bus park; Bariss, Martins—1947, Enterprise "(illegible)"; (Illegible) (illegible)—1933, (illegible), (illegible); (Illegible), Imants—1948, RET; Skelte, Ivars; son of Augusts—1945, Gas group office; (Illegible), Janis (illegible)—1954, Gas group office; (Illegible), (illegible)—19?1, OLFLE; (Illegible), (illegible), (illegible)—1946, (illegible); (Illegible), Ernests—1916, Pensioner; (Illegible . . . . .); Starasts, Peteris (illegible)—1961, Gas office.

SEVEN WAYS TO BETTER DECISIONS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. RITTER. Mr. Speaker, I would like to call to the attention of my colleagues the ideas put forth in David S. Broder's column in the January 7, 1986, edition of the Washington Post. Mr. Broder cites many useful concepts presented by Alice Rivlin, former director of the Congressional Budget Office and current director of economic studies at the prestigious Brookings Institute. I trust Members will find the proposals interesting, especially the idea to stop Congress' micromanagement: First, of Federal programs designed for States' jurisdiction; and, second, of big ticket defense acquisitions.

The article follows:

[From the Washington Post, Jan. 7, 1987]

SEVEN WAYS TO BETTER DECISIONS

(By David S. Broder)

Congress has once again pronounced President Reagan's budget an irrelevancy, "dead on arrival." The president, for his part, has once again declared the congressional budget process an abomination, badly in need of repair.

The reality is that neither the executive nor legislative branch has a great deal to brag about in its economic decision-making the last few years. And that underlying reality was addressed with exceptional common sense last week by Alice Rivlin, the first head of the nonpartisan Congressional Budget Office.

Since leaving that post a couple of years ago, Rivlin has been running economic studies at the Brookings Institution. She is a rare bird—an economist who writes sparklingly clear English, has a sense of humor and recognizes that her science is something less than precise or perfect. All those qualities were on display in the presidential address she gave the American Economics Association, explaining why "economic policy making in Washington in the last decade has been more frustrating, muddled and confusing than necessary."

Part of the reason, as Rivlin said, is that "political decision-makers see economists as quarrelsome folks who cannot forecast, cannot agree, cannot express themselves clearly and have strong ideological biases. Economists return the favor by regarding politicians as shortsighted, interested only in what is popular with the electorate and unwilling to face hard decisions."

Unfortunately, she added, "all of the stereotypes are partly right."

So what to do? Rivlin offered seven suggestions so sensible that they will strike many as radical. They deserve consideration, not only by professional politicians and economists but by a wider public concerned with the sloppiness of current federal economic decisions.

Her suggestions would upset existing power arrangements in both Congress and the executive branch and, some would argue, create turmoil greater than the promised gains in efficiency. But economic policy is so vital—and so badly managed—that no one can be content with the status quo. Here are her ideas:

First, she says government should "seek out decisions that should be made less frequently and arrange to do so." Put the budget on a two-year cycle, instead of the annual exercise it's been; make major revisions of the tax code even less frequently. "Big-ticket acquisitions, such as major weapons systems, should be reviewed thoroughly at infrequent intervals" and kept on a steady track, not subjected to constant starts and stops.

Second, Rivlin says, Washington officials should stop micro-managing so much. Turn more programs back to the states or substitute block grants for categorical programs. Let Congress set broad policy for defense spending, but not play armchair general or admiral.

Third, she says, let's consolidate economic decision-making in the executive branch by decision-making in the executive branch by restructuring the Treasury Department as the Department of Economic Affairs, including within it both the Council of Economic Advisers and the Office of Management and Budget. Then the basic decisions on taxing and spending would be under one roof.

Fourth, in her grand scheme, would be a simplification of the congressional budget process. Instead of the separate authorizing and appropriations committees, let there be a single committee in the House and Senate handling each major area of public spending. The tax committees would deal only with taxes, not Social Security and trade as well, and the budget committees would ensure that spending and tax decisions fit together to form a sensible fiscal policy.

To show she is ready to slaughter a sacred cow of her own profession, she suggests that the congressional "Joint Economic Committee should celebrate the important contributions it made to economic understanding . . . and then close up shop."

Fifth, she says, the independent Federal Reserve Board—which manages monetary policy and much more—should be brought closer into the dialog by "formal links" to the Department of Economic Affairs and regular reports to the congressional budget committees.

Sixth, there ought to be a single economic forecast for the government, instead of the competing, confusing and sometimes conflicting forecasts that now come out of Congress, the executive branch and the Fed.

And finally, so long as serious structural deficits persist, both Congress and the executive branch should be subjected to the discipline that is one useful feature of the Gramm-Rudman-Hollings law; every proposed increase in spending should be accompanied either by a compensating cut in another budget item or a proposal for raising the necessary revenue, so that fiscal neutrality is imposed.

Rivlin is properly modest about her prescription; she does not confuse her seven suggestions with the Ten Commandments. But they frame a necessary and long overdue debate about the processes by which Washington makes its basic economic decisions.

GETTING OUR MONEY'S WORTH FROM A SALARY INCREASE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. GUNDERSON. Mr. Speaker, as a child, I was often reminded that bad children received nothing but a lump of coal from Santa at Christmas. Well, it appears that most of us in Congress must have been bad during the past year since we were treated to a large lump of coal—a proposal by a Presidential commission for a substantial pay raise—just before Christmas. The negative mail is already pouring in. In fact, one constituent called me at my parents' home on Christmas simply to rail against the proposal.

It is important to put this whole process in perspective for our constituents. It was the presidentially appointed Quadrennial Commission on Executive, Legislative and Judicial Salaries which recently recommended pay raises of 60 to 80 percent to equalize the compensation paid to public officials with that of their counterparts in the private sector. The President has modified the Commission's proposal—reducing, for example, the Commission's recommendation for congressional salaries from $135,000 to $89,500—and submitted it to Congress for consideration. Congress now has 30 days in which to reject that increase.

This nine-member Commission was established in 1967 after we discovered that Congress was incapable of dealing with the issue of salaries—both their own and those of other Federal executives and judges. Thus, the recent recommendations of the Commission were not and are not the ideas of proposals of Congress.

In fact, there is no issue which creates more grief for elected officials than the pay issue. No matter how you respond to it, it's a "no win" situation. Even if Senators and Congressmen worked for free, there are those who would say that we were paid too much. So, how do you determine our proper compensation?

Perhaps the flaw in the proposal of the Quadrennial Commission lies in the fact that they are basing their recommendations on comparable responsibilities in the private sector. However, this isn't private industry—it's government. If there's one thing we don't do, it's run this place like a business. There isn't a business anywhere which would continue to operate after running deficits in 23 of the last 24 years.

Yet, the more I thought about this issue over Christmas, the more I became convinced that a slight modification of the Commission's theory of basing Federal executive salaries on private industry considerations just might provide a defensible option. Why not base increased pay for Government executives on the accomplishment of certain goals just as a private business would provide incentive pay for its employees?

If the annual Federal deficit is our top national priority—and I think it is—we can make any pay raise contingent upon a balanced Federal budget. The deficit is projected to be somewhere between $150 billion and $170 billion this year. The annual interest on the national debt is in excess of $100 billion. It seems that the cost of awarding salary increases when—and only when—a balanced budget is achieved would be a small price to pay to get us out of the red ink.

And we should apply these incentives to all Government executives, not just to Congressmen and Senators. In this way, we can expect to get the cooperation of the officials who actually spend the money Congress appropriates. They surely would be more careful in their own agency spending if they knew they wouldn't get a pay raise until the Federal budget is balanced.

Accordingly, I am today introducing legislation that would prohibit any salary increases authorized through the Quadrennial Commission process from taking effect until such time as the Federal budget is balanced. I urge my colleagues to give their most serious consideration to this legislation.

A MERGER POLICY RUN AMOK

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. EDWARDS of California. Mr. Speaker, today I join with Chairman Rodino of the Judiciary Committee in introducing a bill that will restore a needed measure of balance to a merger policy run amok. In short, that policy of the Reagan administration has been no policy at all; and, the losers have been local communities, employees, and productive companies who are forced to passively witness, at their expenses, the unending corporate war games.

What is needed in this permissive atmosphere is the inclusion of other voices, those who are the most directly affected by takeover raids—local leaders, citizens, suppliers, and customers. We have heard enough of the elegant rationalizations of corporate raiders and investment bankers on the abstract virtues of uncontrolled merger activity.

In response, Mr. Rodino and I have attacked the problem by using a mechanism already in place at the antitrust enforcement agencies—the reporting and disclosure system set up by Hart-Scott-Rodino Act of 1976. What we have done in this legislation is to close the so-called partnership loophole whereby Shell corporations or temporary partnerships can set up and technically avoid the legal requirement of reporting their intentions and assets to the Department of Justice or the Federal Trade Commission. In addition, we are requiring that the assets and credit arrangements of the acquiring parties be publicly disclosed, as well as projected loss of employment and closing of plants.

There is no reason for the Federal agencies or the public to be in the dark about those aspects which cut most deeply into the fabric of American economic and social life.

Finally, we are providing the antitrust agencies with sufficient time to evaluate both the short- and the long-term implications of those proposed mergers. Rushing to judgment on a billion dollar transaction can only hurt the long-term health of American industry and add to our international competitive woes.

I am pleased that our bill has been introduced in the 1st week of the 100th Congress, for the issues addressed in this legislation are of the highest priority. I ask that you join us in preventing our industrial landscape from being further decimated by corporate strategens such as we have witnessed in the past 5 years.

TRIBUTE TO GENEVIEVE DeFIORE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. COURTER. Mr. Speaker, as representatives of Morris County, NJ, we, JIM COURTER and DEAN GALLO, rise to recognize and honor one of that county's most dedicated public servants, Mrs. Genevieve DeFiore.

Genevieve has served in the Morris County Clerk's Office for 41 years, the last 12 as chief clerk of the registry section. Rare is the public servant who maintains a high quality of performance of the length of time Ginny has. As one of the few employees with experience in each of the departments in the clerk's office, she developed a unique perspective which has proved valuable to the development of the clerk's office. During her tenure in the registry section, she has seen the volume of documents received daily for recording increase nearly twentyfold.

As Mrs. DeFiore begins a well-deserved retirement, we would like to express our gratitude for the model of service she has provided her coworkers and thank her for her role in making Morris County the place it is today. Although the residents of Morris County will miss her professionalism and expertise, we are sure they join us in wishing her the best in her retirement.

ON SITE CHILD CARE: A SERVICE SORELY NEEDED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. BIAGGI. Mr. Speaker, today I am reintroducing the On-Site Day Care Privatization Act. This legislation is designed to encourage employers to provide quality child care for the dependents of their employees. It represents a remedy to a problem confronted by millions of families in our Nation.

The need for quality child care has increased significantly in the United States in recent years. The traditional family unit has, and will continue to undergo dramatic structural changes. Most specifically, these changes can be directly related to the increasing number of women who enter and remain in the workforce. Families now face the problem of increasing financial need, which results in two wage earners, while continuing to provide appropriate and responsible care for their children. This dilemna has forced millions of families to locate out-of-house care for their children.

In response to this rapidly growing problem, I have introduced this legislation. The On-Site Day Care Privatization Act would extend a 15-percent tax credit to businesses for all initial and on-going costs associated with employer operated day care facilities during the facility's first year of operation. During the second year, the employer would receive a 10-percent credit for all costs associated with salary expenses of workers at the day care facility. This legislation would take effect immediately after passage and sunset following 2 years.

Statistics regarding the transformation of our workplace through the increased participation of women clearly demonstrates the need for this legislation. For example, the percentage of women in the United States who work has grown from 24 percent in 1970 to 44 percent in 1984. The percentage of women in the work force with preschool children has risen from 3 percent in 1970 to 57 percent in 1984. This is not an indication of the mother with part-time employment. These figures do not represent the sometimes employed mother. Rather these statistics indicate the stark reality that 71 percent of all working mothers are employed 35 or more hours per week, and that figure is likely to increase even further as women to continue to enter the work force in record numbers. As a result, the needs of our society for child care services is quickly and recklessly careening out of control.

Quite simply, the largest and perhaps most sensible untapped resource for child care involves employer assisted projects. The House Select Committee on Children, Youth, and Families reported that of the 6 million employers in this country, only 1,500 provide some form of child care assistance to their employees. Yet studies have demonstrated that employer assisted child care operations provide numerous benefits to both workers and employees. Benefits include a significant decrease in employee absenteeism and turnover rates, a positive effect on employee attitudes resulting in heightened morale and motivation, and prehaps most importantly, a sharp rise in productivity. The employer also benefits from an increased ability to attract workers.

A study conducted by the National Employer supported child care project found that employers with day care facilities experienced increased recruitment of 85 percent. This astounding result only further provides employers with an incentive to explore the option of fulfilling the child care needs of their workers.

Unfortunately, we have witnessed only scant attention given to the issue of employer on-site day care. At this time, there is only one federally appropriated program that supports these day care services. To compound the problem, during the past several years the administration has attempted to drastically cut child day care benefits. Clearly, the need for serious consideration of employer provided day care is now more apparent than ever.

I am convinced that the private sector can provide and augment current child care services which will benefit both employers and workers. My bill is designed to encourage these employer initiatives and provide an incentive for their operation.

Studies have shown that satisfactory day care arrangements allow parents to function more effectively in the work environment. Studies have also demonstrated that arrangements provided by employers are both cost-effective and of quality nature. And finally, studies indicate that the need for responsible day care will continue to rapidly increase in this country.

This legislation addresses a need that exists for child care which neither sacrifices the quality of life for our children, nor sacrifices the ability and talents of our parents. I urge my colleagues to give their support for this family legislation and work for passage of the On-Site Day Care Privatization Act.

HONORING ANDREW WYETH

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. SCHULZE. Mr. Speaker, it gives me great pleasure to introduce legislation that will honor Andrew Wyeth, one of the finest painters of our time, by presenting him with a Congressional Gold Medal for his outstanding and enormous contribution to American culture.

Almost every American is familiar with the works of this great artist and Andrew Wyeth is internationally recognized for a lifetime of masterful works. I believe that it is time for the Congress and this Nation to honor this great painter.

The measure I am introducing already has 22 original cosponsors and I hope you will add your name to the bipartisan list of your colleagues who share my appreciation for Andrew Wyeth's works. I am confident that my colleagues will acknowledge the enormous contribution Andrew Wyeth has made to American art. Support the Andrew Wyeth Commemorative Gold Medal.

CONGRESSMAN GILMAN PAYS TRIBUTE TO DR. MARTIN LUTHER KING, JR.—A CONTINUING INSPIRATION TO US ALL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. GILMAN. Mr. Speaker, this year on January 19, 1987, the Nation will once again take time to commemorate the birthday of one of our Nation's great leaders, Martin Luther King, Jr. I am proud to have supported the gentleman from Texas [Mr. LELAND] through cosponsoring of the legislation to create this national holiday which affords our citizens the

opportunity to pause and reflect upon Dr. King's great achievements.

To list all of Dr. King's accomplishments would indeed be a difficult, extensive task; however, we have only to look at the situation in South Africa today, where there is blatant hostility and violence among the races, to appreciate the tremendous impact which Dr. King's activities have had upon this Nation and to realize that we must continually strive to protect and improve upon the situation which exists today in our Nation.

It is our duty to carry on the mission essentially begun with Dr. King's desire to achieve justice and equality through peaceful and nonviolent means. This holiday must, therefore, be not only a time to reflect upon our past, but also a time to look to the future and the changes that must be implemented to further the ideals upon which this great Nation was built: justice and liberty for all.

I would not presume to stand here and pretend that our nation is a utopia of freedom and equality. The current situation in Howard Beach in New York City is a harsh reminder of the conflicts that arise when ignorance and intolerance are allowed to persist. Although I am deeply saddened that this situation still exists in our Nation, I hope that we can learn from this tragic occurrence and continue through education and the examples set for us by Dr. King. For in the words of Dr. Martin Luther King, Jr., "If you can't fly, run. If you can't run, walk. If you can't walk, crawl. But by all means, keep on moving." Let us continue the fine tradition of Dr. King and keep on moving to ensure the perpetuation of Dr. King's ideals both through commemoration of this national holiday and through legislation which reflects the ideals which Dr. Martin Luther King, Jr. strove so diligently to achieve.

Accordingly, I implore my colleagues to encourage our constituents to join in participating in the many parades and activities which will occur in commemoration of the birthday of this great leader, Martin Luther King, Jr., and also to take time to reflect on the many great achivements of this inspirational civil rights leader.

REPEAL THE TAX ON HUMAN POTENTIAL AND OUR NATION'S FUTURE

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. TAUKE. Mr. Speaker, today I have introduced, with my colleagues, Mr. ACKERMAN, Mrs. BENTLEY, Mrs. COLLINS, Mr. FRANK, Mr. GARCIA, Mr. GUNDERSON, Mr. HENRY, Mr. HORTON, Mr. JEFFORDS, Mrs. JOHNSON of Connecticut, Mr. KASTENMEIER, Mr. LIGHTFOOT, Mr. MARTINEZ, Mr. MILLER of California, Mr. PENNY, Mr. PERKINS, Mr. ROE, Mr. SMITH of Florida, and Mr. WHITTAKER, legislation restoring the deduction for interest on educational loans.

The Tax Reform Act repeals the deduction for personal interest, treating loans for educational expenses in the same way that loans for consumer goods are treated. In effect, that imposes a tax on human potential and our Nation's future, which depends upon a well-educated population. The interest on loans secured by a primary or second residence and used for educational expenses remains deductible, but this provision fails to assist families and nontraditional and graduate students who do not own their own homes.

The legislation we have introduced restores the deductibility of interest on loans for qualified educational expenses, regardless of whether or not the loans are secured by a residence. Qualified educational expenses include tuition, fees, books, supplies and equipment plus reasonable living expenses while away from home for primary, secondary, college, and graduate level education.

We urge our colleagues to join us in sponsoring this legislation.

Thank you for your attention to these comments.

EXPENSIVE BABIES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. MILLER of California. Mr. Speaker, Medicaid, a major funding source for health care for low-income families, is once again a prime target for the administration's budget axe. The President's budget calls for drastic cuts in Medicaid of $1.25 billion in fiscal year 1988 and $19.5 billion over 5 years, despite the evidence that programs funded under Medicaid, such as prenatal care, save money and lives and contribute to family stability. Research has shown that for every $1 invested in prenatal care for high risk women, $3.38 is saved in the cost of extended neonatal care for a low birthweight infant.

Congress knows the value of this program and has acted on the evidence. Last year, a bipartisan majority expanded Medicaid, at State option, to cover prenatal care for low-income pregnant women and health care for children in families earning up to the Federal poverty level. What we find in this budget is that again, the administration is trying to undo the progress we've made to benefit low-income families.

A recent editorial in the New York Times called attention to the confused priorities inherent in this decision. While the administration proposes to save money in the short run by cutting $85 million from Medicaid payments for family planning, and transferring it to experimental programs, in the long run such policies are costly, as well as cruel.

A panel of experts at the Institute of Medicine has told us that when there are short intervals between births there is a greater likelihood of low birthweight, which is closely associated with infant mortality and the development of serious disabiling conditions. They cited family planning programs, which lengthen the intervals between births, as having made a considerable contribution to reducing the infant mortality rate over the past 20 years.

Surely, the administration must see the wisdom in assuring access to family planning programs and prenatal care for low-income women. Mr. Speaker, I would like to share with my colleagues the New York Times editorial calling for a more enlightened and compassionate policy from the President.

[From the New York Times, Dec. 16, 1986]

EXPENSIVE BABIES

The Reagan Administration budget maker who chose the word "expensive" to characterize low-birth-weight babies was right on the mark. The cost of treating small babies in a neonatal intensive care unit is more than $1,000 a day, and a course of treatment for the smallest of them can run as high as $170,000.

But the Administration would reduce the number of these "expenseive" babies by cutting $85 million out of Federal Medicaid payments for family planning services and putting it toward experimental programs. In brief, it plans to rob Peter to pay Paul.

Low birth weight is not only expensive but dangerous. Three-fourths of all neonatal deaths are related to the condition. Because poverty, extreme youth and poorly spaced pregnancies are among the factors putting a woman at risk of having a low-weight baby, cutting family planning programs seems a strange way to cut infant deaths. The Government's own advisory panel last year recommended more such programs for high-risk women.

Even stranger is the Administration's seeming forgetfulness about its own contribution to the birth of expensive babies. Four years ago it folded maternal and child health programs into a block grant and cut spending 18 percent. It also cut spending for community health centers by 13 percent. If such programs are better funded today, it is only because Congress has voted consistently to increase authorizations in the face of White House resistance.

Few states can boast about their support of prenatal care, either. Many obstetricians refuse to take Medicaid patients because reimbursement rates are so low—less than $300 for prenatal and postnatal care and delivery in West Virginia, for instance. Many women can't afford private insurance and either don't know about or are ineligible for Medicaid.

That so rich a country ranks below at least 12 industrialized nations in the incidence of low-weight babies is embarrassing. That it must spend billions on medical care because it didn't spend millions on prenatal care is foolish.

CAMPAIGN FINANCE REFORM

HON. JOHN R. MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. MILLER of Washington. Mr. Speaker, earlier this week I joined with my distinguished colleague from California, Mr. LEVINE, to introduce the Comprehensive Campaign Finance Reform Act of 1987. This bill would limit campaign spending and restore the balance between PAC [political action committees] and individual participation in congressional elections. This measure would increase public participation in House general elections by providing Federal matching of individual contributions through expansion of the voluntary cam-

paign checkoff system on Federal tax returns. The bill also would impose new and stricter spending and contribution limits on PAC's.

There is an urgent need for comprehensive reform of our campaign finance laws. Campaign spending has skyrocketed out of control, making it more and more difficult to run without enormous "war chests." With the enormous cost of campaigns has come an increasing reliance on PAC's to supply these great sums of money. At the same time, individual contributions have dropped significantly.

In its recent analysis, the Democratic Study Group found that contributions from individuals dropped from 73 percent of total House campaign receipts in 1974 to only 47 percent in 1984. According to the Congressional Research Service, PAC contributions to House candidates from 1974 to 1984 increased from 17 percent of total receipts to 37 percent for all candidates and from 19 percent to 43 percent for incumbents. The average winner spent $289,000 in 1984, compared with $87,000 in 1976. House winners in close races spent an average of $498,000 with successful challengers spending an average of $514,000.

As a result of campaign finance trends, the typical Member of Congress is spending more and more time raising campaign funds and less and less time studying issues or talking with Joe and Mary Mainstreet. Spending some time raising campaign funds is all right—our bill just seeks to make sure there's a balance.

A further result of these campaign finance trends is that the typical Member of Congress spends more and more time with PAC's and single issue groups and less and less time with Joe Citizen. I believe PAC's and single issue groups have their place in our political process, but so does Joe Citizen. Our bill seeks to preserve his role, too.

The bill we are introducing today is based on concepts developed in earlier proposals for public financing of general elections and on the PAC and other restrictions found in the Boren proposal. To this structure we have added some provisions never before—to the best of our knowledge—included in reform legislation of this kind.

The public financing system we propose is both constitutional and fair. While the 1976 Supreme Court decision in Buckley versus Valeo ruled against spending limits in congressional races, it specifically allowed spending limits in Presidential elections if a voluntary public funding system was in place. Thus, public financing provides a method of controlling overall campaign costs while also encouraging small individual contributions and discouraging reliance on PAC's. It also promotes more equal access to the political arena for all candidates, thus countering the trend toward relying on personal wealth and/or interest groups as a prerequisite for political office.

The new system would allow a maximum of $100,000 in individual contributions to be matched. Taxpayer financing would be triggered when the candidate has received $10,000 in small contributions—defined as contributions under $100. The systems would be financed by increasing the current voluntary taxpayer checkoff on individual tax returns, the source of public financing currently provided in Presidential elections. Money raised after January 1 of an election year up to election day would be eligible for matching. This would give leeway to candidates with late primary dates to meet their eligibility requirements by the time they are nominated.

An overall spending limit of $350,000 would be imposed for the general election. This figure was chosen with a great deal of care after reviewing the available data. We believe it represents a realistic spending figure which will help mitigate against incumbent protection. Personal and immediate family campaign expenditures would be limited to $20,000 per candidate in the general election.

The bill adopts several important limits on PAC contributions. House candidates could accept up to $100,000 in contributions per election cycle from all political action committees. PAC's could contribute a maximum of $2,500 per election, as opposed to the current $5,000 limit. We have also added a new provision which would limit the total amount of money which can be contributed by a PAC to all candidates in an election cycle to $500,000. Just as present law limits what an individual can contribute in total, our bill would place such a limit on PAC's, at least with respect to House elections. While PAC's have their place in election financing, we want to make sure that the role of individual citizens is preserved—there must be a balance.

The legislation including a provision to address the growing problem of independent expenditures. If a candidate is the target of advertising through an independent expenditure in excess of $5,000 made either against that candidate or in support of his opponent, additional taxpayer financing would be triggered. This additional financing would equal the amount of the independent expenditure beyond $5,000.

Buckley versus Valeo made limits on independent expenditures unconstitutional. By allowing additional public financing to counter independent expenditures, the candidate who spending is directed against will have the opportunity to respond to it, and the incentive for this type of campaign expenditure will be reduced.

Finally, the bill would address the "soft money" problem by requiring the reporting of money in excess of $1,000 which crosses State lines, even money which is given to State and local committees and candidates.

The term "soft money" refers to election related money raised or spent outside the parameters of the Federal election laws. In recent elections, the national political parties have played an increasing role in directing money which could not be spent in national elections—either because the PAC or individual had reached the maximum limit or because it was corporate or labor money which is prohibited in Federal elections—to State and local political parties and campaigns where such funding is permitted, thereby undermining the spirit of the Federal election laws. Although this money is spend by State parties and campaigns, there is at least an indirect impact on Federal elections.

This spending has become a new loophole without limits. Since "soft money" is a new phenomenon, we have limited our reform to uniform, centralized disclosure; however, further data may suggest other methods for addressing this new loophole.

We believe this bill will go a long way toward correcting many of the abuses and potential for abuse in our current campaign financing system. As more and more PAC's contribute more and more money to congressional candidates and incumbents, the individual, small contributor is losing influence to group interests that all too often focus on a single issue. When this happens, we all lose. For example, over the years Members of Congress have too often voted not to benefit the general public interest of the taxpayers, but to benefit groups or interests. This is one of the major contributing factors to our $200 billion annual budget deficit. If we want to reduce the deficit, we should make sure that Members of Congress are less dependent on campaign contributions from groups and more dependent on campaign contributions from the general public. In fact, I believe with the exception of Gramm-Rudman, this proposal would do more to reduce the deficit than any other measure introduced in this Congress. I believe that it is important to listen to the PAC's and to the single-interest groups, but it is just as important to listen to Joe and Mary Mainstreet. This legislation will restore some much needed balance to campaign financing and rein in the ever-increasing costs of campaigning for Congress.

THE RENAISSANCE OF ONONDAGA LAKE DEPENDS UPON ENACTMENT OF CLEAN WATER ACT'S H.R. 1

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. WORTLEY. Mr. Speaker, in this historic 100th Congress, nothing could be more positive nor more fitting than to introduce H.R. 1 as the first bill for our consideration.

When enacted into law, this legislation to reauthorize the Clean Water Act will endure as a legacy for our childen and our children's children.

The enactment of H.R. 1 will help ensure that generations of Americans will have clean and safe water to drink and bodies of water to enjoy as nature intended, before they become contaminated with pollutants from our society's disregard of environmental protection or simply plain carelessness.

While the administration has proposed a compromise of $12 billion over 8 years to implement provisions of the Clean Water Act as compared to the $18 billion earmarked by H.R. 1, we must not succumb to the White House blandishment. We cannot afford to compromise America's environmental future and place an unconscionable burden on generations to come, to finish the cleanup of our lakes and streams.

Passage of H.R. 1 is essential for the improvement of the quality of life in my 27th Congressional District of New York State. Health and safety, recreation, and very importantly, jobs-intensive economic development

depend upon enactment of the legislation we are introducing today.

The Environmental Protection Agency has identified 34 bodies of water in the Northeast and Midwest that are unacceptably contaminated with pollutants. Among these 34 is Onondaga Lake which is located near the center of metropolitan Syracuse.

Historically, Onondaga Lake has been a vital resource for the people of central New York. It was a center of industrial activity, including the salt industry, which flourished on its shores. More recently, the Allied Chemical Corp. was a major employer along the lake. Now, Allied is closed. Over 1,400 employees were displaced, but, despite both the loss of jobs and the despoilment of the lake, contributed by Allied operations, Onondaga Lake remains an outstanding resource for overall community betterment, including both economic, recreational, and cultural development.

The Syracuse Partnership, a coalition of leaders in the Greater Syracuse area, already is polishing a master plan for development in the lake's shoreline and adjacent areas. These include sites for a light industrial office park, marinas, restaurants, residential development, commercial expansion, a transportation center, a theme park, a trail extension, and an expansion of New York State's fairgrounds facilities.

In Syracuse, we have a vision of the renaissance of Onondaga Lake, the 4.5-square-mile body of water within our community. Now an ugly duckling, we are making plans for a beautiful lake where swans swim and fish thrive and our citizens enjoy and secure rewarding employment.

But before we make our visions realities, we must clean up the lake. Enactment of H.R. 1, which we are introducing today, will enable us in central New York to fashion such realities.

As the Representative of the 27th Congressional District, I can think of no greater opportunity than to be an original cosponsor of this legislation and to cast my vote for its passage.

TIME TO REEXAMINE THE GRACE COMMISSION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. DREIER of California. Mr. Speaker, as we begin to consider the fiscal 1988 budget, we will soon revisit many of the familiar old battles pitting one program against another. Last year, our lack of priorities led to the termination of only one program, and deficit reduction of only $12 billion. This year we will need to enact roughly five times that amount in deficit cuts to meet the Gramm-Rudman target; thus our task will be certainly no less difficult.

One type of Federal spending has no constituency, however, and it should again be our first target. With the budget now over $1 trillion, we are painfully aware that a great deal of Federal money is still simply wasted through poor management. We are not being fair to the taxpayers if we do not make every effort to save money through cutting waste before even considering any cuts in essential Federal programs.

Nearly 3 years ago, the President's Private Sector Survey on Cost Control, better known as the Grace Commission, released 2,478 suggestions on how money could be saved through managing specific functions better. Many of those proposals have been adopted; in fact, about 80 Grace initiatives were adopted during the last Congress, saving an estimated $33 billion over 4 years.

Unfortunately, many Grace proposals have not been properly reviewed by Congress, and others may have become obsolete. The bottom line is that we should, once and for all, take a good hard look at the remaining Grace proposals before their potential savings slip away.

Today, along with 32 of my colleagues, I am introducing legislation directing all standing committees of the House to do just that: to review those Grace proposals within their jurisdiction, and determine their potential for enactment and deficit reduction.

I would hope all Members will join us in taking a fresh look at the most extensive report available on better managing the Government. I believe it is crucial to show the taxpayers that Congress not only seeks to spend less money, but to spend it more wisely. It is difficult to oppose better management.

DISTRIBUTION OF SURPLUS CHEESE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1986

Mr. VENTO. Mr. Speaker, today I am introducing a bill which I previously introduced in the 99th Congress to improve the Temporary Emergency Food Assistance Program [TEFAP]. This legislation would provide for a substantial reduction in Government storage costs while, at the same time, releasing cheese to feed hungry people.

A recent report by the U.S. Conference of Mayors indicated that well over half of the emergency food centers included in the study had to turn people seeking food assistance away. With 600 million pounds of surplus cheese sitting in Government storage, there is no justifiable excuse for turning hungry people away from empty food distribution sites.

Mr. Speaker, the legislation I introduce today will respond to the needs of our Nation's hungry and at the same time will save taxpayers' dollars. The U.S. Department of Agriculture is storing, transporting, and reprocessing the 600 million pounds of surplus cheese at the expense of U.S. taxpayers. Storage alone costs taxpayers almost $50 million.

We have before us an opportunity to address the needs of the hungry, to save taxpayers' dollars, and to help struggling dairy farmers. In adopting my legislation, we assure struggling dairy farmers a market for their product, and, at the same time, we assure struggling poor families of a quality source of protein. The Commodity Credit Corporation [CCC] has received strong support in the past from both rural and urban Members of Congress because of the dual purpose it serves—providing a guaranteed market for the farmer's product, while, at the same time, generating commodities for schools, institutions, food banks, and food shelves.

I understand the need to spend Federal dollars to purchase these commodities. What I do not understand is spending taxpayers' dollars to transport, handle, and store 600 million pounds of cheese for a number of years and I do not understand spending taxpayers' dollars to reprocess the cheese to prevent it from rotting because it is stored for an average of 2.5 years. Meanwhile, thousands of Americans are undernourished and many food distribution sites are running out of cheese before all individuals that qualify for the program have received their allotment.

This legislation would amend the Temporary Emergency Food Assistance Act by requiring that excess cheese held by the CCC be made available to any State at the request of the Governor. There is general agreement that, if the individuals receiving TEFAP commodities are truly in need, commercial sales will not be displaced. This legislation requires that the Governor document the need for additional surplus cheese before the commodities are released.

I invite your cosponsorship of this legislation. The text of the bill follows:

H.R. —

A bill to amend the Temporary Emergency Food Assistance Act of 1983 to require that excess cheese held by the Commodity Credit Corporation be made available, at the request of the chief executive officer of a State, upon a showing of need, and without charge, for distribution by eligible agencies in the State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after sections 202 the following new section:

"AVAILABILITY OF CCC CHEESE

"SEC. 202A. Notwithstanding any other provisions of law, cheese acquired by the Commodity Credit Corporation that is in excess of quantities needed for the fiscal year to carry out a payment-in-kind acreage diversion program, maintain United States share of world markets, and meet international market development and food aid commitments, shall be made available by the Secretary of Agriculture (hereinafter in this Act referred to as the 'Secretary'), at the request of the chief executive officers of the various States, upon a showing of need by such officers, and without charge or credit in such fiscal year, in a useable form, for use by eligible recipient agencies in such States.".

MRS. STONE RECEIVES SCARSDALE FOUNDATION AWARD

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. DioGUARDI. Mr. Speaker, I am privileged to rise today and pay tribute to one of Scarsdale's finest citizens, Mrs. Jean Lawson Stone. I must admit, I am not alone in recognizing this amazing woman.

On Wednesday, January 14, 1987, at the Crowne Plaza Hotel in White Plains, NY, Mrs. Stone will be presented with the Scarsdale Bowl by the Scarsdale Foundation. Each year, the foundation bestows this award upon one citizen for their outstanding voluntary service to the community. I commend the Scarsdale Foundation for this year's selection.

Her credentials are impeccable as both volunteer and civil servant. As the mayor of Scarsdale from 1981 to 1983, Mrs. Stone presided courageously and with integrity over a number of controversial issues all the while making herself accessible to the citizens of Scarsdale. Prior to her tenure as mayor, she served several terms as a village trustee.

Among other positions, Mrs. Stone has participated in local and county organizations in the following capacities: president of the Village Club, a member of the boards of directors of the Scarsdale League of Women Voters and the Scarsdale Woman's Club, president of the Heathcote Association, vice chairman of the Scarsdale Environmental Council and a member of the Westchester County Environmental Council, a director of the Senior Personnel Employment Committee of Westchester, and a director of the Scarsdale Open Housing Association.

Currently Mrs. Stone serves the community as a board member of the Burke Rehabilitation Center, the Mental Health Association of Westchester, the Village Club, and Rollins College in Florida. Mrs. Stone is also a member of the Village's board of ethics, the Westchester County Criminal Advisory Board, the procedures committee of the Westchester Volunteer Bureau of the United Way and the halfway house committee of the New York Hospital-Cornell University Medical School. Recognizing Mrs. Stone's exceptional record on voluntarism, President Reagan appointed her to the Presidential Advisory Committee to ACTION, a national volunteer agency.

Mrs. Stone has given generously of her time and energy to the Scarsdale community. I am sure that Mrs. Stone's husband, Donald, and their four children, Todd, William, Amy, and Kate, are proud of her accomplishments. We in Westchester are privileged to claim Mrs. Jean Lawson Stone as a resident of our community, and we join the Scarsdale Foundation in acknowledging her efforts in making Westchester a better place to live.

IN COMMEMORATION OF THE ANNIVERSARY OF THE PROCLAMATION OF UKRAINIAN INDEPENDENCE ON JANUARY 22, 1918

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. BROOMFIELD. Mr. Speaker, I would like to offer my support in commemoration of the anniversary of the proclamation of Ukrainian independence on January 22, 1918.

We commemorate, today, the proclamation of Ukrainian independence not just as a notable historical event, but also as an active and important cause, which the Ukrainian people continue to pursue. It is a cause which is common to many people in our world, the struggle to free themselves from the yoke of Soviet oppression. We must not allow the world to forget the millions of Ukrainians ensnared in the Soviet police state.

Our efforts to preserve the memory of Ukrainian independence pale in comparison with the sacrifices of those who, both past and present, have resisted the persecution of their Soviet oppressors to defend the culture, religion, and freedom of the Ukrainian nation.

As we approach the bargaining table in the context of the numerous negotiations between our Nation and the Soviet Union, we must keep in mind that the United States cannot accept the status quo of Soviet imperialistic gains. It is the duty of the free and democratic countries of the world to sustain the flame of independence for the Ukrainian people.

I urge my colleagues, and the American people, to join in commemorating the proclamation of independence of the Ukrainian people. We should all take a moment to remember that those freedoms which we cherish so much are denied to many around the world.

AMERICA'S OLDEST LIVING RHODES SCHOLAR, WARREN ORTMAN AULT, HONORED

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. SLATTERY. Mr. Speaker, I rise to pay tribute to an outstanding native Kansan who today celebrates his 100th birthday.

America's oldest living Rhodes Scholar, Warren Ortman Ault, was born in Lenexa, KS, on January 8, 1887.

He received his undergraduate education at Baker University, in Baldwin City, KS. From there, he went to Oxford University as a Rhodes Scholar. After serving as a second lieutenant in the field artillery during World War I, and receiving his Ph.D from Yale, he served for 38 years as a history professor at Boston University, chairing the department and holding the William Edward Huntington Professorship. During his career, Professor Ault has authored many distinguished scholarly books and articles concerning European history.

Professor Ault truly is an outstanding man of letters. His record of service and scholarship is a source of pride and inspiration to all Kansans. I join with the faculty and staff of Baker University in wishing Warren Ault a happy and healthy 100th birthday, and we hope he will see many more.

THE REYKJAVIK TALKS: PROMISE OR PERIL

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. FASCELL. Mr. Speaker, the administration's arms control agenda today remains essentially what it was on October 12 of last year. Then we watched an exhausted and disappointed Secretary of State relate to the world the potential agreements which President Reagan and General Secretary Gorbachev negotiated at Reykjavik. Are we more secure today than on that fateful weekend in October when the world caught its breath? I fear not. The reason lies with the possible and the surreal in the arms control process. At Reykjavik the United States and the Soviet Union almost achieved the possible, but squandered it with surrel visions of a disarmed world.

In the last 3 months, neither superpower has budged. We need to understand why, and to do that we need to know what happened at Reykjavik. After 3 months of briefings, speeches, press conference, and further talks between the superpowers, all fueling extraordinary media blitzes by both sides, the administration has rested its case. The evidence is in. Nevertheless, we are still living with the suspended animation of the talks in Reykjavik, wondering what can be salvaged from the promise and peril of the ambitious proposals tabled there. It's time for the American people to take a cold, calculated look at the Reykjavik talks.

Mr. Speaker, as chairman of the Committee on Foreign Affairs and its Arms Control, International Security and Science Subcommittee, I am releasing today a subcommittee staff report entitled, "The Reykjavik Talks: Promise or Peril." The report examines what happened at Reykjavik and sets forth some of the concerns which have emerged following the talks. Five main issues in arms control are reviewed: the reduction of strategic nuclear forces, the reduction of intermediate-range nuclear forces, the regulation of space and advanced strategic defense, limitations on nuclear testing and the overall linkage of any agreements on these issues. All of these were the subject of negotiation at Reykjavik. I highly recommend the staff report to my colleagues as a comprehensive, authoritative record of the Reykjavik talks based on the public record and as a guide for future negotiations.

Mr. Speaker, I have reached some conclusions about the arms control proposals tabled at Reykjavik.

First, achievable, realistic understandings emerged from the Reykjavik talks. The list is impressive:

Reduction within 5 years of strategic nuclear delivery vehicles to a total number of 1,600 for each side;

Reduction within 5 years of nuclear warheads—including air-launched cruise missiles—to a total number of 6,000 for each side;

Soviet acknowledgment that significant cuts would have to be made in their ICBM's;

Agreed counting procedures for bombers;

Total elimination of long-range INF in Europe and a global ceiling of 100 long-range INF for each side;

A freeze on Soviet short-range INF in Europe;

General Soviet agreement to INF verification procedures;

A 10-year nonwithdrawal period for the Anti-Ballistic Missile Treaty; and

A tacit understanding to move forward on negotiations to limit nuclear testing.

I am not convinced that these understandings were doomed to achieve only potential status at Reykjavik or later at the negotiating table in Geneva. Each one represents a concrete opportunity to move forward in the arms control process. But neither the Soviet nor American delegations at Reykjavik knew how to stop their roller-coaster surge toward fantasyland. They forgot that arms control is an incremental process, one that demands the utmost responsibility of world leaders to search and probe for the possible, rather than the improbable. Potential agreements must not be mistaken for treaty law. The former may make a headline, but the latter obligates performance. In this respect, Reykjavik will represent for years to come the failure to know when to stop, when to cut a deal for the betterment of mankind.

Second, the absence of modest but real agreements at Reykjavik means that these achievable objectives have been held hostage to ill-considered, unachievable proposals stubbornly advanced by either side at Reykjavik. The United States conditioned its compliance with the ABM Treaty for 10 years with a demand that both sides eliminate all of their strategic offensive ballistic missiles within that 10-year period and that each side comply with the administration's revisionist interpretation of the ABM Treaty. The Soviet Union countered with its own surreal proposal. General Secretary Gorbachev demanded that both countries agree to the total elimination of all nuclear weapons within 10 years, and, without explaining what he meant, insisted that research, development, and testing of an advanced strategic defense system be confined to the laboratory during that period. He also linked an agreement on any of the issues at Reykjavik with agreements on all of the issues—a certain way to kill whatever may have been achieved at Reykjavik.

It is inconceivable to me that any American negotiator would seriously propose disarming the United States of its entire ballistic missile arsenal within 10 years. As the staff report points out, the strategic imbalance that might result raises fundamental questions for which we in Congress have yet to hear satisfactory answers from the administration.

The American delegation to Reykjavik also tabled what the Soviets were certain to reject, and certain to launch a counterattack against—the administration's revisionist interpretation of the ABM Treaty, which the Congress has not adopted. In fact, we have made it crystal clear to the administration, and Secretary of State George Shultz acknowledged on October 14, 1985, that the traditional interpretation of the ABM Treaty is the operative interpretation. It was therefore disturbing to see President Reagan invoking at Reykjavik what could only be his revisionist interpretation of the treaty as the cornerstone of an arms control agreement with the Soviets. Under these circumstances, the 100th Congress may have to hold further hearings to reconfirm that this country is complying and intends to comply with the traditional interpretation of the ABM Treaty.

Equally disturbing is the President's acceptance, if only briefly, of the Soviets' mythic proposal for the elimination of all nuclear weapons in 10 years. This apparently happened at Reykjavik, even though the Warsaw Pact's massive conventional forces would leave the West exposed to unacceptable risks to its security, and even though there appears to have been no discussion about what to do with other nuclear weapons states, such as the United Kingdom, France and the People's Republic of China.

Although the Soviet delegation was shortsighted not to explain what it meant by restricting research, development and testing of a strategic defense system to the laboratory, the Soviet demand is hopefully a beginning point for further negotiations and should not become an excuse to abandon future negotiations. Many have asked this question but gotten no answer from the administration: Why didn't the President propose that the issue of strategic defense research, development and testing be handed over to a group of experts following Reykjavik for further discussion and clarification, rather than engaging in the simplistic charge that the Soviets were trying to kill SDI? There is room for negotiation on this issue, especially if the United States has any intention of complying with the traditional interpretation of the ABM Treaty. Whatever point President Reagan was trying to make with this performance in the final hour of the Reykjavik talks, I hope historians years from now will not record that he killed achievable, unprecedented arms control proposals by failing to recognize, at a critical moment in history, the important role experts could play in shaping a responsible position on SDI.

Third, I am now more concerned than ever before about the purpose of SDI. Before Reykjavik, I thought we had all agreed that SDI was a research program to determine whether an advanced strategic defense system was scientifically and technologically possible, whether it was deployable, and whether it would do the job of protecting this country from a ballistic missile attack by the Soviet Union. At Reykjavik, that logic was turned upside down, in ways which I think are dangerous for the national security. In Hofdi House SDI was suddenly transformed from a research program into a deployable defense system, one that does not yet exist. The American delegation negotiated as if SDI were a certainty. The elimination of America's most important deterrent, its ballistic missile arsenal, was almost bartered away for a presumption, and only a presumption, that SDI not only could be deployed, but that it would work. The administration argued for the deployment of SDI only after the elimination of all ballistic missiles, the very threat SDI is being developed to counter, at a projected cost of over $100 billion of taxpayers' money. U.S. officials reasoned we would need SDI to protect against Soviet cheating and the stray missile that a madman might hurl at us. Evidently, no one thought to mention that land-based strategic defenses, at substantially cheaper cost, might do a better job, or that verification of Soviet compliance must remain a top priority.

Mr. Speaker, let me emphasize that SDI is nothing more, at this moment, than a hypothesis, an unknown x on a piece of paper. To bargain away this Nation's deterrent shield today for nothing more than a hypothesis that SDI will be cost-effective, deployable and workable sometime in the future, certainly not in 10 years, would be the height of folly.

Fourth, I was particularly disturbed at the muddled outcome of discussions at Reykjavik on nuclear testing. Is there an understanding that talks will soon commence on limiting nuclear testing? Your guess is as good as mine. Despite the administration's longstanding opposition to limits on nuclear testing, the 100th Congress must hold the administration accountable to its agreement with the Congress on October 10 of last year to submit to the Senate for ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. Nor should the administration be permitted to let whatever was discussed at Reykjavik simply fade away while more tests are conducted in the Nevada desert. We must build upon the discussions at Reykjavik to move the Soviet Union and the United States toward nuclear test talks, including the all-important objective of resuming talks on a comprehensive test ban agreement. The 100th Congress may well have to act again on the testing issue to ensure that the administration understands our concern in this vital area of arms control.

Fifth, in the weeks immediately following the Reykjavik talks, the White House stage-managed more than 100 media events by administration officials to explain what happened at Reykjavik. But U.S. officials contradicted each other, some were clearly ill-informed, and others withheld vital information behind the guise of full disclosure until they were compelled to explain in more detail to the American people just what went on in Hofdi House.

Media blitzes and spin factories are no substitutes for the hard business of arms control. The stalemate since Reykjavik proves that point. The confusion that reigned after Reykjavik has led to acrimonious, long-distance exchanges between Soviet and American officials about what had or had not been agreed to at Reykjavik. A joint communique at the end of the Reykjavik talks could have gone a long way in preventing the post-Reykjavik media fiasco. If the American delegation concluded in the closing hours of the Reykjavik talks that the negotiations had gone far

beyond their original intentions, and that it was imperative to cut them off, then a joint communique may not have been advisable. In that case, however, the administration never should have conducted the media blitz it waged to hype the potential agreements. Public relations, rather than arms control, appeared to be the higher priority. Hopefully, that will not be the case in 1987.

In conclusion, Mr. Speaker, we need to build on the achievable understandings which emerged from Reykjavik, and leave far behind those which not only are unrealistic, but endanger the national security of this country and the security of our NATO allies. I applaud the historic understandings President Reagan negotiated at Reykjavik on drastic reductions in strategic nuclear weapons and intermediate-range nuclear forces. But we must use the considerable talent among our negotiators in Geneva to probe for ways to achieve those proposals tabled at Reykjavik which are both wise and achievable, without neglecting the security needs of NATO and of this country. Reykjavik can go down in history either as the beginning of a realistic reduction in nuclear armaments, or as the collapse of the arms control process. The 100th Congress will strive to work with the administration to pursue the former and avoid the latter.

"COMPREHENSIVE TRADE POLICY REFORM ACT OF 1987"

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. GEPHARDT. Mr. Speaker, as we begin this historic 100th Congress, we face a difficult challenge: the unfinished business of moving America ahead to face unprecedented international trade challenges, which pose as serious a threat to our Nation's future as any that previous Congresses have faced.

The shadow of our record trade deficit, now anticipated at $170 billion for 1986, has darkened America's horizon for an unforgivable period of time. Eight months ago, this House passed the Trade and International Economic Policy Reform Act, a bipartisan bill which presented an activist, comprehensive strategy to face the problem of restoring America's competitiveness. The bill's provisions would have: provided speedier and more certain consideration of assistance to trade-battered industries; created a war chest to help American exporters to respond to unfair predatory credits offered by other countries; provided the President with unprecedented authority to negotiate reduced trade barriers with our trading partners on a multilateral basis through the GATT; allocated $1 billion to retrain American workers hurt by foreign competition and expand education in basic literacy, vocational training, math, science, and foreign languages; aligned the dollar more competitively against foreign currencies; forced foreign countries to respect American copyrights, patents, and other intellectual property; made the debt situation of key developing countries more manageable, thus permitting them to resume importing from the United States; required the administration to negotiate with, and if not successful, act against surplus trading partners who engage in unfair trading practices which close their markets; and formed a Council in Industrial Competitiveness to develop a national consensus on policies among business, labor, government, academia, and public interest groups.

In contrast to these pragmatic measures, the administration adopted a policy towards our pressing trade problems which could be best described as benign neglect. We were told that there was nothing the Federal Government could do about the problem, or that the problem was ephemeral and would vanish once the dollar's value declined.

This has not happened. Since the legislation was passed by the House and resisted by the administration, our trade deficit has grown to a monthly average of $15 billion. To put this deficit into perspective, prior to 1983, no country in history ever topped this record for an entire year. And while the administration continued to stonewall, the American trade deficit set a new record for futility in November: $19.2 billion.

Meanwhile, more automobile workers have been laid off; more farm equipment businesses have closed down; more high-technology manufacturers and agricultural producers have found foreign markets closed by unfair trade practices.

This situation has a fundamental impact on our national security, our economic future, and our self-image as a nation. We have watched America transformed from the world's largest international lender to its largest debtor; we have watched American workers turned out of factories and into jobs in fast-food restaurants; we have watched Americans begin to doubt their ability to meet foreign competition.

We must act to reverse these trends, and we will act. This comprehensive trade legislation, which renews the measures approved by the House last year, provides a starting point for a new bipartisan effort to enhance America's ability to compete. We welcome recent signs that the administration has reversed its position of resistance, and has pledged itself to working with Congress. We appreciate the administration's belated acknowledgement that not all trade legislation merits the knee-jerk label of protectionism.

Trade deficits are not a partisan issue; they are a national challenge. We need action now, not empty rhetoric. If we fail to act, we risk the continued loss of jobs, reduced industrial and agricultural capacities, and a lowering of the standard of living for all Americans. This is a legacy we must refuse to pass on to our children.

OIL AND WATER

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. STUDDS. Mr. Speaker, the fisheries resources on Georges Bank, off the coast of New England, have helped feed our Nation—and many others—for centuries. Continuing debate over proposals for oil and gas exploration in this area must focus on the importance of Georges Bank's fishing grounds. To this end, I commend to my colleagues the following editorial, which appeared on December 5, 1986 in the Vineyard Gazette on Martha's Vineyard:

OIL AND FISH AND INSANITY

The Vineyard may only wonder—perhaps despair is a better word—at the insanity of yet another collision over the future of Georges Bank.

We are talking about the richest fishing ground in the world, a ground already in serious trouble, with catches sharply down and a domestic fishing industry belly up, the way fish float after a kill. Georges Bank is the lifeblood of the domestic fishing industry and that industry and the Vineyard and the rest of New England are synonymous. We are talking about giant oil companies and a renewed interest in Georges Bank waters they consider their playground for exploratory drilling.

By their most optimistic estimates, the experts agree the oil companies, if they strike it rich, will find only enough oil and gas on the fishing grounds of Georges Bank to fuel this nation for 25 days. Georges Bank has fed this nation and many others for centuries and will continue to do so only if these fisheries, an international treasure, are managed properly. The food of these waters is not a disposable resource, like a styrofoam cup, to be replaced once it is destroyed.

The timing of this new battle is dreadful. The arguments to drill for oil and gas and thus to risk or even threaten the fishing grounds of Georges Bank make no sense. But the federal government nevertheless tells us and the oil companies it is now open season for bidding on what is called lease sale 96, an area of water for drilling with boundaries as close as 55 miles to the Vineyard. An Island fishing boat leaving Menemsha at lunchtime would reach the edge of oil lease sale 96 in something over five hours, by dinner and before sunset—hopefully before the domestic fishing industry is dead.

Meanwhile, a U.S. government spokesman reports the only reason for delay in lease sale 96 is the market conditions of the oil industry. Canada Texaco announces it hopes to begin exploratory drilling on the Canadian side of the Georges Bank boundary next spring. What about the market conditions of the fishing industry?

Against this murky backdrop, a recent state report warns the future of the fishing industry in Massachusetts is grim; that catches of key species such as cod, flounder and herring are dramatically down through 1985, as much as 25 to 30 per cent; that statistics for this year are expected to be worse; that operating expenses for the domestic fishing fleet are way up, 300 per cent for insurance; that U.S. fishing boats are going on the auction block; that foreign fish imports from abroad are replacing the livelihood of American fishermen at home.

So what are we talking about, the selling of a long future of fish for food on Georges Bank for 25 days of fuel for profit in oil company coffers?

All oil drilling on the Bank must stop. What is needed now is the appointment of a national presidential commission to study the future of fishing on Georges Bank and to do so quickly and with a single clear goal—the protection of a resource this coun-

try and the rest of the world can ill afford to lose.

WHY CALIFORNIA'S PROPOSITION 63 WAS PASSED

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. SHUMWAY. Mr. Speaker, yesterday's Washington Times carried a very thoughtful letter to the editor, "Why California's Proposition 63 was passed," authored by the director of west coast operations for U.S. English. The letter points out that the overwhelming success of the initiative to declare English California's official language was a positive litmus test for national sentiment in this regard.

I will soon be reintroducing the so-called English language amendment [ELA], designating English as our national language. Thus, I commend the attached letter to my colleagues' attention and urge them to join with me in sponsoring this needed measure.

The letter follows:

In the wake of the landslide victory for Proposition 63 in California, I am frequently asked to assess the significance of the vote and predict what passage of the English Language Amendment means for California and the rest of the nation.

California became the first state to declare English its official language by a citizens' initiative and the second to do so by constitutional amendment, Nebraska being the other. Georgia, Illinois, Indiana, Kentucky, Tennessee, and Virginia have made English their official language by action of their legislatures.

The chief significance of the California vote lies in the sheer magnitude of approval. The 73.2 percent vote for Proposition 63 is clear evidence that the public is aware of the erosion of English and wants our common language safeguarded by law. This cannot be passed off simply as a sentiment peculiar to Californians. The 3-to-1 approval ratio strongly suggests that an initiative to declare English the official language would win in any state in which the issue were allowed to come before the voters.

Nationally, the ELA victory was widely reported and commented upon in the media. The fact that the measure won in every county in California, that it attracted a majority in all major political groups (Republicans, Democrats, and Independents), and that many language minority voters supported it, did not go unnoticed.

These indications of broad-based support will encourage citizens and politicians in other states to follow California's lead. U.S. ENGLISH—the Washington, D.C.-based membership organization leading the movement to win official protection for English—has had numerous requests from state lawmakers for assistance in introducing legislation in their states. In fact, the momentum generated by the California landslide is such that some 30 to 35 bills for the protection of English will be introduced in 1987.

The amendment will not cause upheavals in California nor inconvenience people in their daily lives. As before, anyone will be free to use any language. State government, however, is expected to eliminate the practice of printing ballots in other languages (except as required by federal law). It is also expected to initiate needed reforms in our state's bilingual education system. With this amendment now on the books, we have faith that state legislators and officials will live up to their responsibilities under the new law.

As former U.S. Sen. S.I. Hayakawa, the honorary chairman of U.S. ENGLISH and the California English campaign, has observed: "The English Language Amendment is a form of insurance that Californians will remain united by one language, not divided by two."

THE ADMINISTRATION'S ANTIHOMEOWNERSHIP POLICIES

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. MANTON. Mr. Speaker, President Reagan's budget proposal for fiscal year 1988 would impose new user fees on Federal mortgage programs and dramatically increase down payment requirements for FHA insured mortgages. This is not the first time the Reagan administration has made such proposals. Since coming to office, the Reagan administration has worked tirelessly to undermine the Federal Government's historic commitment to promote homeownership. Although Congress has repeatedly rejected these proposals, the Reagan administration appears to be undaunted in its effort to wipe out the dream of homeownership for millions of young American families.

Under the President's fiscal year 1988 budget, the down payment for an FHA insured loan would be increased from 3 percent to 5 percent for a family earning over $40,000. Furthermore, closing costs for FHA mortages would no longer be financed and would have to be paid for at the same time as the down payment. As a result, the cash needed to purchase a $70,000 home with an FHA insured loan would double from $5,000 to $10,000. Given the fact that the primary benefit of the FHA Mortgage Insurance Program is to make homeownership possible for young families that do not have vast cash reserves, these proposals would effectively kill this highly successful Government program.

Furthermore, there is simply no need to increase FHA user fees and down payment requirements. For over 50 years, FHA has operated its homeownership programs at no cost to the Federal Government. Program administration costs, as well as forclosure claims, are completely covered by existing mortgage insurance premiums.

In addition to the administration's plan to dismantle the Federal Housing Administration, the President's budget would also impose drastic new user fees on the Government National Mortgage Association which finances FHA and VA loans. These increased fees would be passed on to prospective home buyers. Furthermore, both Fannie Mae and Freddie Mac, federally sponsored secondary mortgage market institutions, would be sold to the private sector.

The administration's latest attack on homeownership comes at at time when mortgage rates are at their lowest point in more than 10 years. Although these low rates have opened the door for many families who may have not been able to afford a new home just a few years go, the administration's budget proposals would slam this door shut. President Reagan is fond of reminding the American people of the benefits associated with lower interest rates. Yet, at the same time, the administration is seeking to deny those same benefits to millions of young families trying to buy their first home.

Mr. Speaker, I urge my colleagues to once again reject the administration's anti-homeownership budget proposals and to reaffirm the Federal Government's commitment to homeownership.

H.R. 2—THE SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means on Tuesday, January 6, 1987, approved an amendment which would provide for the extension of the highway trust fund. It is the committee's intention to offer this amendment as a separate title V to H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987. The Committee on Ways and Means amendment is necessary to continue the funding for this authorizing legislation.

I wish to serve notice, pursuant to the rule of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration of this title by the House of Representatives.

A BALANCED FEDERAL BUDGET

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. COLEMAN of Missouri. Mr. Speaker, while the 99th Congress passed the Gramm-Rudman legislation to reduce and eventually eliminate the Federal deficit, it also passed the largest spending bill in history. The President has just submitted to the 100th Congress the first trillion-dollar budget. Though the President's budget proposal falls within the $108 billion deficit target for fiscal year 1988, it is clear that we are far from bringing Federal spending, and the accumulated Federal debt, under control. The American people feel this should be Congress' first priority.

That is why I am again introducing, as I have each Congress since I first came to Washington, a resolution calling for a constitutional amendment to require a balanced Federal budget. This amendment provides that appropriations made by the United States shall not exceed its revenues except in times of war or national emergency. At such times,

this provision may be suspended by a three-fourths majority vote of Congress. Significantly, this measure also provides that there shall be no increase in the national debt, and that our debt—whose interest alone may cost 14 cents out of every budget dollar in fiscal 1988—shall be repaid over a 100-year period.

Every year, on economic opinion polls and surveys, the citizens of the Sixth Congressional District of Missouri share with me their deep concern for the fiscal irresponsibility demonstrated by the Federal Government. They believe Congress has the authority and the responsibility not only to control Federal overspending, but also to ensure that the future of our country—the future of our children—is not mortgaged away by an enormous Federal debt. I urge my colleagues here in the House to support the resolution I have introduced today.

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. ORTIZ. Mr. Speaker, I rise today in support of the resolution to reconstitute the Select Committee on Narcotics Abuse and Control for the 100th Congress.

I learned firsthand of the drug abuse problem as a sheriff back in Texas. There I saw a need for a comprehensive plan to remedy the problem—a plan that would address the needs of treatment, education, prevention, research, and overseas eradication efforts.

The Select Committee on Narcotics Abuse and Control served as a valuable resource to committees which worked together during the last Congress to draft the "Anti-Drug Abuse Act of 1986." I am proud to have served on this select committee during the past two Congresses and look forward to continued service during the 100th Congress.

The select committee's unique jurisdiction and its accumulated expertise concerning the drug abuse industry will help the House maintain its leadership role in drug abuse prevention and control.

UNITED ACTIVITIES UNLIMITED CELEBRATES 10TH ANNIVERSARY

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. MOLINARI. Mr. Speaker, I rise to pay tribute today to an organization that has become well known to my community—United Activities Unlimited. UAU will be celebrating its 10th anniversary on January 18, 1987.

Ten years ago, a number of very special citizens banded together to fashion a program that would give our young people a place to go in the evenings. Almost every community on Staten Island was constantly complaining about large groups of young people "hanging out" in front of stores and in residential areas. By their sheer numbers the teenagers intimidated residents. Volunteers spoke to the youth and found out they were "hanging out" because there was no other place to go.

After many meetings, the first evening center was opened at Egbert Junior High School on a bitter January evening. Despite the temperature of 0°, 400 teenagers came to the center. A rather remarkable phenomenon then occurred, even though the center was only opened two evenings a week, the "hanging out" problem seemed to disappear.

The formula for success quickly became known and the voluntary group desperately sought out funding to open other centers in areas of need.

In the beginning, there were no paid personnel and only the strength and commitment of those very special people—some of whom are still involved 10 years later—was the program able to start and flourish. Today, UAU can proudly boast of a total of 19 evening centers and 3 summer day camps. There are also afterschool recreation programs and summer camp programs for developmentally disabled teenagers. They now receive substantial funding from a variety of sources who recognize the very special contribution UAU has made.

Initially, emphasis was on sporting activities, band concerts, and the like. Soon after, there were remedial courses offered to students who needed help and a variety of instructional programs: Photography, music, art, auto repair, printing, and many others. UAU sought out young people to learn what type of programs they were looking for in order to give them an alternative to being on the streets. This is a proud achievement that could happen in any town or community. In this case, it was in the borough of Staten Island, New York City.

Special plaudits must be given to the original board of directors of UAU: Robert Gigante, Michael Petrides, Dorothy and Fred Schoppmann—both of whom are still active members of the board—Dorothy Brower, Edith Dockter, Arnold Raffone, Lou Caravone, William Smith, George Hartigan, Lorraine Sorge, and Harold Otterbeck. A very special salute must be given to Robert Burrowes, now deceased. Bob Burrowes was a New York City policeman who volunteered night after night to teach our young people photography—including some teenagers who were in drug rehabilitation programs. He was uniquely qualified and his classes were well attended. While alive he never received the credit that was justly due for his dedication. He was simply a New York City policeman who wanted to help keep kids off the street and out of trouble.

I am proud to have worked alongside the men and women who have participated in this program. It has been rated by the New York City Youth Board as one of the most effective youth programs in all of New York City. There is no way of compensating the volunteers for their incredible achievement. We can, however, memorialize their efforts by paying tribute to them in the CONGRESSIONAL RECORD and giving them the recognition they so richly deserve.

CRWRC CELEBRATES 25TH ANNIVERSARY

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. HENRY. Mr. Speaker, I would like to call the Members' attention to the 25th anniversary of the Christian Reformed World Relief Committee, the world relief agency of the Christian Reformed Church of North America. While the Christian Reformed Church is relatively small in comparison with some of the larger American protestant bodies, its achievements through this agency are well known across the globe.

In its beginning in 1962, the Christian Reformed World Relief Committee focused largely in the area of disaster relief in the countries of Taiwan, the Philippines, and Korea, and in the American Territory of Guam. It also pioneered adoption programs for Korean orphans through which several thousand Korean children have been placed with American and Canadian families.

By 1965, disaster relief efforts were expanded toward long-range developmental support programs not only in those countries, but in Bangladesh, Haiti, Mexico, Niger, Nigeria, and the Central American countries. By 1972, these efforts expanded even further in conjunction with more broadly ecumenical efforts in Central America, in particular. The Christian Reformed World Relief Committee was one of the initial forces behind the development of CEPAD, which began in response to the 1972 earthquake in Nicaragua, and in coordinated nationwide Christian developmental ministries in countries such as Honduras, Guatemala, and El Salvador.

The Christian Reformed World Relief Committee has also played an important role in facilitating the immigration of Cuban refugees fleeing Cuba in 1962, and Vietnamese refugees fleeing Vietnam in 1978. The resettlement efforts of this agency were so significant that the West Michigan area, where many members of the Christian Reformed community live, has among the largest, on a per capita basis, communities of Cuban and Vietnamese refugees.

In the 1970's, the Christian Reformed World Relief Committee also began addressing major domestic social problems. A Spanish-American housing project was established in Denver; a drug rehabilitation program in New Jersey; assistance programs in Appalachia and Mississippi. And in many areas of the country, the agency assists with disaster response programs in coordination with agencies such as the Salvation Army and the American Red Cross.

More recently, in 1980, the Christian Reformed World Relief Committee targeted Sierra Leone in a programmatic effort of comprehensive Christian ministry. Church growth, combined with community economic development and health programs helping to make these communities self-sufficient, has been the goal. In all of these efforts, the goal has been to turn development programs over to local control—to foster independence, rather

then dependence—as soon as practicable. Many of the Christian Reformed World Relief Committee's early efforts are now in the hands of local persons, while the Committee works on new and other pressing areas of human need.

Mr. Speaker, I know you and the other Members of this Congress join with me in recognizing the voluntarism and Christian compassion which has so characterized this agency over its 25 years of ministry. Please join with me in wishing God's richest blessing on their continued efforts.

GARY HAYES: DEDICATED TO LAW ENFORCEMENT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 8, 1987

Mr. FRANK. Mr. Speaker, Gary Hayes, who tragically died at the age of 40 a year and a half ago, was, despite his relative youth, one of the leaders in this country in fighting for effective law enforcement. Gary was an extremely talented, intelligent, and creative individual who decided early in his career that law enforcement work was extremely important and deserved his full talent and attention. Fortunately for the rest of us, he followed through on that early decision. After service as a police officer, Gary worked in the city of Boston as an assistant to Police Commissioner Robert DiGrazia. I was in the Massachusetts Legislature at the time, and had the benefit of Gary's personal friendship as well as of the great work he did. He was an effective assistant to the commissioner at the most critical law enforcement period in Boston's history, when the execution of a court-ordered integration plan caused a great deal of turmoil in the city. Gary's great good sense, his open and attractive personality, his high-powered intellect, and his great sense of how to work with people were enormously helpful to the city in that time.

Subsequently he became executive director of the Police Executive Research Foundation, an organization founded by several large city police chiefs dedicated to better law enforcement. Gary worked with great effectiveness as a representative from the law enforcement community to the community at large, fighting for better resources and working conditions for police officers. He also worked very effectively in conveying to people in the law enforcement field the concerns of the community at large. He had a great deal to do with what I think is an improvement in sensitivity and social concern that we have seen in many police departments. I was privileged to work closely with him during the late 1970's on the Commission for Accreditation of Law Enforcement Agencies. I saw then close up on a regular basis how important he was in mediating between law enforcement and the larger community. The isolation between law enforcement people and elements in the larger community is much less than it used to be, and Gary Hayes had a great deal to do with that.

Indicative of the enormous respect people had for Gary Hayes is the success of the newly established Gary P. Hayes Memorial Fund, in which Gary's wife Susan has played the central role. Susan Hayes is herself a talented professional who works on the U.S. Sentencing Commission. She, along with some friends, established this fund to memorialize Gary and to help carry on the important law enforcement work he began.

It was my very great privilege to be the master of ceremonies at the first annual dinner of the fund, which was held in the Cannon Caucus Room. Attorney General Edwin Meese was the main speaker of the evening, giving testimony to the important work that Gary had done. Among those who also spoke were Prof. Herman Goldstein of the University of Wisconsin Law School, a former professor of Gary's who was one of those who first got him interested in police work. Also speaking was Cornelius Behan, chief of the Baltimore County Police. And the honoree of the evening—recipient of the first Gary P. Hayes Memorial Award for outstanding and creative police work—was Capt. Thomas G. Koby of the police department of the city of Houston. It was a dinner attended by a wide range of leading officials from the police field—including former Police Commissioners Patrick Murphy of New York and Robert DiGrazia of Boston, with both of whom Gary had worked closely.

I insert the remarks delivered by Professor Goldstein and Chief Behan here. I think it is very much in our interest to have the important work of improving law enforcement which the Gary P. Hayes Memorial Fund carries on widely known to the members of Congress.

The material follows:

COMMENTS BY HERMAN GOLDSTEIN ON THE CREATION OF THE FUND AND ESTABLISHMENT OF THE ANNUAL GARY P. HAYES MEMORIAL AWARD

We will, this evening, be presenting, for the first time, the Gary P. Hayes Memorial Award. Before we do so, I have been asked to give you some background about the award—to tell you how it came into being and what it is intended to recognize.

As all of you know, Gary had a disdain for ceremony, formalities and rituals. There was no pretense about him. He liked to keep things simple. So it was not surprising that he asked—months before his death—that in lieu of the traditional ways in which friends and family express their sympathy, they be asked instead to make contributions to a fund that would be used to reward and encourage young people who are committed to working for improvement in the police field. He said that he wanted to help others get the breaks and support that he felt he had received in his own career. His decision reflected the deep gratitude that Gary always had for those who had helped him along the way. But beyond that, it reflected his view of the police as one of the highest of callings, and it reflected the enormous importance he attached to encouraging talented young people to devote themselves to the field.

Typical of Gary, he worked intensively from his hospital bed, making numerous phone calls in order to work out the details. He was always good at orchestrating things, and he handled this project with the same drive and stamina that he displayed in playing basketball, arranging a conference or conceptualizing a new PERF project.

The Gary P. Hayes Memorial Fund was incorporated last February. By that time, donations had already been received from many of Gary's relatives, friends and professional colleagues. In following up on Gary's wishes, Chief Behan, Sheriff Duffy, Susan and I were designated as trustees. Our goal was to set up an award to recognize and encourage individuals in police work who have demonstrated outstanding talent and a commitment to advancing the quality of police service.

We decided, at the outset, that the specific nature of the award might differ from year to year—that it might eventually take the form of a scholarship to an advanced training program, or a travel grant so that the recipient might benefit from the opportunity to study policing in other jurisdictions. But for the first year, we decided initially on a cash award of $500. I am pleased to announce that between the time of our initial announcement and this evening, it has been possible to double the cash value of the award for this first year, increasing it to $1,000.

In establishing the criteria for the award, we set out to identify the ideal characteristics that we would like to see in a young police leader in the 1980s. It was no surprise that we soon realized that we were looking for another Gary Hayes. That should have been obvious from the start, since all of us—from our different perspectives—were convinced that Gary was among the most effective and enlightened leaders in the police field in the past several decades. And so we asked, what made Gary stand out?

A major factor was his orientation toward policing. Gary had a superb grasp of the complexities of the police job. He was very sensitive to the unique role of the police in a democratic society. He knew how important it is that the police relate in a positive way to the diverse groups that make up our population. He was committed to reinforcing the values of freedom, equality and due process, and knew that the ability of the police to carry out their job depended to a great extent on how well the police incorporate these values in their day-to-day operations. He had a vision of policing that met the peculiar needs of our society.

But Gary's enlightened position regarding policing would have been of little value were it not for his unique ability to put his ideas into practice. He was a man of enormous energy. He had a superb imagination that enabled him to design creative solutions to problems. He had a fantastic ability to work with people—to make friends out of potential adversaries and to gain acceptance for his ideas. Gary recognized the importance of inquiry, experimentation, and openness. He was willing to take risks in advancing the field.

And so, from this review, some key characteristics emerged as criteria for selecting the person we wanted to honor: a police leader with a sophisticated understanding of the unique role of the police in our society; a person of vision and of strong commitment who is imaginative, open, willing to speak out on important matters, and able to relate to others and to enlist others in getting a job done. We thought, for a while, that we were looking for God's older brother, but we were relieved when we found our award winner among the nominees.

This is to be an annual award. As we look ahead to future years, we hope that we can do a number of things. We would like to enrich the award so that it might be possible to support an educational or travel expe-

rience. We want the award to become better known among those aspiring to positions of leadership in the police field in this country. We would like for it to become the most prestigious national award in policing—associated in people's minds with efforts to achieve the highest ideals in the field.

We hope, in this manner, that we have created a fitting tribute to Gary. With your generosity, and remaining faithful to Gary's own wishes, we have established a perpetual living memorial to a man who contributed so much to policing and who, in a more personal way, has been such an important and influential figure in each of our lives.

REMARKS BY CHIEF CORNELIUS J. BEHAN

Reverend clergy, Mrs. Susan Hayes, sons and parents of Gary Hayes, Attorney General Ed Meese, family and friends of Gary Hayes.

This is a special night for Susan Hayes. Your presence has made this a joyous, upbeat remembrance for her. I thank you all for coming and honoring the memory of Gary Hayes.

I have the easy task this evening. The awarding of the first Gary Hayes Memorial Award. I'm happy to see Mrs. Teresa Koby is here to share in this special night.

Thomas G. Koby has been a member of the Houston Police Department for 18 years. He was promoted to captain 4 years ago at the young age of 33. On becoming a captain, he was placed in charge of a substation serving an area of Houston that presents many difficult problems for the police.

From the very beginning of his new assignment as a captain, Thomas Koby placed a high priority on working with the community his officers served. He focused upon identifying the problems of concern to the various segments of his community and, in an effort to deal more effectively with these problems, took the initiative in designing new responses that made full use of all available resources. I will cite but a few examples: The first storefront office in Houston was established under his command. He made the concept work! Since that time, 20 storefront offices have been established in Houston, with the widespread feeling that they have contributed a great deal to improving the quality of police service in that community.

Truancy—and all of the side effects it produces—was among the problems of greatest concern in his area. Captain Koby created a truancy task force that has developed a well-thought-through response to the problem with the result that it has been greatly reduced in its magnitude. The program has now been adopted through the department. Faced with a collection of serious problems in a public housing project, Captain Koby took the initiative in applying the "oasis technique" to the area—a comprehensive system for addressing the physical deficiences of a neighborhood, the crime problems, and the lack of pride on the part of residents. His leadership has resulted in a dramatic change in the conditions of the area and has produced a great improvement in the quality of life enjoyed by those who live in the project.

In another area of his district, Captain Koby developed a comprehensive program to reduce inhalant abuse. The program was again multifaceted—calling for the education of abusers, the training of police officers in counselling and referral enforcement efforts directed at the suppliers, and most importantly, a whole new set of relationships with residents, merchants, school officers and church leaders—all of whom were mobilized to help deal with the problem.

Captain Koby: Your work over these past several years has demonstrated a strong commitment to improving the quality of police service. You have been open to new ideas. You have recognized the need for research and experimentation. You have demonstrated a willingness to take the risks that are almost always involved when one undertakes to explore new ways of dealing with old problems. You have an inquiring mind. You have a reputation for asking hard questions and for challenging methods which have no more than tradition to support them. You are known to respect the view of your colleagues but have no hesitancy to challenge their ideas—thereby sharpening their thinking and contributing to a better collective decision in the administrationa of your department.

You are respected for taking a clear position on those matters on which you believe even though this may be an unpopular position that places you at odds with your superiors, the command staff, and your subordinates. You are viewed as having "guts"—the ultimate testimonial in policing—not just on the firing line but in the exchange of ideas and knowledge that is so crucial to the improvement of the police field.

Commendable as these characteristics are, they often place a young police commander such as yourself in trouble with both his superior and his subordinates, but you apparently have a way of making your views known—a quiet, genuine manner—that not only results in your being persuasive and influential but wins the respect and trust of both those for whom you work and those who work for you. You are known as an excellent facilitator.

Tom, you didn't know Gary Hayes. That's unfortunate, but understandable. You and he would have "hit if off." Gary was a pioneer, innovative, tough, persuasive, and above all, honest.

Gary Hayes was "adventure" in law enforcement.

Your superiors, colleagues, and subordinates in the Houston Police Department are obviously proud of you and of what you have done. We share this sense of pride and because you have demonstrated so many of the positive traits that Gary Hayes embodied, we have chosen you to receive the first annual "Gary P. Hayes Memorial Award."

Congratulations!