

HOUSE OF REPRESENTATIVES—Wednesday, December 2, 1987

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. FOLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 25, 1987.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on Wednesday, December 2, 1987.

JIM WRIGHT,

Speaker of the House of Representatives.

PRAYER

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

May our eyes always be open, O God, to the vision of a new and better day, when swords will be made into plowshares and spears into pruning hooks. Grant us always to know the reality and the dangers of the present time and also to know the realities and power of Your loving spirit—the spirit that reconciles and makes whole, that builds and strengthens and calls us to be the human family that You have created.

This we pray. Amen.

THE JOURNAL

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

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

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

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

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

Mr. PORTER. 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 253, nays 118, not voting 62, as follows:

[Roll No. 448]		NAYS—118	
YEAS—253			
Ackerman	Frost	Armeny	Herger
Akaka	Gallo	Badham	Hiler
Anderson	Garcia	Ballenger	Hopkins
Andrews	Gaydos	Barton	Hunter
Annunzio	Geidenson	Bentley	Hyde
Anthony	Gibbons	Bereuter	Inhofe
Applegate	Gilman	Blirakis	Ireland
Archer	Glickman	Olin	Jacobs
Aspin	Gonzalez	Ortiz	Kolbe
Atkins	Gordon	Oxley	Konnyu
AuCoin	Gradison	Packard	Kyl
Bartlett	Grandy	Panetta	Lagomarsino
Bateman	Grant	Patterson	Latta
Bates	Gray (IL)	Pease	Leach (IA)
Beilenson	Gray (PA)	Pelosi	Lent
Bennett	Green	Perkins	Slaughter (VA)
Bevill	Gunderson	Petri	Smith (TX)
Bilbray	Hall (OH)	Pickett	Smith, Denny
Boggs	Hall (TX)	Pickle	Lightfoot
Boland	Hamilton	Price (IL)	(OR)
Bonior	Hammerschmidt	Quillen	Smith, Robert
Bonker	Harris	Ravenel	Lukens, Donald
Borski	Hatcher	Ray	Lungren
Boucher	Hayes (IL)	Richardson	Mack
Boxer	Hayes (LA)	Ritter	Madigan
Brennan	Heffley	Robinson	Marlenee
Brooks	Hefner	Rodino	Martin (IL)
Broomfield	Hertel	Roe	DeLay
Brown (CA)	Hochbrueckner	Rostenkowski	DeWine
Bruce	Horton	Roth	Dickinson
Bustamante	Houghton	Rowland (GA)	Dornan (CA)
Byron	Howard	Royal	Dreier
Campbell	Hoyer	Russo	Duncan
Cardin	Hubbard	Sabo	Emerson
Carper	Huckaby	Savage	Fields
Carr	Hughes	Sawyer	Frenzel
Chapman	Hutto	Schumer	Miller (OH)
Chappell	Jenkins	Sharp	Molinari
Clarke	Johnson (CT)	Shaw	Gallegly
Clinger	Johnson (SD)	Shumway	Gekas
Coats	Jones (NC)	Shuster	Gingrich
Coelho	Jontz	Sisisky	Goodling
Coleman (TX)	Kanjorski	Skaggs	Gregg
Collins	Kastenmeier	Skelton	Hansen
Combest	Kennedy	Slaughter (NY)	Hastert
Conte	Kennelly	Smith (FL)	Henry
Conyers	Kildee	Smith (IA)	
Cooper	Kleczka	Smith (NJ)	
Coyne	Kostmayer	Solarz	
Craig	LaFalce	Spratt	
Crockett	Lancaster	St Germain	
Daniel	Lantos	Staggers	
Darden	Lehman (CA)	Stallings	
Davis (MI)	Lehman (FL)	Stark	
DeFazio	Levin (MI)	Stokes	
Dellums	Levine (CA)	Stratton	
Derrick	Lewis (GA)	Studds	
Dicks	Lipinski	Swift	
Dingell	Lloyd	Synar	
Dixon	Lowry (WA)	Tallan	
Donnelly	Lujan	Tauzin	
Dorgan (ND)	Luken, Thomas	Taylor	
Downey	Manton	Thomas (GA)	
Durbin	Martinez	Torricelli	
Dwyer	Matsui	Traficant	
Dynamis	Mazzoli	Udall	
Dyson	McCloskey	Valentine	
Early	McCurdy	Vislosky	
Eckart	McDade	Volkmer	
Edwards (CA)	McHugh	Walgren	
English	McMillen (MD)	Watkins	
Erdreich	Meyers	Waxman	
Evans	Mica	Weiss	
Fascell	Miller (CA)	Wheat	
Fawell	Miller (WA)	Whitten	
Fazio	Mineta	Williams	
Fish	Moakley	Wilson	
Flake	Moody	Wolpe	
Flippo	Morrison (WA)	Wortley	
Florio	Mrazek	Wyden	
Foglietta	Murtha	Wylie	
Foley	Myers	Yates	
Ford (MI)	Nagle	Yatron	
Ford (TN)	Natcher		
Frank	Neal		

NOT VOTING—62

Kaptur	Regula
Kasich	Rinaldo
Kemp	Roemer
Barnard	Rose
Berman	Koiter
Biaggi	Leath (TX)
Boehlert	Roukema
Boyle	Leland
Bosco	Saiki
Bryant	Livingston
Crane	Scheuer
de la Garza	Lowery (CA)
DioGuardi	MacKay
Dowdy	MacRae
Edwards (OK)	Mavroules
Espy	Slattery
Feighan	Smith (NE)
Gephart	Mfume
Guarini	Montgomery
Hawkins	Mollohan
Holloway	Torres
Jeffords	Towns
Jones (TN)	Stenholm
	Sundquist
	Montgomery
	Nichols
	Owens (NY)
	Owens (UT)
	Pepper
	Price (NC)
	Wise

□ 1215

So the Journal was approved.

The result of the vote was announced as above recorded.

EXTENDING HOSTAGE BENEFITS TO FEDERAL PRISON GUARDS BEING HELD IN ATLANTA AND OAKDALE

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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mrs. SCHROEDER. Mr. Speaker, I include for the RECORD a letter that I have written to President Reagan dated December 1, 1987:

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CIVIL SERVICE,
Washington, DC, December 1, 1987.

Hon. RONALD REAGAN,
President of the United States, The White
House, 1600 Pennsylvania Avenue, NW,
Washington, DC.

DEAR MR. PRESIDENT: Cuban prisoners have held 90 federal employees hostage for more than a week at the federal penitentiary in Atlanta and, until two days ago, held 26 employees hostage at the federal detention center in Oakdale, Louisiana.

Employees of the Bureau of Prisons know that they face dangers in their line of work; they are not paid, however, to be subject to captivity by their prisoners.

For this reason, the Victims of Terrorism Compensation title of the Omnibus Diplomatic Security and Antiterrorism Act (P.L. 99-399) provides that certain benefits may be made available to federal employees who are in captive status within the United States, as well as abroad. These benefits include health benefits, cash payments, and, where appropriate, special savings accounts and educational benefits.

Under the law, benefits are provided if the President determines that an employee is in "a missing status which . . . arises because of a hostile action and is a result of the individual's relationship with the Government." (5 U.S.C. 5569(a)(2)). The term "missing status" is defined to include "captured, beleaguered, or besieged by a hostile force." (5 U.S.C. 5561(5)(D)). I believe the captives in Atlanta and Oakdale meet these definitions.

Once the President determines that an employee meets the requirements of the Act, the employee is entitled to medical and health care benefits which are not already covered by insurance and to a cash payment equal to one-half the current average worldwide per diem for each day of captivity. At current rates, this payment would be slightly less than \$50 per day.

The Victims of Terrorism Compensation Act was enacted in reaction to the detention of 52 Americans in Teheran during 1979 to 1981. Nevertheless, in drafting the statute, we intentionally made it applicable to situations occurring within the United States as well. Whether there was foreign involvement in the activities of the prisoners in Atlanta and Oakdale is irrelevant to your determination to provide benefits.

The 116 hostages have and are suffering tremendous hardship. Their families are fraught with anxiety. From the point of view of the employees and their families, their suffering was indistinguishable from the suffering they would have faced had they been captured abroad.

I, therefore, urge you to exercise your power under the Victims of Terrorism Compensation Act and declare the federal employees held captive in Atlanta and Oakdale eligible for the benefits provided in that Act.

With kind regards,
Sincerely yours,

PAT SCHROEDER,
Chairwoman.

Mr. Speaker, I hope many other Members join me in doing this. In 1986 when this body passed the antiterrorism bill we very wisely included a provision saying that any hostages taken

domestically should also be eligible for any hostage benefits if the President makes that request.

Mr. Speaker, I am urging the President today to make that request for the 116 Federal prison guards being held captive in both Atlanta, GA, and Oakdale, LA, prisons. I think as Federal employees this is the least they are due. This body gave that authority to the President, and I hope others join me in encouraging him to use it.

STATE DEPARTMENT AUTHORIZATION AND DR. JOSEPH KAREL HASEK

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

Mr. SENSENBRENNER. Mr. Speaker, the 98th Congress passed an extraordinary piece of legislation which allowed an individual a second chance to submit a claim before the Foreign Claims Settlement Commission. But apparently, that wasn't enough.

The State Department authorization bill now in conference contains a Senate amendment which grants an outright sum of \$250,000 plus interest to Dr. Joseph Karel Hasek with the rationale that Private Law 98-54 has not been implemented as intended by the Congress. If you believe that, you will believe most anything.

Dr. Hasek's first private bill to pass the House was vetoed by the President because it tried to legislate history. A subsequent compromise was signed into law to allow Dr. Hasek a second chance to plead his case before the Commission. Dr. Hasek had that chance and received an award according to the terms of the law, from Czechoslovakian funds held by our Government. Now he wants another quarter of a million dollars.

What makes this whole situation so ludicrous is all of the money in the fund has already been obligated. Elderly U.S. citizens have been notified how much they will receive. But, if the House does not insist on receding from the Senate amendment, some of these people will never get what our Government promised them, because Dr. Hasek felt he didn't get enough.

I include for the RECORD my letter to the chairman of the Committee on Foreign Affairs:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 1, 1987.
Hon. DANTE FASCELL,
2354 Rayburn House Office Building,
Washington, DC.

DEAR DANTE: This letter is to urge you not to compromise and to delete the Section 506 from the Department of State Authorization bill entitled "Payment of the Claim of Joseph Karel Hasek from the Czechoslovakian Claims Fund."

Dr. Hasek's unique situation was recognized by the Congress with the passage of

Private Law 98-54. He was awarded the extraordinary privilege of being able to file a claim before the Foreign Settlement Claims Commission for a second time—after his first claim was denied. The Commission heard his case and awarded him a monetary sum for his loss. However, now you are being asked to give him an additional \$250,000 because he didn't like the verdict of the Commission.

All of the people who are eligible to receive funds from the final distribution of monies have been notified of the amount of money they will receive from this final disbursement. Anyone who has not yet received and cashed his final check will receive nothing, because Dr. Hasek wants more than he is entitled to.

The first bill granting Dr. Hasek relief passed the House and Senate but was vetoed by the President because of the unfair determination Dr. Hasek was demanding. A compromise was reached and signed into law which would not legislate an award, but would afford him an unprecedented second chance. This was the intent of the legislation and this is what Dr. Hasek received. Now he wants more, and at the expense of legitimate documented claims made by U.S. citizens who lost their property. This becomes more incredible because at the time of his loss, Dr. Hasek was not a U.S. citizen.

I cannot urge you strongly enough to recede from the Senate amendment and to delete Section 506.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Member of Congress.

IT IS TIME TO FOCUS ON OUR POVERTY PROBLEM

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

Mr. TRAFICANT. Mr. Speaker, according to recent studies completed by the Council for Economic Opportunity in Cleveland, OH, Mahoning County, OH, has 50,000 people living at or under the poverty level. Nearly 20 percent of the population of Mahoning County, OH, is at or below the poverty level.

The President's policies have certainly trickled down. Since 1980 there has been a 30-percent increase in poverty in Mahoning County, OH.

What have we done down here? We threw out the investment tax credit program, threw out the accelerated cost recovery program, and now there is no investment. Auto imports are at record highs, and they have little auto activity back in that area. We want to throw out and cut back on UDAG's and Community Development Block Grant money. We completely throw out revenue-sharing money and we cut Economic Development Administration agency support to a token level.

Now, last week we debated the foreign aid bill, and it was unanimously agreed that there is a worldwide poverty problem. The problem exists, I say to my colleagues, but Congress is yet to focus on the poverty problem in

its own country. I think it is time we do that.

MEMBERS OF CONGRESS VISIT THE AFGHANISTAN-PAKISTAN BORDER AREA

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

Mr. DORAN of California. Mr. Speaker, eight Members of a codel, during the Thanksgiving break, visited the Afghanistan border area. It was a fascinating trip to the Afghan-Pakistan border. Mr. Speaker, I know there is not a voice in the House that is ever raised against the freedom fighters in Afghanistan, the Mujahedin. That is as it should be. Our support for the Afghan freedom fighters is probably the best program that this country has undertaken since World War II. Ours is a clearcut effort to help people stand up against totalitarianism.

There is one young fighter inside Afghanistan that with United States-supplied Stinger missiles has personally shot down seven Soviet aircraft, including bombers, Mig's, and helicopters that were strafing, bombing, and killing his native people.

The United States program is outstanding, but it makes me wonder why liberals on the other side of the aisle deny the same sort of total support to the black freedom fighters in Angola, or why we have made a bastard child out of the freedom fighters in Central America—those who are right here on our own doorstep dying in the hills of Nicaragua.

□ 1230

The communism which the Ortega brothers are trying to impose on Nicaraguans is identical to the tyranny which crushes families in Afghanistan. I believe that it is about time we had a consistent policy for those young men and women who are willing to die for freedom in their countries, whether it be Afghanistan, Angola, or Nicaragua.

TRIBUTE TO JAMES BALDWIN

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

Mr. DYMALLY. Mr. Speaker, it is with great sadness and utmost respect that I ask my colleagues to join me in paying tribute to one of the preeminent authors, playwrights, and essayists of our time—James Baldwin.

Mr. Baldwin, who had been suffering from cancer, passed away on Monday at his home in the south of France.

Born in 1924, Baldwin emerged in the 1950's and 1960's as a major voice of the black community's struggle for dignity, justice, and equality.

His eloquent and fiery prose—in such works as "Go Tell It on the Mountain," "Nobody Knows My Name," "Another Country," and "The Fire Next Time"—testified to the frustration and despair, hope, and rage of African Americans. Having grown up in poverty in Harlem, his themes often paralleled his own personal experiences and problems.

Baldwin was an international literary figure, writing at various times in Istanbul, Switzerland, Corsica, New York, and, of course, France.

His contributions to the civil rights movement, black heritage, and American literature are a legacy we will forever treasure.

Brother Baldwin, we thank you for giving us the gift of your words.

ACTIONS ARE WHAT COUNT IN GLASNOST

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

Mr. KYL. Mr. Speaker, for the first time since glasnost became a buzz word to characterize his policy of openness, Soviet Communist Party leader Mikhail Gorbachev is coming to Washington, officially to sign an INF treaty, but also to sell this new Soviet image to the American people. Colleagues, fellow Americans, beware.

The American public got a preview of Gorbachev's salespitch earlier this week in an NBC interview. As today's Washington Post editorial "Who Is Mikhail Gorbachev?" observes, "On television, Mr. Gorbachev can show an undeniable restraint and poise, but these qualities tend to fade when the heat is turned on." The Post went on to note that he falls back on the stereotyped Soviet line when pressed on real questions like Jewish emigration and the Soviet invasion of Afghanistan.

Just today, I have received further evidence of the one-way street this glasnost public relations campaign really represents. A good friend from Phoenix, AZ, Patience Huntwork, is a national leader on human rights and Soviet Jewry issues. Last month, she received the Humanitarian Award from the Union of Councils for Soviet Jews for her efforts.

Recently, it was announced that there will be a Press Club Glasnost seminar on human rights in Moscow later this month. Patience wanted to participate in this seminar. I learned today that the Soviet authorities have denied her permission to apply for a visa to attend. On matters of human rights, the Soviet's program seems to be, "Just say *nyet*."

Before he can be taken seriously, Mr. Gorbachev must demonstrate by actions that glasnost is more than a

slick public relations ploy. Words are cheap. Actions are what count. At this point in the RECORD I include the following editorial:

[From the Arizona Republic, Dec. 2, 1987]

MEET MR. COMMUNIST

Just when the notion was gaining currency in some minds that Soviet top-dog Mikhail Gorbachev was a species of crypto-capitalist—a secret admirer of Western-style democracy—out of the closet leapt a tough, ardent disciple of Comrade Vladimir Ilyich Lenin.

Gorbachev's televised interview with NBC's Tom Brokaw was targeted as the opening salvo in the usual pre-summit image-making barrage. The anticipated pre-summit intransigence, trotted out prior to every superpower Saturnalia to intimidate the Americans, may have backfired on the cagey Russian. The exchange unmasked Gorbachev and finally may have disabused the gullible, in this country and in Europe, of wishful notions about "Iron Mike."

This was a markedly different Gorbachev from the one encountered in Moscow last April by Wisconsin's Rep. Les Aspin. Gone, Aspin notes, was the affable, garrulous, anecdotal Gorbachev, a Russian version of Uncle Remus. In his place stood one tough cookie. Look at Gorbachev's declarations.

On "Star Wars": Sure, he said, the Soviets were doing research, as is the United States. But, of course, they would never deploy a strategic anti-missile defense, so what's the problem?

On human rights in the Soviet Union: Mind your own business, he said in effect, and that goes for the Jews, too.

On Soviet genocide in Afghanistan: Next question.

On the Soviet military presence in Nicaragua: Not only do the Soviets have no intention of getting out of our hemisphere, but they intend to expand their relations with Latin America, and the Monroe Doctrine be damned.

On the purging of his former Communist Party ally Boris Yeltsin, champion, of *glasnost*: The Gorbachev regime will follow *glasnost* firmly, but those who think this means anything remotely resembling Western-style democracy with freedom of speech and independent political parties can guess again.

In other words, Gorbachev staked out his summit negotiating ground by not giving an inch on any issue. This steely eyed, unyielding Gorbachev is certainly a variation on the jovial general secretary as depicted in the popular mythology of recent months.

Will the real Gorbachev please stand up? Has he always been a hard-line Leninist who only posed as a new-style Russian leader? Or is he having to retrench as his "conservative" enemies in the party close in on his reformist crusade?

No one in the West knows. Period. None of the so-called Kremlinologists has the foggiest idea of what is going on inside Gorbachev's skull or behind the Spassky Gate.

Only one reliable, safe way of assessing Soviet leaders suggests itself: Ignore their fine-sounding words, soothing phrases and oh-so-reasonable rhetoric and pay close attention to their behavior.

If Gorbachev is a peace-loving Mr. Peepers, and not a clever poseur, let him demonstrate it. The Soviet invasion of Afghanistan took just four days. What if the troops got out with equal dispatch? Maybe, just

maybe, then the West should take seriously all the schmoozing about peace.

KEEP THE 1988 OLYMPICS FREE OF POLITICS

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

Mr. CAMPBELL. Mr. Speaker, at the closing ceremonies of the 1964 Summer Olympics, I experienced one of the proudest and most exciting moments of my life as I was honored to carry the American flag from the stadium in Tokyo, Japan.

My colleague and friend, the gentleman from Maryland [Mr. McMILLEN] and I are among the fortunate few who have been honored to compete in the Olympic games. We know the value of the games first hand—in encouraging fitness, in displaying sportsmanship and most importantly, in fostering friendships among people of many diverse nations. We also have seen, however, that political posturing has too often cast a dark shadow over the games. For example, in 1980, hundreds of American young people were denied their once-in-a-lifetime opportunity to participate in the Olympic games due to political maneuvering. We then saw a politically motivated retaliation in the 1984 Olympics.

In ancient times, political disagreements were suspended for the Olympic games. In modern times, the games are suspended for political disagreements.

Their future is in peril if these abuses are allowed to continue.

With President Reagan and General Secretary Gorbachev meeting for a summit next week, the gentleman from Maryland and I are introducing a concurrent resolution asking these two world leaders to do everything possible to assure that the 1988 Olympic games in Calgary and in Seoul are not contaminated by politics. We also invite our colleagues to sign letters to these two world leaders requesting them to pledge that they will make every effort to prevent politics from poisoning the games.

If we confine the competition to the stadium, the Olympic tradition can serve as a showcase of the world's best athletes and as a bridge of understanding for all the nations.

THE 150TH BIRTHDAY OF OTTAWA COUNTY, MI

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

Mr. UPTON. Mr. Speaker, I rise today to recognize the 150th birthday of Ottawa County in Michigan. This is the principal Coast Guard center of the Great Lakes, the center of our great Nation's premier Dutch-American community.

When the Dutch came to this area, they brought with them tulip bulbs, wooden shoes, and native costumes. But, above and beyond all else, they introduced a work ethic that has laid the foundation for the success and prosperity that has become synonymous with today's Ottawa County.

But, Ottawa County is much, much more than just the center of Dutch-America. It is now the fastest growing county in the State of Michigan, and its economy is among the most thriving in the entire Midwest.

That is to say nothing, Mr. Speaker, about the natural beauty of this wonderful area, which stretches from the splendid shores of Lake Michigan to the outskirts of the city of Grand Rapids. Precisely because of its attractiveness, Ottawa County ranks third in Michigan in tourism, and events like the Coast Guard Festival in Grand Haven and the Tulip Festival in Holland have drawn acclaim throughout the world.

Indeed, Mr. Speaker, Ottawa County has much to be proud of. I invite all of my colleagues to visit this lovely area, but it is my duty to caution you before hand: once you come for a visit, you may never want to leave.

Again, I am sure my colleagues join me in saying congratulations to Ottawa County. May its future be filled with the continued success and achievement that has marked its first 150 years as a county.

KEEP POLITICS OUT OF THE 1988 OLYMPIC GAMES

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

Mr. McMILLEN of Maryland. Mr. Speaker, it is a pleasure to work with my colleague the gentleman from Colorado [Mr. CAMPBELL] on this Olympic resolution.

As one who participated in the most painful of Olympic games with the terrorist attack at Munich in 1972 and the controversy surrounding those games, I hold the preservation of the Olympic spirit in the highest regard as a result of these tragic experiences.

With President Reagan and General Secretary Gorbachev meeting next week in Washington, the opportunity presents itself for these powerful leaders to pledge that their countries will not allow the spirit of the Olympics to be damped by the forces of global politics.

When the modern Olympics were revived in 1896, it was hoped by their founders that peace and understanding among nations would be the by products of the games, just as warring nations in ancient Greece would lay down swords in Olympic years.

In 2 months, the 1988 Olympics begin with the winter games in Calgary, Canada.

Mr. Speaker, let us hope that in the 1988 Olympic games all nations, led by the United States and Soviet Union, will rise above global political differences and allow the games to take place in the spirit of amateur athletic competition for which they were intended.

I urge my colleagues to sign this resolution.

TRIBUTE TO HOME HEALTH CARE WORKERS

(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, today I would like to take this opportunity to salute the 130,000 individuals in our population who work tirelessly, with little fanfare, to make ours a better world. The people I speak of are the home health nurses who look after the day to day needs of those less fortunate people in our society who are confined to their homes by illness and age. This week of November 29 is officially recognized as "National Home Health Care Week," and I am taking this occasion to say thank you to our country's home health care workers for doing an outstanding job in looking after the needs of our Nation's infirm citizens. Few are fully aware of, or appreciative of, the task of home health care providers, but it is one that we as a society could not do without. On behalf of the people of Ohio's 10th Congressional District I say thank you to home health care workers for a job well done; thank you for being on call to answer the needs of those unable to care for themselves.

PROHIBITING U.S. GOVERNMENT FROM PROCURING GOODS FROM COUNTRIES THAT LIMIT ACCESS TO THEIR PROCUREMENT MARKETS

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

Mr. DEFAZIO. Mr. Speaker, earlier this year the House included a section of H.R. 3, the trade bill, to amend the Buy America Act to prohibit the Government from procuring goods from countries that limit access to their own procurement markets. At that time I attempted to expand the scope of this provision to include services in the American market. That amendment was not allowed by the Rules Committee.

Mr. Speaker, I think the recent events as publicized in the Washington Post and elsewhere should lead Con-

gress to reconsider this decision. The Government of Japan has made it clear that their public works market is closed for foreign firms.

I agree with the Secretary of Commerce that this situation is not acceptable. Let us examine the facts.

Japanese activities in our construction market grew from \$550 million in 1981 to almost \$3 billion in 1986. Japanese penetration of the United States construction market increased by 170 percent in 1 year. In the next decade, over \$60 billion in major public works projects will be built in Japan, and not one of those contracts will be let to an American firm, no matter how competitive the firm, no matter how low their bid, unless we force the Japanese to open their market.

Today I am introducing legislation that would force Japan and other countries to open their construction markets to American firms or be barred from ours.

CONGRESSMAN RAVENEL'S REMARKS TO FRIENDS IN THE NATION OF BAHRAIN

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

Mr. RAVENEL. Mr. Speaker, Congressman JACK DAVIS and I have just returned from the Persian Gulf area where we found true friends in the nation of Bahrain. At a dinner I made the following remarks to our hosts:

Now we have traveled very far, Half round the world is the eastern star. To visit ships and search for facts. To encourage friends and interpret acts. Carriers and frigates we have seen. Chiefs, captains, admirals and young sailors in their teens.

Exotic lands of which we've known, And modern cities much like our own. We've tracked a bomber in the dark, Just like the one that struck our *Stark*.

We've talked with citizens high and low, Of oil and war and other fears that tax us so.

But little did we expect to find, The people of Bahrain so kind. How delighted are we all to see, The warmth of friends that comes from thee.

The peace that dwells in this fair land, The happiness from your amirs hand. These glad tidings we will bear, Back to our country for all to hear.

TRIBUTE TO THE HONORABLE ABRAHAM "CHICK" KAZEN

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

Mr. BUSTAMANTE. Mr. Speaker, I would like to ask my colleagues to join me in paying tribute to a member of our family who will be dearly missed by us all. Last Sunday in Austin, TX, Abraham Kazen, Jr., passed away.

Abraham "Chick" Kazen represented the people of the 23d District for over 40 years, first as a Texas legislator and then as a U.S. Congressman from 1966 to 1984. Known as "Mr. South Texas," because of his great popularity in the region, Chick Kazen served as a beacon to the people of southern Texas, bringing them together and working tirelessly on their behalf.

Many now in Congress had the opportunity to serve with Mr. Kazen and remember him as a competent and warm person who ably defended the interests of his constituents. He will always be held in high regard by the people of southern Texas and will occupy a place in our hearts and in our prayers.

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

Mr. BUSTAMANTE. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I would like to join the gentleman in his remarks about "Chick" Kazen. I had the honor and privilege of serving with him. He was a dedicated Congressman and a great credit to his district and to the Nation and to his family.

I join with the gentleman and other Members of the Texas delegation in extending our condolences to his family.

Mr. BUSTAMANTE. I thank the gentleman for his comments.

□ 1245

TAX AMNESTY—F.A.S.T.

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

Mrs. BENTLEY. Mr. Speaker, in the next several days, we will be trying to address the \$23 billion shortfall before Gramm-Rudman takes its blind bite out of the budget.

The proposed solution will include a multibillion-dollar revenue enhancement—or in other words a tax increase. We don't even know what will be taxed.

This is unacceptable. There are two basic ways to raise money—raise taxes or increase the tax rolls.

It has been estimated that a tax amnesty will raise anywhere from \$25 to \$200 billion. In my State of Maryland, a tax amnesty program has just been closed out—at 20 percent above the predicted \$20 million.

If a tax amnesty were coupled with a fair and simple tax, millions of people now in the underground economy would be brought onto the tax rolls.

The Department of Treasury has calculated a 10-percent flat tax would be revenue neutral. This percentage would allow a \$6,000 personal and \$12,000 family exemption—thereby protecting those less affluent.

Coupled with the tax amnesty, a flat rate would bring in billions from new taxpayers—roughly \$30 billion to \$40 billion from the underground economy in the United States that has been estimated to be as much as \$200 billion a year.

By getting everybody to pay his fair share—and no more—we can go a long way toward rectifying the budget deficit.

THE UNITED STATES CANNOT NOW TURN ITS BACK ON HAITI

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

Mr. FASCELL. Mr. Speaker, the time has come for the United States to join the Haitian people in saying no to the Ton Ton Macoutes and Duvalierism with or without Duvalier.

The most basic duty of any government is to provide security for its people, to protect its citizens rights. The National Governing Council of Haiti [CNG] has proved itself either unable or unwilling to carry out this responsibility. By failing to carry out its duties the CNG has shown itself to be an unreliable entity with which the governments of the world can work or with which they should have diplomatic relations.

If the members of the CNG have any sense of duty or dignity left they should promptly resign. If the members of the CNG do not resign the United States should promptly move to recognize a government in Haiti which has the support and confidence of the Haitian people. The Provisional Electoral Council and its members are a logical alternative body with which the United States should be able to cooperate to restore order and assure a climate of security essential to the holding of free and fair elections.

U.S. foreign policy in our hemisphere and democracy everywhere has been dealt a serious blow with the cancellation of the Haitian elections. Lessons can be learned from what has happened but there is little to be gained from a search for scapegoats. For once, the Executive and Congress worked together hand-in-hand; the policy that has failed is one which the United States strongly supported. But it is principally the people of Haiti who will suffer from the Haitian military leadership's betrayal of the aspirations of its own people.

United States policy toward Haiti has been based on three key assumptions, the last of which has proved to be unfounded. Those assumptions were:

First, that the Haitian people are determined to seize control of their own destiny;

Second, Haitians want a democratic form of government so badly they are prepared to die for it; and

Third, Haiti's military leaders could be trusted to oversee a transition to democracy.

It is now clear that neither the United States nor the Haitian people can count on Haiti's military leaders to support democracy. But events of the last year have confirmed the first two of the assumptions on which our policy has been based. Haitians turned out in large numbers to endorse their new democratic constitution last March 29 and last summer it was the determination and effort of the Haitian people which thwarted the military's attempt to seize control of the electoral process.

The United States cannot now turn its back on Haiti. All nations of our hemisphere share a centuries-old common commitment to keep alight the torch of liberty. In the weeks and months ahead the United States can and should play an active role in supporting the struggle of the Haitian people for liberty.

At this stage the administration has suspended all assistance other than humanitarian assistance to be delivered through private voluntary organizations and indicated that all other assistance will not be resumed until the transition to democracy is back on track. I applaud this decision but if the administration believes that this will effectively prod the Haitian military to return to the democratic path I believe they are sadly mistaken. The Duvalier regime learned to live isolated from the rest of the world and in its own warped way thrived on xenophobia. Those who would end the drive toward democracy in Haiti are no friends of the United States. They view our aid suspension with contempt. Lacking concern for the welfare of the Haitian people these oligarchs believe they can prosper as they did for three decades with a United States hostile to their system.

For United States policy to be successful it must be forceful and assertive in promoting democracy in Haiti and in safeguarding the lives of those who have risked all for their nation. I believe the United States should take the following actions:

Do its utmost to promote adherence by Haitian institutions to the constitutions of March 29 and to a speedy transition to democracy by urging the current members of the National Governing Council of Haiti to resign in favor of persons who enjoy the respect, support and confidence of the Haitian people;

If the CNG is unwilling to resign, the United States should recognize the Provisional Electoral Council or other appropriate persons as the legitimate government of Haiti;

Make clear to the Haitian military that its betrayal of its promises to the Haitian people and the abandonment of commitments to the United States by its senior commanders can lead only to the most profound consequences;

Take steps to support the maintenance of Haiti's free press including the provision of transmitter equipment and sites as needed;

Immediately revoke the visas of all persons or their family members of those suspected of criminal activities related to the threat to democracy in Haiti;

Immediately suspend Haiti's eligibility for special economic benefits under the Caribbean Basin Initiative;

Seek implementation of a total arms embargo against Haiti's military government—enforced as necessary by the OAS or other appropriate international organization or group;

Consider establishment of a comprehensive regime of international trade and financial sanctions aimed at those who expect to profit by thwarting democracy and reform to make it clear to those who would rob the Haitian people of their liberty that they will not profit from their crimes;

Take all necessary steps to protect the lives of American citizens throughout the country;

Work with appropriate Haitian authorities to assure that elections can be held safely and securely under the auspices of a peacekeeping force acceptable to the Haitian people; and

Finally if other actions are not successful the United States should provide military support, if requested, to a responsible democratic government set up in opposition to the military junta and committed to the transition to democracy and to respect for Haiti's international legal obligations.

The events of the last few days are sad ones for the history of liberty in our hemisphere. General Namphy, who might have been enshrined among the pantheon of this hemisphere's democratic heroes, instead has assured himself a prominent place in the gallery of those whom history will judge as enemies of their own people.

It matters not whether Namphy is acting on his own or is simply a tool for others. He and those who back him have proved unworthy of the trust placed in them by the Haitian people. Haiti's poverty is so deep, its resources so strained, that Haiti cannot afford to permit the forces opposed to reform to prevail.

RECOGNITION OF TINA MAI NGUYEN'S AWARD-WINNING CITIZENSHIP SPEECH

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

minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, today I have the opportunity to introduce a new citizen of our United States. Mrs. Tina Mai Nguyen was sworn in at a ceremony that has enabled her to become an active participant in the democracy or our Nation. The citizenship ceremony on Thursday, September 17, in San Diego was also a celebration of the 200 years of freedom that our forefathers provided us in the living constitution.

Mrs. Nguyen was the winner of an essay contest, "Why I Would Like to Become an American Citizen," in which she expressed her joy in finding the freedoms that the United States gives to all its citizens. These liberties are especially meaningful to Tina because she left a country of Communist rule in Vietnam. She writes in her essay, "I experienced difficulties under a Communist regime where I did not have any rights; neither the right to have a job, to practice my religion, nor to live as a human being." Tina has paid dearly for these rights. She lost 11 relatives at sea as they, too, were fleeing their homeland.

Mr. Speaker, I am proud to show Mrs. Nguyen the accessible government that speaks in the voice of its people. She enthusiastically writes that "even more exciting is that I'll cast my first ballot next year to choose the President for my new beloved country."

If we all could take a second look at our Nation through the eyes of a new citizen we might better appreciate the magnitude of beauty that is so evident in all facets of our life. Tina has spent her life longing to be a part of a democracy where her vote is instrumental in formulating the Government.

I am honored to have sponsored Tina Nguyen on her first visit to our Nation's Capitol.

THE UNITED STATES CAN DO MUCH BEYOND CUTTING OFF OFFICIAL ASSISTANCE TO HAITI

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

Mr. LEVIN of Michigan. Mr. Speaker, last weekend was a tense one for our family. We are grateful for the safe return of our son, Andy, and all the others who went to Haiti as election observers, and very grateful to those within the United States Government who manifested such active concern for their safety.

Our deep feelings also remain undimmed about the average Haitian citizen during these last days—the citizens who lined up to vote on Sunday despite the gunfire the night before,

and most of all, the citizens who lost their lives, taking a chance with their personal safety in order to give democracy a chance in their country.

The United States owes it to the Haitian people—and our own democratic ideals—to reexamine our approach.

There is much policy room between military intervention in Haiti and the approach used these last months.

The United States can do much beyond cutting off official assistance to Haiti. We can join other nations, for example, in insisting that the Haitian Government:

Prosecute the murderers; and
Reinstate the Provisional Electoral Council.

What is clear beyond doubt is that in U.S. policy there can be not a trace of namby-pamby toward the Namphy government.

Active, clear-cut pressure must be a centerpiece of American policy in human rights issues—whether Afghanistan or Haiti.

THOUGHTS OF THE INTERVIEW OF GORBACHEV

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

Mr. RITTER. Mr. Speaker, on Monday night the American people were witness to another unique event in the 20th-century history and that was an interview between an American journalist, Tom Brokaw, and the General Secretary of the Communist Party of the Soviet Union, Mikhail Gorbachev.

I think we witnessed Mr. Gorbachev as a man at ease in a tough interview. We witnessed an ability to deflect questions to give the kind of answers that he felt comfortable giving.

I think if you dissect those answers, however, you find the kind of publicity seeking and lack of focus on substance that I think we would hope is not the same kind of performance that we are willing to see at the summit.

Mr. Speaker, when asked about Afghanistan and the Soviet forces in Afghanistan, Mr. Gorbachev continued to say they were invited in by a legitimate regime.

When asked about pulling out he talked about reevaluating the situation. I would hope that our President focused on Afghanistan. There can be no peace in this world while the Soviet Union conducts a war of genocide against the Afghan nation and the Afghan people.

When asked about Nicaragua and Cuba and whether or not he would diminish the shipments of Soviet arms to that region—and this is in the face of the Arias peace proposal which talks about the cut-off of foreign

intervention—he basically answered "no."

Is it possible to have peace in Nicaragua, in Central America, in this hemisphere with the Soviet Union which continually increases the volume of arms shipments to Cuba and to Cuba's proxies in the region?

I would hope that our President discusses this issue very strongly with Mr. Gorbachev. And I hope the American people can be witness to something more than just a PR fireside chat that Mr. Gorbachev conducted with Tom Brokaw.

PROCLAMATION FOR HOMELESS DAY

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

Mr. GRAY of Illinois. Mr. Speaker, I rise today to take this opportunity to acknowledge a proclamation issued by the respected leaders of St. Clair County, IL, on behalf of the homeless:

PROCLAMATION FOR HOMELESS DAY

Whereas the Holy Angels Shelter for the Homeless has provided temporary housing for displaced families;

Whereas homeless families by circumstance will be without housing in St. Clair County without such facilities;

Whereas Holy Angels Shelter has provided food, clothing, and similar needs for the homeless;

Whereas Holy Angels has located permanent housing for displaced families in St. Clair County;

Whereas Holy Angels Shelter has been instrumental in returning people to the city and state of their origin;

Whereas Holy Angels Shelter has provided protective care for battered homemakers, the elderly, and children;

Whereas Holy Angels Shelter has given comfort and support during family adversity/crises;

Therefore, I, Carl Officer, Mayor of East St. Louis, Illinois, join with St. Clair County, Illinois in proclaiming December 7, 1987, as "Homeless Day."

Mr. Speaker, in conclusion, I hope we can all rededicate ourselves to helping the homeless and I want to again congratulate our friends at the Holy Angels Shelter in St. Clair County, IL, for their great work.

THE BUDGET SUMMIT AGREEMENT—THANKSGIVING IS OVER BUT THE TURKEY IS STILL INTACT

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

Mr. BUECHNER. Mr. Speaker, an editorial in the November 28 issue of the economist gives a less than laudatory appraisal of the summit agreement on the deficit. World financial markets eagerly looked to the U.S. Congress for some signal that we would get our financial house in

shape. But if we are trying to send a signal to our allies on how responsive we are in tackling the budget deficit, this budget package is not the way to do it.

The British magazine's editorial, entitled "America's Budget Mouse," begins by stating, "The markets expected very little. They were not disappointed."

But let me quote even further:

The [budget] deal satisfies honour because it slightly improves on the automatic cuts threatened by the Gramm-Rudman law. Many of the details have been left blank for Congress to fill in; Mr. Reagan, nervous about precisely how taxes might be raised, is threatening to veto anything he does not like. So the deal is the minimum, short of outright failure. That, of course, is exactly what the markets had expected since day one of the talks.

Mr. Speaker, if this editorial is indicative of how much confidence this package inspires from our trading partners, perhaps it's time to go back to the table and start over, or else consider keeping sequestration as the real alternative to reducing the deficit.

Thanksgiving is over, but the turkey is still intact.

CRIMINAL FINE IMPROVEMENTS ACT OF 1987

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3483) to amend title 18, United States Code, to improve certain provisions relating to imposition and collection of criminal fines, and for other purposes, with Senate amendments to the House amendment to the Senate amendment, concur in the first Senate amendment to the House amendment to the Senate amendment, concur in the second Senate amendment to the House amendment to the Senate amendment with an amendment, and disagree to the third Senate amendment to the House amendment to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendment to the Senate amendment and the House amendment to Senate amendment numbered 2 to the House amendment to the Senate amendment, as follows:

Senate amendment to House amendment to Senate amendment:

Page 4, line 7 of the House engrossed amendment to the Senate amendment, strike out "an individual who" and insert "an organization that".

Page 16, line 12, of the House engrossed amendment to the Senate amendment, strike out "section 209" and insert "section 9".

Page 16, lines 14 and 15, of the House engrossed amendment to the Senate amendment, strike out "203, 204, 205, 206, 207, 210 and 211" and insert "3, 4, 5, 6, 7, 10, and 11".

House amendment to Senate amendment numbered 2 to House amendment to Senate amendment:

In lieu of the matter proposed to be stricken and inserted by Senate amendment numbered 2, strike out line 10 through line 16 on page 16 of the House engrossed amendment to the Senate amendment to the bill.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the amendments to the House amendment to the Senate amendment and the House amendment to Senate amendment numbered 2 to the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

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

Mr. GEKAS. Mr. Speaker, reserving the right to object, I shall not object, but I would like to ask the chairman of our subcommittee to explain the nature of the amendments that we are considering here today in this unanimous-consent request.

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

Mr. GEKAS. I yield to the gentleman from Michigan the chairman of the subcommittee.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Speaker, on November 16, 1987, the House passed H.R. 3483, with an amendment to the Senate amendment. The bill was returned to the Senate, which concurred in the House amendment, with three numbered amendments. The first Senate amendment simply corrected a typographical mistake. The second and third Senate amendments sought to correct a technical error concerning the effective date provision of the bill. Upon further examination, it has become apparent that the Senate amendments do not go far enough to correct the effective date problem. The amendment I am offering today would simply drop the effective date provision of the bill. Thus, except for the one section of the bill that has its own effective date provision, the bill will take effect on the date of enactment. This will avoid any potential *ex post facto* problems. This amendment has been agreed to by all of the interested parties.

Mr. GEKAS. Mr. Speaker, I wish to state for the record that the explanation given by the gentleman from Michigan is absolutely correct and it has been agreed on by both sides. The important facet of all of this is that we will be straightening up this legislation to create an effective date that will stick, and then prospectively there will be no further need from that point on to correct anything except for a little hiatus between November 1 and the time of the effective date, as

will finally be enacted in this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Michigan?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 3483.

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

There was no objection.

□ 1300

NATIONAL SKIING DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 146) designating January 8, 1988, as "National Skiing Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from California?

Mr. CAMPBELL. Mr. Speaker, reserving the right to object, I am happy to be here today as the sponsor of Senate Joint Resolution 146, which recognizes the benefits of skiing and the ski industry.

The resolution will designate January 8, 1988, as "National Skiing Day." National Skiing Day will kick off the ski industry's "Let's Go Skiing, America!" month. Throughout this January, special promotions and events have been scheduled to encourage new skiers of all ages and abilities.

The ski industry, with sales of over \$3.5 billion and another \$1.13 billion spent on ski lessons, rentals, and lift tickets last year, makes a major economic contribution not only to my district, and home State of Colorado and to many other districts throughout the United States, this popular activity provides much-needed jobs in every State and to communities where other segments of the economy are sagging.

Besides the economic contribution the sport makes to the United States, many physical benefits are derived from the great sport of skiing. With more than 21 million Americans spending the equivalent of 52 million days each year, on the slopes, skiing makes a major impact. Both downhill and cross-country skiing give Ameri-

cans a wonderful chance to breathe fresh air and enjoy our magnificent outdoors.

I would like to thank the gentlewoman from Maryland, my colleague and all who helped by cosponsoring this resolution in a true bipartisan effort. Before I yield back the balance of my time, I would also like to invite any Member to join me in Colorado for some skiing on January 8.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 146

Whereas commercial alpine and nordic skiing operations are among the fastest growing commercial uses of the national forests;

Whereas skiing increases the recreational value of the national forests by providing a winter recreational use for such forests;

Whereas skiing is a healthful activity that promotes physical well-being, contributes to the enrichment of the human spirit, and fosters an appreciation of the outdoor environment;

Whereas skiing provides enjoyment to millions of people each winter;

Whereas skiing improves employment opportunities in, and contributes to the economic stability of, a number of States;

Whereas the people of many rural communities in the United States rely primarily on skiing for winter employment and income; and

Whereas people throughout the world can become aware of the environmental grandeur and recreational resources of the United States by skiing in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 8, 1988, is designated as "National Skiing Day," and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MADE IN THE U.S.A. MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 318) to authorize and request the President to designate the month of December 1987 as "Made in the U.S.A. Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. HEFNER. Mr. Speaker, reserving the right to object, today this body has an opportunity to make an important statement in support of the working men and women of this great land. As everyone well knows, our Nation is suffering from an enormous trade deficit that is already doing damage to our economy, and threatens to do more if not soon brought under control.

There is no "quick-fix" to our trade deficit problem, but the American consumer can help improve the situation if, when faced with a choice between a product made abroad or one made in the United States, he or she chooses the product that was made here at home. With that in mind my colleague from Massachusetts, Mr. CONTE, and I introduced House Joint Resolution 318, a resolution to designate the month of December 1987 "Made in the U.S.A. Month."

Our resolution seeks to educate the public about the seriousness of our Nation's trade deficit and to make them aware that their purchases can have a very real impact on their own jobs and on the economy as a whole. House Joint Resolution 318 authorizes and requests the President to call on Federal, State, and local government agencies and the American people to observe the month of December with programs and activities that promote the "Buy American" concept.

There is no better time than the holiday shopping season to make this declaration, and I would think that this is something all my colleagues would be willing to support.

Mr. CONTE. Mr. Speaker, I rise in energetic support of House Joint Resolution 318, designating this month of December 1987, as "Made in the U.S.A. Month." The gentleman from North Carolina deserves our whole-hearted commendation for his tireless efforts since mid-June to move this resolution through the House, and I am pleased to be associated with him as an original sponsor of the resolution.

We are on another record setting pace for the 1987 trade deficit. The steep decline in the value of the dollar relative to other major currencies has so far had scant effect on our balance of trade. The deficit hurts our manufacturing sectors—the heart of our industrial economy—and robs many of the Nation's working men and women of the pride and joy they feel at being the driving force of the American economy.

"Made in the U.S.A. Month" is meant to help them, and all the rest of us who work to benefit our country, regain that pride.

What comes to mind when I say "Made in the U.S.A.?" Quality, affordability, ingenuity, craftsmanship, service: the list goes on and on. As a result of the increased awareness of the

trade deficit and of the publicity that the Made in the U.S.A. campaign has brought through television, American consumers are becoming more and more "label conscious."

They aren't just looking at the designer label, they're looking at the "Made in" label as well. It is particularly important now, while the holiday season is upon us, as I have summarized in a few lines of verse:

Twas the month about Christmas,
And all through the land,
Shoppers studied the labels
As Congress had planned.
The gifts in their bags
Were all made in the States,
At competitive prices
Enhanced by rebates.
Clothing and kitchenware
Crafted with quality,
Hand-tools and batteries,
And the board game, Monopoly.
Those Far Eastern products
Would increase trade deficits,
So smart high-tech shoppers
Bought from Massachusetts.
And I, while the Judge
Was being restored,
Did my Christmas shopping
In my borrowed Ford.
So as St. Nick did tell
While he packed up his sleigh,
My preferred label reads
"Made in the U.S.A."

We should all support this resolution and make the special effort to buy American.

Mr. HEFNER. Mr. Speaker, I yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I rise in support of House Joint Resolution 318 which designates December 1987, as "Made in U.S.A. Month."

This measure recognizes the seriousness of our trade deficit and its impact on our labor force, manufacturing industries, domestic products, exports, and economy.

House Joint Resolution 318 provides a timely reaffirmation of our commitment to American workers and products.

It calls on Federal, State, and local governments to enhance the public awareness about the origins of most products sold in the United States.

This resolution comes at a very significant time when signals sent to the stock markets here and abroad seem to be the most important matter.

Let us send, together with all Americans, a real signal to our trading partners that we are serious about reducing our trade deficit.

It is likely that America will not take a protectionism approach just as our trading partners will not improve access to their markets.

But let us indicate that Americans are becoming more conscious of the origins of their purchases. And that Americans are beginning to concentrate on purchasing "Made in U.S.A." products.

Mr. Speaker, stirring up this sense of nationalism is one way, and perhaps the most effective of all, for our constituents to play an effective role in reducing our Federal trade deficit.

I would like to commend the author of House Joint Resolution 318 for initiating this important commemoration. I urge all my colleagues to join me in adopting it.

Mr. HEFNER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 318

Whereas the trade deficit in the United States reached a record level of more than \$168,000,000,000 in 1986;

Whereas the trade deficit is predicted to exceed \$150,000,000,000 in 1987;

Whereas in excess of one million six hundred and sixty-one thousand jobs have been lost in the manufacturing sector since 1972 as a direct result of imports;

Whereas imports account for nearly 17 per centum of all manufactured products sold in the United States;

Whereas the number of imports continues to grow at an alarming rate and constitutes a steadily increasing percentage of all manufactured products sold in the Nation;

Whereas the manufacturing sector of the economy of the United States continues to shrink at an alarming rate, as a result of imports;

Whereas a continuing flood of imports of manufactured products could permanently reduce the manufacturing capacity of the United States and, as a direct result (1) threaten the ability of the Nation to respond to a national emergency; and (2) make it highly vulnerable to embargoes of a wide range of products vital to the national defense and the efficient functioning of the national economy;

Whereas there is a lack of public awareness of the origin of most products sold in the United States;

Whereas consumers in the Nation should be aware of the impact that their purchases can have on their own jobs and the economy as a whole; and

Whereas the Federal Government has not effectively linked the growth of imports to the decline in consumption of domestic products; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating December 1987 as "Made in the U.S.A. Month", and to call upon Federal, State, and local government agencies and the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**NATIONAL PEARL HARBOR
REMEMBRANCE DAY**

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 105) to designate December 7, 1987, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mr. COURTER. Reserving the right to object, Mr. Speaker, I will not object, and I rise in favor of this very important resolution.

Mr. Speaker, as a long-time supporter of legislation designating December 7, as National Pearl Harbor Remembrance Day," I rise in favor of Senate Joint Resolution 105.

It has been my pleasure to have been actively involved in the National Pearl Harbor Remembrance Day legislation since 1981 when I first introduced it in the House. In 1985, I was honored to be an original cosponsor of a bill, which granted a Federal charter to the Pearl Harbor Survivors Association. It is important to remember there are a lot of people alive today who were there on December 7, 1941.

On the morning of December 7, 1941, the Imperial Japanese Navy launched an unprovoked surprise attack upon units of the United States stationed at Pearl Harbor, Hawaii. Over 2,400 Americans were killed in action and almost 1,200 were wounded in this attack, which led to our involvement in World War II.

For all of us, December 7, 1941, was a day of terror and fear. But for thousands of others, it was a day when they were called upon to make tremendous personal sacrifices and display uncommon courage and patriotism. It was a day proclaimed by President Franklin Delano Roosevelt as, "a date that will live in infamy." We owe a tremendous debt of gratitude to all members of the Armed Forces who served at Pearl Harbor, in the Pacific, and all others who served in this war. I believe, therefore, that it is highly appropriate that we observe this solemn occasion through the official designation of December 7, 1987, as National Pearl Harbor Remembrance Day.

This commemoration can help strengthen our commitment to defend this Nation and its allies from future aggressions and duly honor those who sacrificed so much so that American generations can be free.

Mr. GALLO. Mr. Speaker, I join today with my colleagues in support of this resolution to designate December 7, 1987, as National Pearl Harbor Remembrance Day. I believe

that we must emphasize the word "Remembrance" today, because there is a strong concern being expressed by a number of my constituents, and I am sure yours as well, that real importance of this "date that will live in infamy" is fading from the public consciousness.

Even our President, who, like many of us, is old enough to remember where he was on that day in 1941, commented recently to the effect that the importance of nuclear arms reduction on December 7, 1987, would eclipse the memory of the devastation of December 7, 1941.

While we do not know what historians will say about the events of this December, we know that Pearl Harbor will stand in our history as a tragic event, as well as a turning point for America and the world.

Pearl Harbor Day is our way of honoring those brave men and women who withstood the fire and smoke of those first hours of destruction at our naval bases in the Pacific, including our base at Pearl Harbor.

The importance of this day for future generations is twofold. First, it is a reminder that events half way around the world can suddenly change the lives of millions of people.

In a world of instant communications, when word of a violent attack travels at the speed of light, we must always remember that the price of peace is eternal vigilance.

The second lesson of Pearl Harbor for all Americans is that we, as a nation, can endure dangerous and trying times and prevail, because we have the will to win when we are united behind a common cause.

While we do not wish for a repetition of events that would test our will to win in the future, I am confident that we would prevail if we were again provoked to take such actions.

We must remember that our strength as a nation is based on our dedication to the protection of freedom.

We should never forget Pearl Harbor or the other events in our history that serve as reminders of our need for eternal vigilance in the cause of freedom.

Mrs. MORELLA. Mr. Speaker, on the National Archives Building in Washington are engraved the words: "The heritage of the past is the seed that brings forth the harvest of the future." I have introduced House Joint Resolution 411 to designate December 7, 1987, as "National Pearl Harbor Remembrance Day." Those men and women who served our Nation with courage and fortitude at Pearl Harbor in 1941 deserve a special thanks from a grateful nation. Their example must surely be an inspiration to future generations of Americans.

This year marks the 46th anniversary of the bombing of Pearl Harbor and also our Constitution's 200th anniversary. I salute the brave men and women who are members of the Pearl Harbor Survivors Association. In Maryland alone, there are 142 survivors, 31 of whom are constituents from Montgomery County. I thank them for the services they rendered—and the sacrifices they made on our behalf—to " * * * secure the Blessings of Liberty to ourselves and our posterity."

John F. Kennedy is supposed to have found a simple verse scratched on a sentry box in Gibraltar:

God and the soldier all men adore
In time of trouble and no more;
For when war is over and all things righted
God is neglected and the soldier slighted.

May a grateful nation not slight those who served us so well 46 years ago. Mr. Speaker, I ask the House to move swiftly and pass House Joint Resolution 411 to designate this December 7 as "National Pearl Harbor Remembrance Day." Let us learn from the selflessness and dedication of these brave men and women.

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 105

Whereas on the morning of December 7, 1941, the Imperial Japanese Navy and Air Force launched an unprovoked surprise attack upon units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas over two thousand four hundred citizens of the United States were killed in action and one thousand one hundred and seventy-eight were wounded in this attack;

Whereas President Franklin Delano Roosevelt referred to the date of the attack as "a date that will live in infamy";

Whereas the attack on Pearl Harbor marked the entry of this Nation into World War II;

Whereas the people of the United States owe a tremendous debt of gratitude to all members of our Armed Forces who served at Pearl Harbor, in the Pacific Theater of World War II, and in all other theaters of action of that war; and

Whereas the veterans of World War II and all other people of the United States will commemorate December 7, 1987, in remembrance of this tragic attack on Pearl Harbor; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That December 7, 1987, the anniversary of the attack on Pearl Harbor, is designated as "National Pearl Harbor Remembrance Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States—

(1) to observe this solemn occasion with appropriate ceremonies and activities; and

(2) to pledge eternal vigilance and strong resolve to defend this Nation and its allies from all future aggression.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DAY OF EXCELLENCE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 35) relating to the commemoration of January 28, 1988, as a "National Day of Excellence," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

Mrs. MORELLA. Mr. Speaker, 2 years ago we watched with disbelief and horror as the space shuttle *Challenger* exploded. The seven astronauts aboard were among our greatest resources in the space program. It is fitting that we designate January 28, 1988, as a "National Day of Excellence" in honor of this crew of the *Challenger*.

In the Eighth District of Maryland, the Montgomery County Public Schools have chosen to honor the *Challenger* crew by naming the newest public school in Montgomery County, the Christa McAuliffe Elementary School in Germantown, MD. Principal Eugene G. Haines and the faculty encourage their 677 students to strive for excellence as this young woman did. Christa McAuliffe was a graduate of Towson State University and a teacher in Prince Georges County. Surely, she is a fine example of what it means to strive for excellence. She and all the members of the *Challenger* crew come to mind when we read the words of John Gardner: "Democracy is measured not by its leaders doing extraordinary things, but by its citizens doing ordinary things extraordinarily well."

Mr. Speaker, I urge the House to pass House Joint Resolution 92 commemorating January 28, 1988, as a "National Day of Excellence" in honor of the crew of the space shuttle *Challenger*. May their reaching for the stars be an incentive to the young people of the United States and especially to the boys and girls of the Christa McAuliffe Elementary School.

Mr. KOLBE. Mr. Speaker, nearly 2 years ago, our country was devastated by the tragedy that befell the crew of the space shuttle *Challenger*. As a nation we searched for a way to understand the loss. By proclaiming January 28, 1988, as the "National Day of Excellence," we will remember the astronauts in the most appropriate manner since we will call on all Americans to rededicate themselves toward reaching the high standards of Gregory Jarvis, Christa McAuliffe, Ronald McNair, Ellison Onizuka, Judith Resnik, Francis Scobee, and Michael Smith.

As the "National Day of Excellence," January 28, 1988, will be a day when we Americans will be encouraged to reinvigorate our efforts to achieve our highest goals, both individually and as a nation. Excellence in any field is not easily achieved, rather it is something which requires hard work and dedication. The *Challenger* crew exemplified these qualities. A "National Day of Excellence" is the most appropriate way for us to honor those whose efforts we strive to match. By establishing a day for such an observance, we are providing America with an avenue to constructively honor those women and men who symbolize the American work ethic.

Our Nation was built by men and women who pursued excellence. The astronauts followed in a long line of Americans who pushed the outer limits of their abilities, of Americans who knew what it meant to be the best. Starting with the Founding Fathers who devised

our system of government, our history is rich with examples of women and men who have struggled to achieve excellence in their results. Passing this resolution will set an example for all Americans to follow.

What better way to teach our children the value of hard work and perseverance than to honor those Americans who took those virtues as their credo. This was the dream of Tucson school teacher Ed McDonald and his handicapped students when they came up with the idea of the "National Day of Excellence." What started as a means to make some sense out of the *Challenger* disaster has grown into a national movement which enjoys the support of such organizations as the NEA, the Air Force Association, the Boeing Corp., and the Young Astronauts' Council.

So join me today in honoring the *Challenger* astronauts by supporting Senate Joint Resolution 35 which proclaims January 28, 1988, as the "National Day of Excellence."

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 35

Whereas, on January 28, 1986, the seven crew members of the space shuttle *Challenger*, Commander Francis R. Scobee, Pilot Michael J. Smith, Mission Specialist Ellison S. Onizuka, Mission Specialist Ronald E. McNair, Mission Specialist Judith Resnik, Payload Specialist Gregory B. Jarvis, Teacher-Observer S. Christa McAuliffe, were killed in a tragic explosion shortly after lift-off;

Whereas each of the crew members of the *Challenger* was a true American hero who represented the best and the brightest that our Nation has to offer;

Whereas the crew of the *Challenger* gave their lives while striving for an excellence of technology, of goal, and of personal achievement which fills all Americans with a sense of pride in their fellow human beings and countrymen;

Whereas the most appropriate tribute we could pay the crew of the *Challenger* is a national day when Americans would rededicate themselves in all their endeavors to the pursuit of excellence which makes our country great;

Whereas the American spirit is most responsive to a living tribute in which all citizens can participate and be enriched by such participation; and

Whereas this is a day for which our national character cries out: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 28, 1988, is designated as a "National Day of Excellence". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe such a day—

(1) by resolving that in the course of their regular activities they will pursue the spirit of excellence represented by the crew of the space shuttle *Challenger*; and

(2) with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GAUCHER'S DISEASE AWARENESS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 122) to designate the period commencing on October 18, 1987, and ending on October 24, 1987, as "Gaucher's Disease Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 122

Whereas Gaucher's disease is caused by the failure of the body to produce an essential enzyme;

Whereas the absence of such enzyme causes the body to store abnormal quantities of lipids in the liver and spleen and frequently has an adverse effect on tissues in the body, particularly bone tissue;

Whereas among Jewish persons, Gaucher's disease is the most common inherited disorder affecting the metabolism of lipids, which are one of the principal structural components of living cells;

Whereas there is no known cure for Gaucher's disease and no successful treatment of the symptoms of the disease;

Whereas the increased awareness and understanding of Gaucher's disease by the people of the United States can aid in the development of a treatment and cure for the disease;

Whereas the National Gaucher's Disease Foundation provides funds for research in the United States with respect to the disease; and

Whereas research and clinical programs with respect to Gaucher's disease should be increased: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on October 18, 1987, and ending on October 24, 1987, is designated as "Gaucher's Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DYMALLY: Page 2, strike lines 3 through 8 and insert the following:

That the week beginning October 16, 1988, is designated as "Gaucher's Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. DYMALLY. Mr. Speaker, I yield to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, earlier this year I introduced House Joint Resolution 227, a bill to designate the week of October 17, 1988, as "Gaucher's Disease Awareness Week." I am pleased that last year the House passed a similar resolution. I would like to thank my colleague from California [Mr. DYMALLY], as well as the 220 cosponsors of this bill for their support in bringing this resolution to the floor today.

Gaucher's disease is caused by the body's inability to produce an essential enzyme. The absence of this enzyme causes the body to store abnormal quantities of lipids in the liver and spleen which can have an adverse effect on tissues, especially bone tissue. This is the most prevalent among seven genetic disorders known to primarily affect Jewish populations. As many as 1 in 12 persons may be a carrier of Gaucher's disease which means that an estimated one child in every 600 born could have the disease.

In March of this year, I had the pleasure of meeting 6-year-old Jamie Seaver, a beautiful little girl who is suffering from the devastating effects of Gaucher's disease. Watching Jamie further convinced me of the vital importance of research and public awareness in combating Gaucher's disease. Once again, I would like to commend the National Gaucher's Foundation, founded in 1984, for its outstanding efforts in increasing public awareness. By publicizing the problems associated with this disease, I hope we can continue to provide resources for research so one day we may find a cure for Gaucher's disease.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DYMALLY].

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. DYMALLY: Amend the title so as to read: "A joint resolution to designate the week beginning October 16, 1988, as 'Gaucher's Disease Awareness Week'."

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 136) to designate the week of December 13, 1987, through December

19, 1987, as "National Drunk and Drugged Driving Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

□ 1315

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from California?

Mr. COURTER. Mr. Speaker, reserving the right to object, I do not rise to object. But I would like to say that I totally endorse this resolution. Nothing is more important than making U.S. citizens aware of the dangers of driving while inebriated, driving while drunk, or driving while under the influence of any type of controlled dangerous substance.

Mr. Speaker, I do not think there is any Member of this body from any one of our great 50 States that has not known an individual who died in an automobile accident as a result of a driver that was using a controlled dangerous substance or was drunk from alcohol. Awareness is one of the most important things we can do, indeed it is about the only thing we can do many times.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, I am pleased to bring to your attention Senate Joint Resolution 136, a bill to designate the week of December 13, 1987, through December 19, 1987, as "National Drunk and Drugged Driving Awareness Week."

This is a very important bill and comes at a particularly appropriate time, the holiday season, when there are an increased number of social functions and more drivers on the road. All of us want to enjoy this time to visit with friends and relatives. Let us, however, exercise caution so that our joy is not turned into sorrow.

I also want to commend Representative CONNIE MORELLA, who introduced this bill and has been in the forefront of a campaign to make us all aware of the dangers of alcohol and drug abuse, and the high risks of driving while under the influence of either. With the introduction of this bill, Mrs. MORELLA is performing a public service for which we must be grateful. We cannot be reminded enough of the fatal consequences of drinking, drugs, and driving.

Mr. Speaker, the statistics are shocking. In 1986, 46,000 persons lost their lives in traffic accidents. Of those deaths, 54 percent had been drinking prior to the accident. Another 39 percent were fatally injured and died later. Many of these persons were between the ages of 15 and 24. We cannot afford to continue to lose our

youth. What talents and hopes die every day with those deaths!

I urge House passage of this bill, in the hope that it will make the difference this holiday season. Let us hope that we will take its sober message to heart. Give the best gift this season. Show you care by staying alive.

Mrs. MORELLA. Mr. Speaker, I am the chief sponsor of House Joint Resolution 300, designating the period of December 13, 1987, through December 19, 1987, as "National Drunk and Drugged Driving Awareness Week."

I sincerely wish that we did not have to designate such a week but the shocking and grim statistics indicate that our public must be made aware of the perils of mixing drinking or drugs with driving.

The public must be made aware that even legal drugs, such as a prescribed antihistamine, may cause drowsiness and impairment of judgment while driving. We should be cautioned about this aspect of ingesting drugs and driving.

During this year's Memorial Day weekend, 416 people were killed and 453 died during the Labor Day weekend as a result of automobile accidents. The National Highway Traffic Safety Administration (NHTSA) has estimated that 50 percent of these deaths resulted from alcohol or drug abuse. There were 31,120 automobile related deaths from January through August this year. Approximately 46,000 deaths occurred last year due to traffic accidents. NHTSA has estimated that 39 percent of the drivers killed in 1986 were legally drunk or drug impaired. The figure rises to 54 percent for single vehicle crashes.

Society's burden, because of impaired driving due to alcohol and drug use, is difficult to calculate. There can be no estimate rendered for the pain and suffering which follows alcohol and drug-related accidents. In dollar terms, the cost has been estimated at \$26 billion.

The week of December 13-19 has been chosen to focus attention on the problem of impaired driving because there are more deaths during the holiday season—there are more drivers on the highways and there are more social events where drinking and the use of drugs are part of the festivities.

This important resolution has been introduced and has passed for the last 5 years. Thousands of citizen volunteers all over this country have participated in the awareness program and there has been signs of progress because of this awareness, Mr. Speaker. There has been a reduction of total traffic fatalities where a driver or pedestrian is intoxicated. In 1982, the statistics reflected that 46 percent of the pedestrians or drivers were intoxicated whereas, in 1986, 41 percent

were intoxicated. This is a small improvement, but a positive one.

In any case, the carnage on our highways continues. We must be able to detect and stop drivers who have used drugs or liquor prior to getting behind the wheel of their car.

Mr. Speaker, the designation of "National Drunk and Drugged Driving Awareness Week" will help to remind our constituents of the severity of this problem, a national senseless waste of human life and the enormous cost in human suffering—a reminder that we cannot have happy holidays when our highways are the scene of devastation.

I wish to express my gratitude to Senator HUMPHREY for introducing this legislation and to the many co-sponsors of House Joint Resolution 300.

Mr. Speaker, I urge unanimous support of this important resolution.

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 136

Whereas traffic accidents cause more violent deaths in the United States than any other cause, approximately forty-six thousand in 1986;

Whereas traffic accidents cause thousands of serious injuries in the United States each year;

Whereas about 54 per centum of drivers killed in single vehicle collisions and 39 per centum of all drivers fatally injured in 1986 had blood alcohol concentrations of .10 or above;

Whereas the United States Surgeon General has reported that life expectancy has risen for every age group over the past seventy-five years except for Americans fifteen to twenty-four years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was twenty years ago;

Whereas the total societal cost of drunk driving has been estimated at more than \$26,000,000,000 per year, which does not include the human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas driving after the use of therapeutic drugs, either alone or in combination with alcohol, contrary to the advice of physician, pharmacist, or manufacturer, may create a safety hazard on the roads;

Whereas more research is needed on the effect of drugs either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problem of drunk and drugged driving;

Whereas the Presidential Commission on Drunk Driving, appointed to heighten public awareness and stimulate the pursuit of solutions, provided vital recommendations for remedies for the problem of drunk driving;

Whereas the National Commission Against Drunk Driving was established to assist State and local governments and the private sector to implement these recommendations;

Whereas most States have appointed task forces to examine existing drunk driving programs and make recommendations for a renewed, comprehensive approach, and in many cases their recommendations are leading to enactment of new laws, along with stricter enforcement;

Whereas the best defense against the drunk or drugged driver is the use of safety belts and consistent safety belt usage by all drivers and passengers would save as many as ten thousand lives each year;

Whereas an increase in the public awareness of the problem of drunk and drugged driving may contribute to a change in society's attitude toward the drunk or drugged driver and help to sustain current efforts to develop comprehensive solutions at the State and local levels;

Whereas the Christmas and New Year holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem;

Whereas designation of National Drunk and Drugged Driving Awareness Week in each of the last five years stimulated many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year holiday period and thereafter;

Whereas the activities and programs during National Drunk and Drugged Driving Awareness Week have heightened the awareness of the American public to the danger of drunk and drugged driving: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 13, 1987, through December 19, 1987, is designated as "National Drunk and Drugged Driving Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 791, GEOLOGICAL SURVEY WATER RESOURCES ORGANIC ACT

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 318 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 318

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 791) to authorize the water resources research activities of the United States Geological Survey, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendment in the nature of a substitute made in order as original text by this resolution and which shall not exceed two and one-half hours, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 3676 as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by titles instead of by sections, each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of section 401(a) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177) and with clause 7 of rule XVI are hereby waived. It shall be in order to consider the amendment printed in section 2 of this resolution, by and if offered by Representative Coleman of Texas, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At the end of the bill add the following new title:

"TITLE —NUCLEAR WASTE DISPOSAL

"SEC. . LOCATION OF DISPOSAL FACILITIES.

"(a) **COMPACT STATES.**—Section 4 of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d) is amended by adding at the end the following:

"(c)(1) Consent to a compact under subsection (a) shall be conditioned on the requirement that the compact may not approve a regional disposal facility for low-level radioactive waste which is located within 60 miles of an international boundary.

"(2) No compact approved under subsection (a) may approve a regional disposal facility for low-level radioactive waste which is located within 60 miles of an international boundary."

"(b) **NON-COMPACT STATES.**—Section 5(e)(1) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021e(e)) is amended by adding at the end the following:

"(G) No non-member State may approve a regional disposal facility for low-level radioactive waste which is located within 60 miles of an international boundary".

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

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Missouri [Mr. TAYLOR], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 318 is an open rule providing for the consideration of the bill H.R. 791, the National Ground Water Contamination Information Act of 1987.

The rule provides for 2½ hours of general debate, with 30 minutes to be equally divided between the chairman and the ranking minority member of the Committee on Interior and Insular Affairs, 30 minutes equally divided between the chairman and the ranking minority member of the Committee on Agriculture, 30 minutes equally divided between the chairman and the ranking minority member of the Committee on Energy and Commerce, 30 minutes equally divided between the chairman and the ranking minority member of the Committee on Public Works and Transportation, and 30 minutes to be equally divided between the chairman and the ranking minority member of the Committee on Science, Space, and Technology.

Mr. Speaker, the rule makes in order the text of H.R. 3676 as a substitute amendment for H.R. 791. The substitute will be considered as original text for the purpose of amendment, and will be considered by title with each title considered as having been read.

The rule waives points of order against the substitute for failure to comply with section 401(a) of the Congressional Budget Act. Section 401(a) provides that it shall not be in order to consider any measure which provides new contract authority unless such au-

thority is limited to amounts provided in advance in Appropriation Acts. Mr. Speaker, section 210 of the substitute authorizes the Administrator of the Environmental Protection Agency to enter into contract agreements with State and local governments. Because this contact authority is not limited to a prior appropriation, a waiver of 401(a) is necessary.

However, Mr. Speaker, it is the understanding of the Rules Committee that an amendment will be offered that cures this Budget Act violation, which makes the waiver of section 401(a) purely technical.

The rule also waives points of order against the substitute for failure to comply with the provisions of clause 7 of rule XVI, the germaneness waiver. The bill as introduced by the Interior Committee authorizes the U.S. Geological Survey's ground water research activities. The four other committees that had a referral on the bill instructed other Federal agencies to establish programs that broadened the extent of the original bill. Because of this a waiver of clause 7 of rule XVI, is necessary.

Mr. Speaker, the rule also makes in order an amendment printed in section 2 of this resolution by and if offered by the gentleman from Texas, Representative COLEMAN. This amendment would prohibit a regional disposal facility of low-level radioactive waste to locate within 60 miles of an international boundary. Because this is not germane to the substitute bill a waiver of clause 7 of rule XVI, is necessary. It is the understanding of the Rules Committee that this amendment will not be offered.

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

Mr. Speaker, H.R. 3676 authorizes \$164 million for fiscal year 1988, 1989, and 1990, for the U.S. Geological Survey to research and study the contamination of the Nation's ground water resources. This contamination comes from a variety of sources such as improper waste disposal, landfills, salt water intrusion and pesticides. This bill would coordinate the ground water activities of all Federal agencies and would set up an interagency Ground Water Research Committee co-chaired by the Environmental Protection Agency, and the Interior Department.

This bill is an attempt by five committees of the House to put together a bill that would provide State and local governments the research information and the financial assistance they will need to protect underground water resources and to allow for the start of projects to clean those water resources that are already contaminated. I urge adoption of the rule.

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

Mr. Speaker, House Resolution 318 is an open rule under which the House will consider legislation establishing a comprehensive Federal effort for research of ground water contamination.

The rule makes in order the text of H.R. 3676 as original text for the purpose of amendment, under the 5-minute rule.

Mr. Speaker, H.R. 3676 is an amendment in the nature of a substitute for H.R. 791, which was reported from the Interior Committee, the Agriculture Committee, the Energy and Commerce Committee, the Public Works Committee, and the Science, Space, and Technology Committee.

The substitute is a five-title bill, incorporating several different and often conflicting provisions from the five committees into one bill. It contains several unnecessary authorities and duplications, and confuses the roles of the Geological Survey and the Environmental Protection Agency.

The rule provides two waivers for the substitute. The first one is a waiver of section 401(a) of the Budget Act, which prohibits consideration of legislation containing contract authority unless the contract authority is provided for in an Appropriation Act.

Mr. Speaker, a provision authorizing the Administrator of the Environmental Protection Agency to enter into contracts and make grants violates section 401(a) of the Budget Act.

The rule also waives clause 7 of rule XVI against the substitute, because it is not germane to H.R. 791 as introduced. As introduced, the bill authorized a number of changes in the ground water research activities of the U.S. Geological Survey.

By the time the four other committees finished adding new titles and provisions within their jurisdictions, the bill had been expanded far beyond its original purpose.

Mr. Speaker, there is one provision of this rule that many Members will find troubling. The rule makes in order one specific amendment, to be offered by the gentleman from Texas [Mr. COLEMAN] relating to nuclear waste disposal. The amendment is not germane to the bill, the rule provides a waiver of the germaneness rule.

During our hearing in the Committee on Rules yesterday, the leaders of the Committees on Interior and Energy were strongly opposed to the amendment by the gentleman from Texas, and they urged the Rules Committee not to provide this waiver. I've been informed that the gentleman from Texas will withdraw the nongermane amendment.

Mr. Speaker, this legislation is just about the only program for today and the leaders of the five committees involved want to bring up their bill today. This is an open rule.

Mr. Speaker, the gentleman from California [Mr. PASHAYAN] the ranking minority member of the Interior Committee's Water and Power Resources Subcommittee, has introduced a substitute for the bill. Under this open rule he will be able to offer the House a less expensive alternative that avoids the duplication and overlap of agency responsibilities contained in H.R. 3676.

Since this is an open rule and since the gentleman from Texas plans to withdraw his nongermane amendment, I urge its adoption.

□ 1330

Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico [Mr. LUJAN], the ranking minority member.

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

Although the situation has changed a little bit as to the amendment the gentleman from Texas [Mr. COLEMAN] was going to offer, I still want to rise and address that subject matter. We were prepared to make an all-out fight on the rule because of the granting of that waiver of House rule XVI, clause 7 making nine nongermane amendments subject to a point of order. The Rules Committee chose to waive this provision against the amendment which the gentleman from Texas was to offer which would prohibit noncompact States from approving any low-level radioactive facilities located within 60 miles of the Mexican border. We were prepared to say that waiver should not be accepted by this body. I will not go into the argument of the amendment because it will not be offered by the gentleman from Texas.

But let me say that even if the amendment were acceptable to many of us, we thought at that time the rule should have been rejected. The reason for that is the subject matter of the Coleman amendment is under the jurisdiction of the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce. However, the Rules Committee took the backdoor approach.

The issue was not raised in committee and so there was a backdoor approach through the Rules Committee, and it was my impression, and I still believe that the Rules Committee trampled on the jurisdiction and the rights of these two committees. It should be the duty of the Rules Committee to enforce the rules of the House, not to sweep them under the table because the leadership has indicated its support of a particular amendment.

Mr. Speaker, there is also the question of what the Rules Committee ought to do. Three chairmen of committees of this body, the Committee on Interior and Insular Affairs, the Committee on Energy and Commerce,

and the Committee on Science, Space, and Technology spoke against the granting of this waiver in their testimony before the Rules Committee yesterday, and yet the Rules Committee chose to ignore their guidance and to instead follow the lead of the special interests.

So I think it is a legitimate point to raise that issue, not the issue of the amendment itself, but the issue of the granting of the waiver just to satisfy some procedure.

Mr. COLEMAN of Texas. Mr. Speaker, will the gentleman yield?

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

Mr. COLEMAN of Texas. Mr. Speaker, let me say in deference to the leadership, and also to the gentleman's objections about the rule itself, my amendment originally stated that one of those things could be put over an aquifer. That made it germane to this bill because ground water and underground water, and the hydrologic combination, and the way that it flows into the river; namely, in this instance the Rio Grande River, made it germane. But as the gentleman is aware, there are many other considerations, particularly the fact that in South Carolina they have low-level nuclear radioactive waste disposal sites on top of aquifers, much less under one.

So I withdrew that section of the amendment which required the rule. So I say to the gentleman it was really not so back-handed or under the table as he suggested that someone address the issue of where these low-level radioactive nuclear sites would be placed.

I recognize the problems that the committee chairmen had, and I thank the Rules Committee for their consideration. But as the gentleman from Massachusetts [Mr. MOAKLEY] has pointed out, I do not intend to offer that amendment because of other agreements with those committee chairmen with respect to the problem that I brought to the attention of that committee.

So I thank the gentleman and I hope he will support the rule. I think it is a good rule, particularly in light of what has been said.

Mr. LUJAN. I did not say it was underhanded or under the table. I said it was the backdoor approach. There is a difference. I am not accusing them of anything sinister or anything in just using their authority that they have to come around another way.

I am going to now support the rule, understanding that the gentleman will not offer that amendment. But I would hope that in the future the Rules Committee, if nothing else, knowing that the majority on the Rules Committee, the members and the chairmen of the committees, as a matter of fact, are on the gentleman's side of the aisle, I think the Rules

Committee should show a little consideration for their feelings.

Mr. TAYLOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. PETRI], a member of the Committee on Public Works and Transportation.

Mr. PETRI. Mr. Speaker, I thank my colleague for yielding me this time.

I rise in support of H.R. 3676, the Ground Water Research and Protection Act of 1987.

I am hopeful that the research generated by its provisions will give communities new, cost-effective methods for safeguarding local ground water supplies. There is no question that State and local governments have primary responsibility for ground water. However, as this legislation states, the Federal Government can play an important role in providing research and technical assistance since Congress has mandated most of the standards that must be met by State and local governments in managing the resource.

I particularly support title IV which provides assistance for small communities trying to address the problem of naturally occurring radium in drinking water supplies. Much of the area I represent is made up of granite rock formations. The ground water from such formations tends to contain naturally occurring radium in amounts that exceed the maximum safety level established by the Environmental Protection Agency under the provisions of the Safer Drinking Water Act. There are a number of small Wisconsin communities faced with expensive water treatment programs to bring down the radium levels in their drinking water supplies.

Title IV of this measure before us establishes a grant program to help local governments install the ground water treatment technology needed to reduce these radium levels.

Under this program, the EPA can award grants to States to finance radium treatment technologies. I am pleased that this grant program has been added to this important bill.

As a member of the Subcommittee on Water Resources, I look forward to seeing this bill enacted into law.

Mr. TAYLOR. Mr. Speaker, I yield such time as he might consume to the gentleman from California [Mr. PASHAYAN].

Mr. PASHAYAN. Mr. Speaker, I rise to express serious reservations with H.R. 791 as reflected in the Foley amendment (H.R. 3676).

H.R. 791 assumes the Federal Government is not doing what it should be doing in the area of ground water research and technology because of inadequate authority. Yet in fiscal year 1987 Federal agencies spent over \$200 million for the activities authorized by H.R. 3676.

H.R. 3676 does not provide clear direction on the roles of the Federal and State governments.

Yesterday, I sent to each Member a copy of the administration's position on H.R. 791 as reconstituted in H.R. 3676.

The administration opposes it, because H.R. 3676:

Provides inadequate administrative flexibility to integrate with existing initiatives.

It duplicates existing authorities and programs.

Provides excessive authorization levels for current and new programs—\$492 million to Interior and \$57 million to EPA over fiscal year 1988-90.

Confuses historic roles of EPA and Interior by providing overlapping authorizations to these agencies.

It authorizes projects of low priority of local concerns and

Prematurely authorizes a full-scale ground water assessment program prior to evaluating the USGS Pilot Program already underway.

In my opinion, H.R. 3676 lacks a clear policy. The original Interior reported bill clearly articulated: States primacy and the proper Federal role.

Also H.R. 3676 expands without justification EPA's mission in a manner that improperly infringes on the long establishment roles of USGS and USDA. H.R. 3676 authorizes EPA to undertake virtually the same activities and to provide the same type of technical assistance that USGS and USDA is already providing.

My question is, Do we want EPA to duplicate the Extension Service or Federal-State Water Cooperative Program of USGS and USDA? This is precisely what H.R. 3676 would do.

Last, H.R. 3676 would duplicate the 54 USGS water institutes. It authorizes five new EPA water institutes.

I believe, if H.R. 3676 is adopted in its present form, we can expect to receive request for substantial additional appropriations for research and technical assistance from EPA at a time of fiscal constraint.

Earlier this week, I introduced a substitute to the bill being considered today. It:

First, refrains from making significant new authorizations for EPA.

Second, provides a clear statement of national policy for ground water management.

Third, requires the President to establish or designate a mechanism for interagency coordination and in doing so to recognize the unique and important roles of EPA and USDA.

My substitute has 6 of the 13 major provisions of H.R. 3676 that are identified or similar. Specifically—

Title I reaffirms State primacy in ground water protection and management and the Federal responsibility to assist State and local governments.

Title II more completely defines USGS responsibilities than H.R. 3676.

Title III authorizes agriculture studies, identical to the Foley substitute.

Title IV authorizes radium contamination assistance for small communities, identical to the Foley substitute.

My substitute bill seeks to avoid duplication and overlap of agency responsibilities that exist in H.R. 3676. Specifically,

It does not authorize five new EPA ground water research institutes. There already are 54 water institutes funded at \$5.7 million a year in Federal appropriations, and matched by \$8.6 million in non-Federal funds.

It does not authorize new EPA research, development, and demonstration programs that could duplicate the kind of research and surveys carried out by the USGS.

Nor does it authorize a new approved water assessment program. A pilot program is already underway.

My bill authorizes \$49 less than H.R. 3676. H.R. 3676 authorizes \$492 million to Interior and \$57 million to EPA over 3 fiscal years.

In summary, the administration is actively implementing numerous ground water related programs.

Further, the administration recognizes that current state of knowledge about ground water is inadequate and that continuing existing research and information collection activities is important.

Given the difficult budget negotiations for fiscal years 1988 and 1989, this is not the time to create and duplicate overlapping programs.

We should not vote on this bill today.

We should have recommitted it to the Interior Committee for further evaluation.

I urge you to vote against this rule.

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

Mr. PASHAYAN. I am glad to yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I appreciate some of the concerns the gentleman has outlined in his remarks here on the rule providing for the consideration of this legislation, and he has raised those with me and with other members of the committee. I would say to the gentleman I know he has a substitute, and I know he also has some conflicts with meetings of his other committee. We certainly are more than willing to take his concerns into consideration as this bill moves through the process.

I do not want in any way to speak for other Members, there are four committees involved and four committee chairmen and so fourth, but I think the gentleman has raised a number of points that may not have been given full attention in the rather lengthy and long deliberative process. I would certainly as a member of the

committee be willing to sit down and go over some of those with the gentleman to see if some of those differences could in fact be reconciled.

But I want to also make it very clear that this bill that left our committee has now become the property of four additional committees, and that is why the discussions were so protected and detailed in trying to bring those various concerns, many of which the gentleman has expressed in his statement, to this piece of legislation. So I just wanted to let the gentleman know that.

Mr. PASHAYAN. The gentleman has reference then to the proceedings leading to and including the conference on the bill?

Mr. MILLER of California. The gentleman is correct.

I would be more than happy absolutely to sit down and go over that with the gentleman.

Mr. PASHAYAN. I accept the gentleman's offer. He says of course he can speak only for himself, but knowing the gentleman as I do, and his widespread and well-known abilities in this field, he speaking for himself is certainly enough. So I shall not offer my substitute, and I thank my colleague from California.

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

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore (Mr. GRAY of Illinois) laid before the House the following communication from the chairman of the Committee on Energy and Commerce:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 30, 1987.
Hon. JIM WRIGHT,
Speaker, House of Representatives, H-204,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L(50) of the Rules of the U.S. House of Representatives, that Mr. David B. Finnegan on the staff of the Committee on Energy and Commerce has been served with a subpoena issued by the United States District Court for the District of Columbia. A copy is enclosed.

After consultation with the General Counsel to the Clerk, I will notify you of my determinations as required by the House Rule.

Sincerely,
JOHN D. DINGELL,
Chairman, Subcommittee on Oversight
and Investigations.

COMMUNICATION FROM 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, October 29, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on September 23, 1987:

CONSTRUCTION: BORDER STATION

Ambassador Bridge, Detroit, Michigan.

REPAIR AND ALTERATION:

Chet Holifield Federal Building, Laguna Niguel, California; Auditors Building, Washington, DC.

LEASE PROSPECTUSES:

Federal Supply Services, Duluth, Georgia; Patent and Trademark Office, Crystal City, Virginia; Multiple Agencies, Hamilton Building, Arlington, Virginia; Multiple Agencies, Broyhill Building, Arlington, Virginia; EEOC Consolidation, Washington, DC; IRS, Covington, Kentucky; Navy, Norfolk, Virginia.

FCC Consolidation, Washington, DC; SSA—Office of Hearings and Appeals, Arlington, Virginia; Multiple Agencies, 2000 L Street, NW, Washington, DC; IRS Regional Office, 1201 E Street, NW, Washington, DC; Federal Supply Service, Arlington, Virginia; HHS—Parklawn Building, Rockville, Maryland.

11(B) RESOLUTIONS:

Altoona, Pennsylvania.

The original and one copy of the authorizing resolution is enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

GEOLOGICAL SURVEY WATER RESOURCES ORGANIC ACT

The SPEAKER pro tempore. Pursuant to House Resolution 318 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 791.

□ 1345

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 791) to authorize the water resources research activities of the U.S. Geological Survey, and for other purposes, with Mr. FLIPPO in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 15 minutes; the gentleman from California [Mr. PASHAYAN] will be recognized for 15 minutes; the gentleman from California [Mr. BROWN] will be recognized for 15 minutes; the gentleman from Iowa [Mr. GRANDY] will be recognized for 15 minutes; the gentleman from California [Mr. WAXMAN] will be recognized for 15 minutes; the gentleman from Illinois [Mr. MADIGAN] will be recognized for 15 minutes; the gentleman from New York [Mr. NOWAK] will be recognized for 15 minutes; the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 15 minutes; the gentleman from New Jersey [Mr. ROE] will be recognized for 15 minutes, and the gentleman from New Mexico [Mr. LUJAN] will be recognized for 15 minutes.

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

Mr. PASHAYAN. Mr. Chairman, I ask unanimous consent that my time and its control be given to the gentleman from New Mexico [Mr. LUJAN].

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

There was no objection.

Mr. MILLER of California. Mr. Chairman, for the purposes of debate only, I yield such time as he may consume to the gentleman from Arizona [Mr. UDALL], the chairman of the full Committee on Interior and Insular Affairs.

Mr. UDALL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 791, a bill to redirect the ground-water research activities of the Environmental Protection Agency, the Department of the Interior, and the Department of Agriculture.

H.R. 791 was reported by the Interior Committee on June 12, 1987. The bill was then sequentially referred to the Committees on Agriculture, Public Works and Transportation, Energy and Commerce, and Science and Technology. All those committees reported the bill with respective amendments by September 30, 1987.

Mr. Chairman, since that time, we have worked hard on a compromise acceptable to all five committees. I'm pleased to report that we have achieved an acceptable compromise. The compromise was introduced by Mr. FOLEY as H.R. 3676.

The compromise bill, which is supported by all the committees, has four titles.

Title I provides generic authorization for the water resources research activities of the U.S. Geological Survey.

Title II gives focus and specific direction to the ground-water research programs at the U.S. Geological Survey and Environmental Protection Agency [EPA]. This title includes a series of improvements in EPA's existing research program, authorizes a ground-water research and demonstration program, and requires a risk assessment analyses program. A ground-water assessment program and an information clearinghouse would be established in the U.S. Geological Survey.

Title III directs the Secretary of Agriculture to investigate the relationship between agricultural practices and water use and quality.

Title IV authorizes the EPA to assist local governments in mitigating radium contamination in groundwater.

Mr. Chairman, the committees of jurisdiction have labored long and hard to develop this needed bill. Polluted ground water and contaminated aquifers are problems this country cannot tolerate. I urge my colleagues to give this measure their wholehearted support.

Mr. MILLER of California. Mr. Chairman, for the purposes of debate only, I yield such time as he may consume to the gentleman from Connecticut [Mr. GEJDENSON], the author of this legislation.

Mr. GEJDENSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I am very pleased to be here today for the consideration of H.R. 791, the National Ground Water Contamination Research Act of 1987. H.R. 791 is an important first step that the Federal Government must take to begin to solve the ground water contamination problem. This legislation will provide practical information that is urgently needed to prevent ground water contamination.

Before going any further, I want to thank GEORGE MILLER, the chairman of the Interior Subcommittee on Water and Power, for all the work he has done on this bill. Chairman MILLER's support has been instrumental to the success of H.R. 791. I also thank Chairman SCHEUER, Chairman NOWAK, Chairman WAXMAN, and Chairman BROWN for their contributions to this legislation.

Ground water contamination is one of the most serious environmental problems facing this Nation. It has occurred in every State, and the number of wells closed because of contamination increases every day. Ground water supplies almost one-half of the Nation with drinking water, and 90 percent of the Nation's rural population with drinking water. We must act swiftly to protect this vital resource.

My home State of Connecticut provides an alarming example of how fast the ground water contamination prob-

lem is growing. When I first introduced this legislation in December 1985, 1,000 wells had been closed because of contamination in Connecticut. Since December 1985, 200 more tainted wells have been discovered in Connecticut, adding up to a total of 1,200 wells closed across the State.

My interest in the ground water contamination problem goes back to 1982 when I met with families living on pink row, in Montville, CT, who had just learned that their water was contaminated with trichlorethylene [TCE], a cancer-causing chemical. I cannot even begin to convey the fears and frustrations of the parents who discovered that for years their children had been drinking and bathing in water tainted with toxic chemicals.

In addition to health risks, ground water contamination has serious economic consequences. At a congressional field hearing last year in Hartford, CT, Jane Shea of Ellington, CT, testified that her home became virtually worthless after she learned that her well was contaminated with the pesticide ethylene dibromide [EDB]. During the 2-year period that her neighborhood struggled with the EDB problem, not a single home was sold in the area. The cost of extending the town water lines to the homes with tainted wells was over \$500,000.

Unfortunately, a major barrier to the protection of ground water from contamination is the lack of basic information on the problem. Industry, environmentalists, farmers, and State and local officials all agree that more information is needed now. The primary purpose of H.R. 791 is to provide Federal, State, and local decision-makers with the information they need to solve ground water problems.

H.R. 791 authorizes a comprehensive Federal ground water research effort by the Geological Survey, the Environmental Protection Agency [EPA], and the U.S. Department of Agriculture [USDA]. The bill establishes an Interagency Ground Water Research Committee to coordinate the efforts of the different agencies, and to ensure that there is no duplication of research activities.

This legislation recognizes, and increases, the strengths of the Federal agencies with major ground water research responsibilities. The Geological Survey is given responsibility for research on ground water quality and quantity. The Environmental Protection Agency [EPA] is given responsibility for health effects research, and other research related to its regulatory mission. Finally, the Department of Agriculture is directed to encourage farmers to use farming practices which do not contribute to ground water contamination and depletion problems.

H.R. 791 has five major components. First, it establishes a National Ground

Water Assessment Program within the Geological Survey to increase our knowledge of ground water quality and quantity. The assessment program will fill in the many gaps in our knowledge of ground water.

Second, the bill directs the Secretary of the Interior to establish a National Ground Water Information Clearinghouse. The clearinghouse will serve as a central reference center for all ground water information, and will increase the accessibility of this information to those who need it. The assessment program and the clearinghouse are based upon recommendations made by the Environmental and Energy Study Institute in its 1986 report, "A Congressional Agenda To Prevent Ground Water Contamination."

Third, the bill strengthens EPA's Ground Water Research Program. It directs EPA to conduct health risk assessments for all significant ground water contaminants. This work is desperately needed to protect the health of over 100 million Americans who rely on ground water for their drinking water supply. EPA is also directed to initiate a program to develop and demonstrate technologies to prevent, detect, and remedy ground water contamination.

Fourth, H.R. 791 authorizes and expands ongoing Geological Survey and EPA programs to provide technical assistance to States and localities experiencing ground water contamination. The Geological Survey will assist States and localities with the assessment of ground water resources, including mapping, surveys, and investigations. EPA will provide technical assistance on regulatory matters.

Fifth, this legislation directs the Agriculture Department to conduct a study of the effect of various farming methods on water quality and quantity, and to establish an Agricultural Nitrogen Best Management Practices Task Force to encourage farmers to use nitrogen fertilizers in a manner which minimizes the contamination of ground water.

The bill authorizes \$81 million in new spending over the next 3 years, an increase of \$27 million per year. This increase is justified because of the massive environmental, health, and economic costs of ignoring the ground water contamination problem.

In the long run, measures to protect ground water, such as H.R. 791, will cost far less, and yield far better results, than emergency responses to individual cases of ground water contamination. The \$9 billion Superfund Program is a sad example of the exorbitant costs of cleaning up ground water contamination after the fact.

H.R. 791 is the final product of 2 years of work. I introduced the first version of this legislation, H.R. 3906, in December 1986. The legislation has

been redrafted many times, and each revision has improved the bill. This year, the bill has been made more comprehensive with the addition of provisions to strengthen the ground water programs of EPA and the Department of Agriculture.

Mr. Chairman, I strongly urge my colleagues to support H.R. 791. This legislation is a crucial first step that the Federal Government must take to solve the ground water contamination problem. Until we understand what is causing contamination and how widespread it is, we will continue to simply throw money at the problem in response to individual cases. H.R. 791 will provide the information we need to develop intelligent solutions to ground water problems.

Mr. LUJAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 791, the National Ground Water Contamination Research Act of 1987. I would like to thank my colleague from Connecticut, [Mr. GEJDENSON], for his leadership on this measure, and the distinguished ranking minority member of the Interior and Insular Affairs Subcommittee on Energy and the Environment. The gentleman from New Mexico [Mr. LUJAN], as well as all the other Members on both sides of the aisle who through their diligent committee efforts have expedited the consideration of this legislation.

Mr. Chairman, the consensus in support of this legislation attests to the increasing severity of the problem of ground water pollution. In a recent study conducted by the Environmental Protection Agency [EPA], contaminated ground water containing a variety of 20 different pesticides was found throughout 24 of the surveyed States. The EPA stated that these chemicals were most likely released as a result of routine agricultural applications, rather than as a result of accidental spills or illegal dumping of toxic pollutants. With almost half of the Nation's drinking water supplied from underground wells, the necessity and significance of this legislation cannot be overlooked. By some estimates, 90 percent of our Nation's rural population is dependent upon ground water for their daily supply of drinking water. We shudder to think of the consequences which may result from tainted water supply. It is long past time for Congress to recognize the health risks associated with all pollution of the environment, let alone the contamination of our Nation's water supply.

Mr. Chairman, despite the severity of this problem, and the fact that at least three Federal agencies currently play a role with respect to regulation

or research of ground water quality or quantity, there is no centralized data base or central authority mechanism to drive and coordinate our approach to ground water pollution. Unfortunately, due to the many duplicative efforts and gaps of information, our State and local regulators often lack the necessary information to prevent contamination of our underground wells.

Accordingly, H.R. 791 addresses the problem by establishing the Interagency Ground Water Research Committee, comprised of Presidential appointees from each Federal agency involved in ground water-related activities. The committee will serve to facilitate joint funding and promote interagency cooperation on research, development, and demonstration programs. In conjunction with the research committee, the legislation also establishes the National Ground Water Clearinghouse to function as a centralized mechanism for data collection, reporting, and dissemination. Additionally, H.R. 791 authorizes \$164 million over the next 3 years to establish an Interior Department Ground Water Assessment Program and approximately \$12 million for EPA research and development programs to control the sources or potential sources of ground water contamination.

While the legislation strengthens and coordinates Federal responsibility for research and data collection, it simultaneously recognizes that the States must play the primary role in controlling ground water pollution. H.R. 791 will codify Federal authority and provide the States with sufficient flexibility to implement the recommendations proposed by the Interagency Ground Water Research Committee. Hopefully, we can provide the States with the necessary funding and technical knowledge, then have the good sense to step back and let them solve the problem without the Federal Government compounding their burdens.

Mr. Chairman, H.R. 791 will take substantive steps to eradicate pollution in our Nation's water supply. This legislation is badly needed, and is needed now. Accordingly I urge my colleagues to vote in favor of the National Ground Water Contamination Research Act of 1987.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the compromise substitute to H.R. 791.

Mr. Chairman, ground water protection is the most serious water resource issue in the country. Yet ground water supply and contamination problems exist in every State and region. Indeed, it is difficult to think of a congressional district that doesn't have them.

Ground water is a pervasive resource. It accounts for over 85 percent of the Nation's fresh water; supplies drinking water for one-half our population; and, also supplies over one-half of our irrigation water.

The Congress has recognized the importance of this vast resource and enacted an assortment of statutes—including Superfund Act and the safe drinking water amendments—which deal with ground water matters.

These laws provide for the protection, maintenance, and remediation of ground water quality. They also delegate to the States the primary responsibility for ground water protection, maintenance, and remediation.

These statutes recognize quite correctly that the primary responsibility for solving ground water problems rests with State and local governments—not the Federal Government. The Federal role should be limited.

Yet several recent reports have indicated that we aren't doing a very good job of managing and protection this precious resource.

Although considerable scientific progress has been made in knowledge about ground water resources and ground water contamination, there remain significant gaps in developing and making available needed scientific knowledge.

The scientific uncertainties, lack of adequate technologies, and shortage of skilled scientific personnel have hindered the ability of regulators to develop and implement effective ground water management, protection, and remediation policies.

According to the National Academy of Sciences:

There are no adequate data available on a national or on a regional scale to estimate the extent of ground water contamination and the impacts of this contamination.

Mr. Chairman, the compromise substitute to H.R. 791 takes a major step toward filling the research gaps and protecting the Nation's ground water resources.

The substitute has its genesis in H.R. 791, legislation introduced by Congressman SAM GEJDENSON and reported by the Committee on Interior and Insular Affairs on June 12, 1987. H.R. 791 was then sequentially referred to the Committees on Agriculture, Public Works and Transportation, Energy and Commerce, and Science and Technology. All those committees reported the bill with respective amendments by September 30.

The substitute represents a compromise acceptable to all five committees. It was introduced by the majority leader, Mr. FOLEY (H.R. 3676). It provides badly needed coordination of the ground water research activities at the Environmental Protection Agency (EPA), and the Departments of the Interior and Agriculture.

There are four titles to the substitute.

Title I provides generic authorization for the Water Resources Division of the U.S. Geological Survey. This title is referred to as the Geological Survey Water Resources Organic Act.

The water resources activities of the Survey have never been formally authorized by the Congress. Instead, the Survey's authority has been provided for many years in annual appropriations acts. The authority in title I does not provide the Survey with any new authority beyond that which it currently exercises on a year-to-year basis. The substitute authorizes the appropriations of \$164 million for fiscal years 1988 through 1990.

Title II is referred to as the National Ground Water Research Act of 1987. It authorizes the appropriation of \$43 million to provide focus and direction to the Federal Government's ground water research activities at the Geological Survey and the EPA. It would establish an interagency committee, chaired by representatives from the Geological Survey and the Environmental Protection Agency (EPA), to recommend to the President research priorities and a coordinated ground water research plan.

Title II also includes a series of improvements in EPA's existing research program, authorizes a ground water research and demonstration program, and requires a risk assessment analyses program. A ground water assessment program and an information clearinghouse to enable Government agencies, private organizations, and individuals to share information would be established in the Geological Survey.

The substitute further directs the Administrator to study specific ground water contamination problems in New Jersey, New York, and California. In addition, the legislation would establish a research program on the Lake Okeechobee ecosystem in Florida.

Title III of the substitute directs the Secretary of Agriculture to investigate the relationship between agricultural practices, water use and quality, and report findings to the Congress.

It also establishes an Agricultural Nitrogen Best Management Practices Task Force to review and recommend to the Congress best agricultural management practices to minimize the impact of nitrogen on ground and surface water quality. The task force would also develop methods to disseminate information and recommendations to farmers and producers.

Title IV authorizes the EPA to assist local governments in mitigating radium contamination in ground water. The legislation establishes criteria for the Administrator to follow in awarding grants to States to finance ground water treatment technologies

needed to remove radium from ground water. The legislation authorizes the appropriations of \$14 million for fiscal years 1988-90 for title IV.

Mr. Chairman, this bill is an important first step in meeting the problems of ground water contamination head on.

By enhancing our knowledge of ground water as a resource, this legislation takes preventative steps now to keep the resource clean—rather than force us to waste money later to clean up ground water contamination.

Before we can tackle existing ground water contamination problems and prevent future pollution of ground water, we need a well-coordinated Federal research program. The substitute lays the foundation for that program.

The legislation also would give regulators access to information regarding national ground water quality conditions and trends. It would provide the States with adequate technical information and guidance so that they can develop and implement comprehensive ground water management programs.

I dare say without the efforts of Congressman GEJDENSON in pioneering this legislation in the Committee on Interior and Insular Affairs, the Congress would not have addressed this issue at this time. I think we all owe him a debt of gratitude for addressing one of the most serious problems confronting not only our environment but the economic well-being and the health of our economy. I would hope that the committee would pass this bill after the deliberations on the amendments.

Mr. Chairman, I would also like to thank the chairmen and ranking members of the committees and subcommittees involved in this legislation for their cooperation in crafting this compromise.

I urge my colleagues to join me in supporting this important legislation.

Mr. LUJAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana [Mr. MARLENEE].

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

Mr. Chairman, I rise in opposition to the substitute amendment on ground water. This so-called compromise bill is not a compromise for States which are sick and tired of harassment by the Environmental Protection Agency. The substitute bill greatly expands EPA research authority for ground water pollutants. The bill specifically directs EPA to issue 50 risk assessments within 36 months. We all know that this is merely the first step in a series of steps which will lead to the Federal Government using its heavy hand to cram burdensome regulations and yet another expensive program down the throat of individual States.

As an example of what happens when Congress turns loose the EPA

brownshirts, I ask the Members to consider the recent fiasco with the Endangered Species Pesticide Labeling Program. The EPA, in a moment of due process amnesia, attempted to implement a program which would place restrictions on the use of up to 70 percent of agricultural pesticides in several counties across the country. The EPA did this without proper notification or opportunity to comment from the States, farmers, and pesticide manufacturers which would be effected.

The goal of this labeling process is something we all applaud—the protection of some 400 endangered species. However, the methods which the EPA proposed were arbitrary, overly-broad and poorly conceived. The EPA prepared maps to show which pesticides would be banned in each of the specific counties because and endangered species might be harmed. But in the usual bureaucratic bungling by EPA, entire counties were banned from using pesticides even though no endangered species had ever been found in the county.

Finally, after much complaining by the effected States, EPA has agreed to delay implementation of the Pesticide Labeling Program to give the States an opportunity to review the program.

States need technical assistance and accurate information so the States, not the Federal Government, can implement meaningful environmental protection. The bill which the Interior Committee reported, H.R. 791, would assist the States in their groundwater efforts through the U.S. Geological Survey. The substitute bill however, will allow EPA to stick its foot in the door and eventually require programs which the States cannot afford or enforce.

I ask my colleagues to vote against the substitute bill and return to the measure as originally reported by the House Interior Committee.

□ 1400

Mr. MILLER of California. Mr. Chairman, for the purposes of debate only, I yield 4 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, first of all, let me take this opportunity to thank the chairman of the subcommittee, the gentleman from Connecticut [Mr. GEJDENSON], and also the gentleman from California [Mr. MILLER], for their excellent work on this, and I wish to thank also all my other colleagues who have been integrally involved in the legislation before its arriving here today.

Since 1980, the Subcommittee on the Environment, Energy and Natural Resources, which I chair, has been conducting investigations and issuing reports relating to ground water protection. In addition, I was a member of the working group of the Environmen-

tal and Energy Study Institute which developed a congressional agenda to prevent ground water contamination last year.

One of the key findings of both the subcommittee and EEIS was that while there are many Federal, State, and local laws and programs which deal in part with ground water protection, there is no effective coordinating mechanism to maximize the effectiveness of these efforts.

Another was that there is a need for more and better ground water research data and better ways to make that data available and to interpret it for decisionmaking purposes. This is a critical need because it is a prerequisite for further significant progress in protecting ground water from both contamination and depletion.

We in Congress have attempted to deal with this problem in 1984 by including a provision in the Resource Conservation and Recovery Reauthorization Act authorizing the establishment of a National Ground Water Commission to identify the gaps in our knowledge of ground water and to make recommendations for filling them. Unfortunately, the administration never included any funding for the Commission in its budget proposals, and it never became operative. As a result, ground water research remains fragmented, uncoordinated, and lacking in overall direction.

But we have an opportunity today to rectify that situation by enacting the bill before us. It vests in the President the responsibility to coordinate all Federal activities to assess, manage, and protect ground water resources and all Federal activities to remedy ground water contamination and depletion.

It requires the President to establish an Interagency Ground Water Research Committee, with membership from each Federal agency with ground water-related activities, to be co-chaired by the Secretary of the Interior and the Administrator of EPA. The committee is to identify major ground water research needs and recommend priorities and a coordinated research plan to the President and the Congress.

It would also establish a National Ground Water Assessment Program to evaluate and improve ground water quality and quantity information systems which can be carried out by agencies of the Department of the Interior and through assistance to State and local governments.

It would require the Administrator of EPA to establish a research, development, and demonstration program for the protection and management of ground water resources, along with a variety of other things, and finally it would require the Secretary of the Interior to establish and maintain a Na-

tional Ground Water Information Clearinghouse to disseminate ground water information.

Mr. Chairman, with regard to this information before us today, we admit that it would not solve all the problems relating to ground water protection, but it is an essential step in the development of an effective program for the protection of this precious and irreplaceable national resource.

Mr. Chairman, I urge my colleagues to support the bill.

Mr. LUJAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank my good friend, the gentleman from New Mexico, for yielding this time. I appreciate his courtesy.

Mr. Chairman, if you were to conduct a survey on problems facing small communities in northeast Wisconsin, on top of the list, would be the task of meeting EPA regulations to reduce radium in drinking water.

In accordance with the Safe Water Drinking Act, the EPA is in the process of proposing regulations for establishing a maximum containment level for radium-226 and radium-228 in drinking water supplies. There is little doubt that radium is a known carcinogen, however, the cost of removing the radium from water will be exorbitant for many small communities. And several will face financial ruin if assistance is not provided.

The Ground Water Research Act being debated today contains a vital provision which authorizes the EPA to offer grants and technical aid to help small communities meet Federal drinking water standards. Only communities with populations less than 20,000 people will be eligible for this crucial assistance.

Radium contamination in drinking water is a growing national problem. The Wisconsin Department of Natural Resources has estimated that it will cost at least \$45 million for the 43 Wisconsin communities with high radium levels to address existing violations. Residents of a town with a population of 5,000 in my district must raise a projected \$1.3 million to install radium-abating systems. Another town with a population of only 650 faces \$100,000 in capital outlays to comply with the new Federal standards.

The Radium Removal Demonstration Program contained in this legislation is an important first step to helping radium-affected small towns and villages install the necessary water treatment technologies. Safe drinking water regulations are in effect to protect the public. Passage of the Ground Water Research Act will reinforce our Nation's commitment to provide clean water for public consumption. Mr. Chairman, I urge my colleagues to support this needed legislation.

Again, Mr. Chairman, I thank the chairman of the subcommittee and the other members who have done so much to make this legislation possible.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, as a nation, we often recognize our cherished water resources in the form of our many lakes and streams. When these resources are threatened with pollution, we react quickly, as we should, to the thought of jeopardizing these precious water resources. Unfortunately, the case for ground water protection does not always appear so vividly.

Many Americans do not realize that 96 percent of the fresh water in the United States lies in aquifers buried deep beneath the ground's surface. In addition, many would be surprised to learn that half our population relies on ground water as its primary drinking source—nearly 120 million people. My State of California is the leader in ground water use putting over 20 billion gallons to work every day. This amount includes 2 billion gallons for essential drinking water. Clearly, when we think of protecting our water supplies, ground water must be at the forefront of our minds.

Today, ground water is receiving the attention it needs and deserves. H.R. 791 is a bill that puts ground water protection where it belongs on our policy agenda. By smartly keeping the primary statutory responsibilities for managing ground water resources with the States, but also clearly defining the important Federal role in conducting research and disseminating information, this bill is a positive step toward preserving this essential resource for the future. Most important is the bill's focus on eliminating duplication in Federal and State research programs to make ground water protection efforts more efficient. Also of great importance in the bill is an emphasis on studying means of replenishing valuable ground water supplies after use. I urge my colleagues to recognize the importance of ground water to our Nation's health and prosperity by supporting this carefully constructed ground water research bill.

□ 1410

Mr. LUJAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 791, as amended by H.R. 3676.

This bill authorizes:

The U.S. Geological Survey to conduct a ground water assessment program; and

The Environmental Protection Agency to conduct a ground water research and technology demonstration program.

These programs are critical if we are to address the Nation's ground water pollution problems. I am pleased that title II, the National Ground Water Research Act of 1987, is based on the bill that was developed in the Science Committee's Natural Resources Subcommittee.

Ground water is an important national resource. Half of the U.S. population uses ground water for drinking water and nationwide ground water use has tripled over the last 30 years. But ground water is threatened by contaminants from hazardous waste sites, municipal landfills, septic tanks, underground storage tanks, and urban and agricultural runoff. There are instances of ground water contamination from over 200 chemicals in all 50 States, including my State of New Mexico. The Office of Technology Assessment reports that 1 to 2 percent of all ground water nationwide is believed to be polluted.

While 16 Federal laws address aspects of the ground water problem, no one law establishes a comprehensive research and assessment program. Such a program is necessary because there are significant gaps in our knowledge about the sources, extent, and effects of ground water and in ways to prevent and mitigate ground water contamination.

H.R. 791, as amended, addresses this problem by establishing a comprehensive Federal research and assessment program. This program is designed to give States, which have the primary responsibility for managing ground water, the information they need to manage their ground water resources. The bill also requires Federal agencies to provide technical assistance to States and requires the U.S. Geological Survey to establish a ground water information clearinghouse. Finally, the bill authorizes EPA to conduct a program to develop and demonstrate technologies to control sources of ground water pollution and to mitigate ground water contamination.

Mr. Chairman, I do have some concerns about the level of funding contained in the bill, and consequently, I plan to offer amendments to reduce the level of funding to be provided for USGS. With this one caveat, however, I believe this bill to be worthy of support.

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

The CHAIRMAN. The gentleman from California [Mr. BROWN] will be recognized for 15 minutes and the gentleman from Iowa [Mr. GRANDY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 791 as amended by the substitute language contained in H.R. 3676. This bill contains a much-needed and long-overdue program of ground water quality research, monitoring, and demonstration which will help us protect our vital ground water resources.

I will not detail the importance of ground water because I think that all of us in Congress recognize the heavy dependence upon ground water which exists in this country. I would like to make the point that this resource is one which we have neglected in our environmental protection efforts to date. In other water quality and toxic substances statutes we have only recently begun to focus on ground water quality issues. And we have only recently started to look at nonpoint sources of contamination, such as agricultural production operations. These two shortcomings in our past legislation efforts have led to the need for the legislation before us today.

In the 1970's, when I was chairman of what was then the Science and Technology's Subcommittee on Environment and the Atmosphere, we engaged in a comprehensive examination of ground water quality research needs. In 1978 this effort produced a bill, H.R. 13946 which resembled H.R. 791 and proposed a comprehensive ground water quality research program. The bill was apparently ahead of its time and died in the 95th Congress. However, the ground water quality problem continued unabated and now it seems that the time is right to address the issue in Federal legislation.

I would like to make a few general comments about the bill before us today. The development to this legislation represents a unique process in Congress. Last year a similar bill passed the House with little controversy. This year, H.R. 791 caught the interest of four committees after it was reported out of the Interior Committee. At that point, I feared that we were in for a rough time, since this issue cuts across so many committee jurisdictions and is emerging as a major environmental issue, caught up in increasing controversy.

However, for once we did it right and all five committees cooperated fully in their considerations of H.R. 791 and in the subsequent negotiations which resulted in the substitute compromise. I sincerely hope that this spirit of cooperation can continue as we continue to deal with ground water quality problems in the future, since we have 13 House committees with jurisdictional interest in ground water issues.

I would also like to stress the urgent need for this bill, a need which has been seen by all of the committees in-

volved. If we do not begin today to pull together available research and monitoring data and develop new understandings about ground water quality problems and their ultimate solution, we will fall farther behind. I know that many feel that regulatory measures are needed now and some may feel that this research bill will take away from or delay these regulatory measures. This is not the case.

The programs and activities outlined in this bill will probably increase the sense of urgency to protect this vital resource as we finally do the survey and monitoring work we have neglected for so long. But we will be able to make more informed decisions as a result of this bill, and regulators, when they eventually become more involved, will not have to respond in the state of ignorance which now dominates this issue.

I would like to make a few observations about the portions of H.R. 791 which the House Agriculture Committee authored. First, I feel that the provisions in title III of the bill are a significant first step toward getting the agriculture sector prepared to deal with water quality problems. Note that I said "water" and not simply "ground water" problems. We have taken the approach on the Agriculture Committee that we must deal with the entire hydrologic cycle if we are to see meaningful progress on water quality issues.

The first part of our title calls upon the Department of Agriculture [USDA] to conduct a comprehensive review of their activities in this area and develop a departmentwide strategy for dealing with water quality problems. This is to be accomplished in what is an arbitrarily short period: 90 days after enactment. However, since we have been waiting upon USDA's ground water quality plan since September, and since USDA should have already had such a review and strategy in place, and since this bill will not be considered by the Senate until next year, USDA will have already had at least 1 year by the time this bill gets to the President. I hope that the message of discontent by the House Agriculture Committee which a 90-day deadline represents is not lost on those at USDA who are reviewing these remarks.

The second part of the Agriculture Committee's title deals with the development of best management farming practices which can reduce ground water contamination due to fertilizer use. This is a narrowly defined first step on a longer journey to increase the efficiency of all agricultural operations. The end goal in this effort will be to develop agricultural practices and technologies which will allow farm profitability while meeting environmental goals. We have begun a series of hearings on the Agriculture

Committee to explore this broader task and have another hearing scheduled next week to hear from the animal agriculture sector. I expect that this series of hearings will develop into a broader legislative agenda for USDA sometime next year.

I want to thank my colleagues on the other committees for their diligence and cooperation in the development of this legislation. It has been a very good example of how we should deal with complex legislation. I urge all of my colleagues to vote in favor of this bill, as amended by the compromise substitute.

Mr. GRANDY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am rising today in strong support of H.R. 791 and the Foley substitute, H.R. 3676.

I think it is worth saying at the outset, Mr. Chairman, that we have no less than five House committees that are in support of this legislation and in support of the need for this legislation, but I also rise today and hope that this legislation produces a leading role for agriculture, and specifically the Department of Agriculture, in this legislation.

I want to take this opportunity to thank our chairman, the gentleman from California [Mr. BROWN] who is the chairman of the Subcommittee on Department Operations, Research, and Foreign Agriculture, and our vice chairman, the gentleman from Kansas [Mr. ROBERTS], for bringing this problem and focusing this issue in my district of northwest Iowa, and specifically coming to Humboldt, IA, on October 12 of this year to observe not only the problem, but some of the solutions that the Iowa Legislature has started to grope toward in confronting the ground water problem.

Purely, the Iowa bill is attempting to gather information, to advise without regulating, and I think that the results of this hearing would probably conclude that there is still some fine tuning to be done on that legislation.

Let me just begin with a quote from the Kansas City Environmental Protection Agency district official, Mr. Tim Amsden, who I think framed the problem rather well that we are confronting at the national level, as well as in Iowa. He said:

Ground water is inherently a difficult resource to understand, much more difficult than air or surface water, because you have intervening soil. You have a three-dimensional system.

Health effects are very difficult to understand. There is a debate within EPA and outside of EPA as to whether ground water standards should be maximum contaminant levels or maximum contaminant level goals.

Now, that is localized in my particular area of Humboldt County. When we went out to investigate the situation, we found that we had three un-

derground aquifers converging in one county, within a 15-mile radius. We had water levels that varied 100 feet within a 5-mile radius.

We have an Iowa law that is presently attempting to establish a goal of no level of contamination by 1992, but has no specific guidelines to achieve that.

So the question that we are confronting today, hopefully beginning with this legislation, is how are we going to regulate without understanding the ramifications of the problem, and how are we going to set goals without guidelines to accomplish them?

I think that H.R. 3676 recognizes this problem. Clearly it states so in its findings under paragraph 10, where it says:

(10) present water quality and use data collection, analysis, and information dissemination programs are insufficient to provide farmers and decision makers with the bases for formulating sound water quality and use policies and programs.

It is imperative, Mr. Chairman, that the Secretary of Agriculture become a major player in this inner-agency ground water task force. I would have hoped he would have been a cochairman, along with the EPA Administrator and the Secretary of the Interior, but I will yield to our chairman on this, who has advised us that he will be a major player in these deliberations, helping to guide research, information, and technical assistance provided in this act; but we have to send a strong message to the USDA to consolidate and cooperate in its own operations. Presently there are 18 different subagencies in the Department of Agriculture with partial jurisdiction over ground water matters. The bureaucracy must be streamlined to provide guidelines.

There is a special need for the agriculture section to examine its own operations, cooperating and not competing with other agencies, such as the EPA and Department of the Interior.

Once the scope of the ground water quality is better understood, then agriculture practices can be adjusted accordingly, and hopefully these practices can be adopted by those who understand them best; namely, the American farmers.

Hopefully, this legislation will begin an effort to advise agriculture producers on best management practices of ground water quality control, rather than to confuse them with crippling regulations and possibly unenforceable Federal regulations.

States like Iowa are already leading the way and the purpose of this legislation should be to form a partnership, a Federal-State partnership, rather than to impose a chain of command.

I think we are already off to a good start under the 1985 farm bill, the Conservation Preserve Program and

diverted acre programs have already produced positive environmental results. We have a 24-percent cut in nitrogen applications on Iowa farms over the past 2 years. The private sector is responding. In some areas of the Great Plains, the upper Midwest, farmers are being advised to apply no nitrogen to their crops this year. These practices are hopefully enhanced by the data that is connected with the Ag-Nitrogen Best Management Task Force established in this bill.

I want to come back to the hearing that we had in Iowa, Mr. Chairman, in conclusion. I think those of us who participated in that hearing would say we probably came back with more questions than answers, but I think one thing is abundantly clear and one thing that is addressed in this legislation is that for Iowa and probably for the Nation, as we in the Congress struggle to ascertain what the Federal responsibility in ground water management is to be, we must be ever mindful that the farmer in Iowa and the farmer around the country probably wants this legislation more than we do, because he is concerned about this legislation, not just for the success of his harvest, but more importantly, for the future of his farm and the future of his family.

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

□ 1425

Mr. BROWN of California. Mr. Chairman, I would like to engage the chairman of the Subcommittee on Water and Power Resources of the Committee on Interior and Insular Affairs in a brief colloquy if the gentleman from California [Mr. MILLER] has no objections.

The version of H.R. 791 which was reported out of the Agriculture Committee contained a number of specific references to the need to consult and coordinate with the Secretary of Agriculture on those activities which involved farm and forestry production practices. The proposed substitute does not contain those specific references because of the increased coordinating role of the Interagency Ground Water Research Committee.

However, it is expected that the Ground Water Research Program envisioned in this bill will take full advantage of the extensive, decentralized strength of the Cooperative Extension and conservation programs funded by the Department of Agriculture. These are the people to whom the farmers turn for advice and these are the people with the expertise on agricultural production practices. I would like to ask my colleague if he shares my understanding of the level of Department of Agriculture involvement expected in this bill with regard to agricultural practices.

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

Mr. BROWN of California. Mr. Chairman, I yield to the gentleman from California.

Mr. MILLER of California. The gentleman is correct in his view that we expect to have full consultation and coordination between the involved Federal agencies and the Department of Agriculture when matters concerning agricultural sources of water contamination are involved. We also expect that the Department and its State cooperating institutions and programs will play a central role in developing agricultural practices designed to minimize agricultural sources of water contamination. While there are formal memorandums of understanding in place between USDA and EPA and USGS, we expect that there will be increased levels of coordination as this ground water quality research and demonstration program develops.

Mr. BROWN of California. Mr. Chairman, I wish to thank my colleague, the gentleman from California [Mr. MILLER], for expressing those sentiments. I had hoped and expected he would do so and I thank him for it.

One other thing, Mr. Chairman, I listened with a great deal of pleasure to the remarks, of my distinguished colleague, the gentleman from Iowa [Mr. GRANDY], and I would like to pay tribute to the extensive contribution which he has made in the structuring of the agriculture portions of this important piece of legislation. As he mentioned, we did have a subcommittee hearing in his congressional district. I do not often go into Iowa since I am not running for President, but in this case I found it to be a most illuminating experience. There are more different aspects of this ground water problem than any of us can imagine and in each area there are certain unique aspects.

Iowa is one of those areas which has many unique aspects and the hearing there which was largely put together by the gentleman from Iowa [Mr. GRANDY] contributed a great deal to our understanding of the problem. I wanted to thank him publicly for the work that he has done.

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

Mr. BROWN of California. I yield to the gentleman from Iowa.

Mr. GRANDY. Mr. Chairman, I would just like to say in response that I appreciate the remarks of the gentleman from California [Mr. BROWN] and Iowa appreciates his contribution to this legislation and to the whole question of ground water and the focus that he has brought to it. Clearly, I think one of the things that we learned at that meeting is that somehow the States are looking to us for some kind of guideline and I think

that hopefully that hearing in Iowa provided a very good beginning. I thank the chairman for providing the opportunity to study the problem locally.

Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I thank my friend and colleague, the Republican manager of this section of the bill, for yielding me this time.

Mr. Chairman, I rise today to support H.R. 3676, which is a substitute for H.R. 791. As of September of this year, as the gentleman has stated, we have had no less than five committees legislating different versions of this bill. This substitute is a compromise version of that effort.

I was interested in the colloquy between my chairman, the gentleman from California [Mr. BROWN], and the gentleman from California [Mr. MILLER]. I perhaps would have written the colloquy a little bit different. In farm country perhaps we would write it not in the 35-cent-word class but we would have simply said the Department of Agriculture should lead the way in regard to disseminating the information and the research that we come up with under this bill. Obviously, farmers have told me in Iowa, Kansas, and other places that certainly they can work better with their traditional counterparts within the Extension Service. I would hope that that would be the conclusion of this effort.

We have a lot at stake in the farm country in regard to ground water in this bill. We depend on it for personal use, and in regard to the production of our crops we have had three hearings to date in the Committee on Agriculture and as referenced by my chairman and the gentleman from Iowa [Mr. GRANDY], one very important hearing was held in Iowa.

The gentleman from Iowa [Mr. GRANDY] is the kind of Member, as is my chairman, who not only want to draft legislation in terms of what may take effect, but they want to see the effect in farm country. We did learn a lot and we will learn more.

I want to pay real homage to my chairman, the gentleman from California [Mr. BROWN], whose expertise and leadership in this field is second to none in the Congress, and to the gentleman from Iowa [Mr. GRANDY] who insisted upon that practical-effect hearing which should serve as a real foundation as other States try to model their program after Iowa if in fact that is the way they want to go.

We do not depend on heavy-handed regulation in this bill. That is not the approach that we want. It does provide research and education and a great deal more coordination and preparation by the appropriate Federal agencies.

It is a good bill and I urge my colleagues to support it.

Mr. Chairman, I rise today in support of H.R. 3676, the text of which is made in order today as an amendment in the nature of a substitute to H.R. 791.

I would also like to recognize the distinguished efforts of the gentleman from California [Mr. BROWN] the chairman of the House Agriculture Subcommittee on Department Operations, Research, and Foreign Agriculture (DORFA). My colleague has worked long and hard to lend coherency to the ground water efforts within the Agriculture Committee, and to insure that our efforts fit properly with the work of several other interested committees. The result is this legislation we have before us today for consideration. I would likewise like to recognize the diligent work of my colleague, Mr. GRANDY of Iowa. The DORFA Subcommittee this past October visited Mr. GRANDY's district to see first hand the problems and concerns the agriculture community has regarding ground water contamination, and we reviewed in detail the management strategy recently adopted by the State to protect its ground water resources.

The interest of the Agriculture Committee in forwarding responsible ground water legislation is twofold. First off, the agriculture community relies on ground water to support normal farming activities. Second, the Agriculture Committee is uniquely responsive to the needs and concerns of rural America, and as such we are very sensitive to the fact that 95 percent of the drinking water in our rural areas comes from ground water. For many parts of the country ground water is a natural resource that underpins a healthy economy. In my district we rely on ground water for irrigating our crops, and as a source of drinking water for a \$3.4 billion a year cattle industry, and as a source of water for many small industries. Our reliance on ground water will doubtlessly grow. Nationwide, withdrawals of ground water nearly tripled between 1950 and 1980, reaching 89 billion gallons per day in 1980.

Agriculture, which so depends upon ground water, is a significant factor influencing the quality and quantity of our ground water supplies. Because of this relationship, we on the House Agriculture Committee have an incumbent responsibility to provide direction on this issue. We must approach our task from a partnership position. Our efforts must go hand in hand with the work being done by State and local governments, our agricultural producers, and the environmental community.

Mr. Chairman, the legislation before us today, the text of H.R. 3676, is a consensus bill representing the compromise efforts of five committees

that acted on H.R. 791, a bill introduced by Mr. SAM GEJDENSON. H.R. 3676 is a first step towards resolving our ground water quality and quantity problems. We must have sound research and assessment programs in place and operating before we consider implementing policies to protect our supplies. While we must accept responsibility for moving ahead we must also guard against counterproductive policy proposals. Under no circumstances am I prepared to support regulatory efforts prior to acquiring the necessary understanding of the problems we face.

The bill under consideration today lends a degree of organization and clarity heretofore lacking in the efforts by the Federal Government to assess, monitor, and research the full scope of our ground water quality and quantity problems. I am especially pleased by title III of the bill which begins to address the needs of the agriculture community. Title III provides firm direction to the U.S. Department of Agriculture to organize and formalize its ground water program activities. The Department of Agriculture has a wide variety of resources ready to bring to bear in our efforts to better understand the nature of our ground water resources, and to protect those resources.

Deserving special attention is section 304 of H.R. 3676, which is in large part derived from an earlier bill, H.R. 3069, introduced by my colleague, Mr. STANGELAND. This section establishes a task force, the members of which will be appointed by the Secretary of Agriculture, to review and formalize best management practices, systems and technologies for use by crop farmers to mitigate nitrogen contamination of our ground water resources. The task force will also review the extent of the problems posed by nitrogen contamination, and submit annually to the Secretary of Agriculture and Congress a written report on the success and nature of their activities.

Mr. Chairman, I would also like to mention that title IV addresses an acute problem for many small communities throughout the Nation—radium contamination of ground water drinking supplies. The title will assist communities no larger than 20,000 people for the purposes of acquiring and installing ground water treatment technologies needed to remove radium from ground water used as a source of public drinking water.

The legislation we are considering today, H.R. 3676, is the necessary first step we must take for the care and management of our ground water resources. The House Agriculture Committee has long dealt with the issues and potential contaminants that influence ground water quality. The most prominent vehicle for our discussions

has been the Federal Insecticide, Fungicide, and Rodenticide Act.

The interest of the Agriculture Committee in ground water research is substantial and ranges widely. So far the committee has had three hearings this year on ground water issues, and we have another scheduled for December 9 of this year. This past summer the committee authorized the construction of an USDA Agriculture Research Service facility at Texas Tech University. This facility will house plant stress and water conservation research activities. The focus is on the valuable Ogallala aquifer. Agriculture in the high plains of the midwest will face radical changes if we fail to plan now for the conservation of our valuable ground water resources.

The soil and water conservation provisions of the 1985 farm bill provide a crucial instrument in managing the quality of waters occurring both on the surface and underground. The farm bill idled approximately 75 million acres of land during the 1987 crop season for conserving uses. We will likely exceed that figure for 1988. Also, the U.S. Forest Service, the largest land management agency at the Department of Agriculture maintains responsibility for some of the most vital watersheds in the United States.

The agriculture community has a wide variety of tools available to assist in the conservation of the Nation's ground water resources, and H.R. 3676 provides the footing needed to continue our efforts in these areas.

Mr. BROWN of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I appreciate the gentleman from California [Mr. BROWN] yielding me this time, and I applaud him, the gentleman from Iowa [Mr. GRANDY], and everybody else who has been involved with this very, very important legislation.

Mr. Chairman, I rise in support of H.R. 791, the Geological Survey Water Resources Organic Act as amended by the text of H.R. 3676.

No other issue has the potential to affect this Nation's rural communities and agricultural producers like the matter of ground water contamination. About 97 percent of rural America's drinking water comes from ground water supplies. In addition ground water provides 40 percent of the Nation's irrigation requirements. Yet our knowledge of ground water, the quality of these waters and the effects of human activities on these resources is extremely limited. The legislation before the House today will help us take a critical first step toward filling the void that exists in our understanding of the Nation's ground water resources.

As a member of the House Agriculture Committee's Subcommittee on Department Operations, Research, and Foreign Agriculture, and as a member of the House Science, Space, and Technology Committee, I have participated in the hearings held during our consideration of this bill and I know what a sizable problem we face. The problem is especially tough for agricultural producers since agriculture is dependent upon ground water for irrigation and rural residents are nearly totally dependent upon ground water for household use. At the same time, agricultural producers also have a major role to play in keeping our surface and ground water free from contamination. These are the concerns which we tried to address in the House Agriculture Committee's consideration of the bill.

It is important to note that we have tried to stress the need to look at both surface and ground water quality. In the hydrologic cycle, there is great mingling of surface and ground waters and it is important that we approach this problem on a comprehensive basis. I take some pride in noting that this point was very strongly made by Mr. Joe Harkins, director of the Kansas Water Office, when he appeared before the House Agriculture Subcommittee during our hearings on the bill. Mr. Harkins provided specific and pointed examples of the interrelationships between surface and ground water and I think that our legislation benefited from his views.

I would also note that title III of this bill provides for the development of a USDA task force to develop best management practices to guide farmers in minimizing the effects of fertilizers on ground water resources. This provision responds to the need to address an immediate concern—one which the fertilizer industry itself has brought to the committee's attention. I commend the industry for their foresight. However, fertilizers are only one source of nitrogen and one source of potential contamination of ground water. For this reason, I am pleased to see that our subcommittee will continue its investigations into this matter. I expect that further improvements in our efforts to develop nitrogen BMP's will be made as we learn more about other potential agricultural sources of nitrogen contamination of ground water.

It is clear that the task before us in assessing our ground water resources, in devising means to protect the quality of these waters, and developing the capability and the knowledge to wisely use these reserves is substantial. This legislation will provide a mechanism to coordinate the activities of the various Federal departments and agencies with the expertise needed to accomplish this aim. However, I would agree with the comments of my subcommittee

chairman, Mr. BROWN, that the Department of Agriculture must move more aggressively to come to grips with this issue. The agricultural water quality and use study that the Secretary of Agriculture is directed to conduct in conjunction with section 303 of the bill is an essential first step toward this goal. I, too, have been disappointed with the Department's response to the committee's efforts to determine what USDA's ground water policy is and what programs are in place to deal with ground water use and contamination concerns. USDA's failure to get its act together on this issue is a dangerous mistake.

Let there be no misunderstanding, agricultural producers and rural residents stand the most to lose if we fail to deal effectively with ground water concerns. Problems have already begun to appear. Pesticide residues and nitrogen contamination are being reported in rural ground water supplies across the Nation. Inadequate agricultural practices by some are contributing to these problems. Should the Department fail to come to grips with this issue and provide the leadership needed to help agricultural producers clean up their act where needed, then others will surely step in and take the matter out of agriculture's hands.

Many States, including my native Kansas have decided that they cannot wait for the Feds to get their act together and are devising programs and passing legislation to provide for the protection and management of their ground water supplies. The problem is not so easily addressed, however, since aquifers transcend State lines and the technology needed to inventory ground water resources and monitor water quality is limited. Federal assistance is essential and, according to witnesses appearing before our subcommittee, would be welcomed in this regard. H.R. 791 will help get us on the right track.

Mr. Chairman, I want to compliment all of the committees involved in weaving this package together. Anytime you can get five committees of this body to agree on anything, it is a day to remember. I recommend passage of the bill, as amended by the text of H.R. 3676.

Mr. GRANDY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], who is a member of the Subcommittee on Department Operations, Research, and Foreign Agriculture.

Mr. GUNDERSON. Mr. Chairman, I, too, want to stand and pay proper respect to both the chairman of our subcommittee, the gentleman from California [Mr. BROWN], and the gentleman from Iowa [Mr. GRANDY] for their leadership, their expertise, and their work and efforts in this particu-

lar issue. I do not think there is any doubt that each and every one of us wants to have a strong State and local program in the area of ground water.

We want to have that local access, that local control. Yet as this process was going through, I was one of those who became very concerned about what is the Federal role, what good does it do to conduct all of this new research and coordination at the Federal level if we are going to leave it up to the States and the locals to have all of the implementation of it?

Second, I think every State agency that I have talked to across this country and every farm organization and local farmer that I have talked to has pleaded to have us give some direction to them so that they know exactly where we are supposed to go so that we do not end up with 50 different ground water standards in this country.

As the gentleman from Kansas [Mr. GLICKMAN] stated, water knows no boundaries, certainly it knows no State lines.

From that perspective, I offered an amendment in the Committee on Agriculture to focus on the fact that the research and risk assessment being conducted here at the Federal level would hopefully serve some purpose, more than simple research, and that it would be more than just a public information clearinghouse that would serve as the guidelines for the development of State standards.

I have to say that I am very pleased with the legislation that is in front of us. As we have compiled the work of the various committees and we look at the various findings, it is clear to me that the role of the Federal Government in this area through finding No. 16 in particular is to provide the States with the adequate technical information and guidance upon which they can develop and implement the comprehensive ground water management programs.

For this I want to say congratulations on a job well done to my subcommittee, to the other committees that have been so involved in this, and I would urge my colleagues to support this legislation.

Mr. GRANDY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Rhode Island [Miss SCHNEIDER].

Miss SCHNEIDER. Mr. Chairman, I rise in very strong support of this legislation. I think it is important for us to recognize the value of ground water and its uses. When we realize that half of the United States population uses ground water for drinking water, and in my own State of Rhode Island about 25 percent of the population in the urban areas and about 100 percent in the rural areas are dependent upon ground water, so I think we have to

recognize the value and importance of protecting ground water.

Right now it supplies 40 percent of irrigation water and many of my colleagues from the Committee on Agriculture have been making such indications of its value, but to add to that, in our industrialized parts of the country in New England 25 percent of our water is used by industry.

Nationwide, ground water use has tripled over the last 30 years. We have an opportunity now to look very closely with this piece of legislation at the ground water contamination levels. There are instances in every one of the 50 States of contamination from a variety of sources.

Insofar as how we best address the challenge of ground water protection, I think this piece of legislation which is a combination of five other proposals, looks very closely at the 16 Federal laws that address the various aspects of ground water but yet the fact there is no comprehensive research and technical assistance program certainly draws us to propose an appropriate solution.

□ 1440

The significant gaps right now in our knowledge about the sources, the extent, the effects and the ways to prevent and mitigate ground water contamination are certainly something addressed by this legislation. And the fact that the EPA research program has been limited to issues over which EPA has regulatory jurisdiction, EPA does little on pollution from fertilizers, septic tanks and nonpoint sources, and these are major contributors to the problem. So the solution that is established in this bill I believe will certainly address these challenges by coordinating Federal ground water research efforts. The fact that the U.S. Geological Survey would be required to conduct a program to assess the extent of ground water pollution throughout the United States is certainly very timely. USGS establishing a ground water clearinghouse will help get the information to the States where we can take more appropriate action. The fact that the bill requires EPA to conduct comprehensive ground water quality research to provide information and technical assistance to the States to manage their ground water programs I think is an important incorporation, not to mention the fact that I feel that it is so important because it is quite specifically the Scheuer-Schneider provision of this bill, title II.

The EPA program also must include the R&D relating to sources, causes, effects, detection, monitoring, prevention and mitigation of ground water contamination, and the assessment of risk to human health and the environment associated with a range of con-

centrations of significant ground water contaminants.

Needless to say, the problems that we see before us insofar as ground water contamination is concerned certainly mandate that we provide for the scientific research and monitoring that is so very necessary to making good decisions both on the Federal and the State levels.

Mr. BROWN of California. Mr. Chairman, will the gentlewoman yield?

Miss SCHNEIDER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I want to compliment the gentlewoman on her statement. In listening to it, I was again impressed by the breadth of her concerns in the area of environmental pollution and contamination, and recall the many years we have worked together on the Science, Space, and Technology Committee and in other ways on these kinds of problems. I can think of no one in the Congress who has longer or more consistently supported the cause of a cleaner and better environment than the gentlewoman from Rhode Island, and I wanted to express my appreciation to her.

Miss SCHNEIDER. I thank my colleague for his kind remarks.

The CHAIRMAN. The gentleman from Iowa [Mr. GRANDY] has 1 minute remaining.

Mr. GRANDY. Mr. Chairman, I yield that 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I rise in strong support of H.R. 791 and urge my colleagues to support the legislation as well.

As a cosponsor of H.R. 791, I strongly commend the leadership from both sides of the aisle in the five committees for coming up with what I believe to be the first comprehensive plan for dealing with ground water contamination and in particular, the dissemination of information to State, local, and private organizations on how to prevent contamination and to maximize remedial efforts.

While I firmly believe that the primary responsibility for protecting the quality of our ground water must lie with State and local governments, Congress and the Federal Government must expand ground water research efforts and provide more information as well as technical assistance to State and local authorities. At the present time, data needed by local officials to prevent contamination is difficult to obtain. This proposed legislation, H.R. 791, would coordinate the research capabilities of the respective Federal agencies, thus providing more accurate and timely information which can be effectively utilized at the local level.

I strongly support the provisions of H.R. 791 which provide partial funding for 10 demonstration projects that each year would effectively analyze proven methods in the control and mitigation of ground water contaminants. I also support the establishment of five institutes and fellowships at schools with proven records in the areas of ground water research.

And finally, while I support the agricultural nitrogen best management task force contained in this legislation, I urge this Congress to require the U.S. Department of Agriculture to evaluate the impact that its various programs have on ground water quality and to modify them when necessary to prevent contamination. The Federal Government must get its own house in order and at the present time there is little coordination between Federal agencies administering programs that have a direct impact on ground water. Policies and programs established for nonenvironmental purposes in some cases have actually contributed to ground water pollution, and as the EPA has estimated, as many as 2,000 municipal wells may be contaminated by old USDA grain sites.

The future development of my State, Nebraska, for example, depends to a great extent on a plentiful supply of safe water. Nebraska is fortunate to be blessed with such an abundant supply. But if we continue to allow our regulatory agencies to move in opposite directions and do not coordinate activities in a more appropriate and timely manner, we may all be guilty of jeopardizing not only the future of my State, but the future generations of this Nation.

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, considerable comments have been made by many of the speakers with regard to the paucity of research on this subject of ground water contamination. It is true that we do not have a comprehensive data base in this area, but we do have a great deal of research that has been going on.

As I indicated in my opening remarks, we examined this question 10 years ago, and in the Committee on Science, Space, and Technology we were aware that there was research being done. We felt then that it needed better coordination and focus, but the time was not right. The urgency of the problem had not yet surfaced as it has today.

It is my personal opinion, and I realize I am out of step with most of my colleagues, that we do have enough information to begin to take remedial steps, and those could be of a variety of different natures.

It is somewhat similar to the situation with acid rain. I think we have enough information to take remedial

steps. But the economic and political situation is not right for taking those steps; hence, the legislation before us which does give us a better focus and coordinated program, elevates the priority of the subject to a higher level and is a valuable piece of information.

If I had my druthers, I would druther go a little bit further. But unfortunately, I do not have my druthers around here very often.

So I will close by urging my colleagues to support this very good piece of legislation, and I yield back the balance of my time.

The CHAIRMAN. The Chair will now recognize the gentleman from California [Mr. WAXMAN] from the Committee on Energy and Commerce for 15 minutes, and the gentleman from New York [Mr. LENT] will be recognized in lieu of the gentleman from Illinois [Mr. MADIGAN] for 15 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am pleased that today we are considering H.R. 791, the "National Ground Water Contamination Research Act of 1987."

We have known for some time that our Nation's precious ground water reserves are threatened by contamination from pesticide runoff, leaking underground storage tanks and hazardous waste disposal.

The legislation before us is a compromise vehicle with bipartisan support that would put in place a comprehensive ground water research program, an important first step in the process of coming to grips with the contamination problem.

The bill is a remarkable achievement, not only because of the crucial research that it calls for, but also because five committees participated in the process of developing the legislation. I commend the chairman and participating members from each of these committees for their efforts in seeing this legislation through.

In the Energy and Commerce Committee, this bill came through two subcommittees before being considered at the full Committee. The bill was first reported out of the Health and Environment Subcommittee, where several important provisions concerning ground water research at EPA and other agencies were added as a result of efforts by Congressman SCHEUER. These provisions are, in large part, reflected in the compromise that is now before us. I congratulate Mr. SCHEUER for his excellent leadership in this area.

Within our committee, the bill was then reported out of the Subcommittee on Transportation, Tourism, and Hazardous Materials, where several important perfecting amendments were added. I commend Congressman LUKEN, chairman of that subcommit-

tee, for his efforts in that endeavor, and I also commend Congressman SLATTERY who sponsored the amendments.

The Comprehensive Federal Ground Water Research Program in H.R. 791 is a vital step in the effort to assure that our Nation's irreplaceable ground water reserves aren't permanently contaminated. I urge my colleagues to support this bill.

Mr. LENT. Mr. Chairman, I yield myself such time as I shall consume.

Mr. Chairman, I also would like to join my colleagues, the gentleman from California [Mr. WAXMAN], in commending the participating chairmen and also the participating ranking minority members of the various committees that handled the deliberations in crafting this bill.

We are all aware of increasing problems with ground water contamination. This issue is of particular importance to me and to my constituents on Long Island where there is only one aquifer to supply water for the entire island. However, this situation is not unique to Long Island. Indeed, aquifers provide almost half this country's water supply needs. Needless to say, public concern over ground water contamination is justified and the need to protect our precious water system is acute.

As you may recall, we enacted the safe drinking water amendments in the 99th Congress. I am gratified that the bill which was signed included an urgently needed provision to enhance the protection of underground water supplies. That provision gives Federal aid to local governments or planning agencies for development of demonstration programs to protect sole-source aquifers from contamination.

If the safe drinking water amendments represented an important first step toward insuring the purity of public water supplies—and I believe it did—then, the measure before us today is surely a second and equally critical step toward achieving this goal.

The National Ground water Research Act of 1987 is an important piece of legislation for a couple of reasons:

First, it provides for coordination among the many different Federal agencies that are involved in one way or another with ground water. While delegating certain responsibilities to the Department of Interior and the Environmental Protection Agency, the bill leaves substantial authority with the President to coordinate ground water policy at the Federal level. An interagency task force is established to advise the President, thus ensuring that all Federal agencies concerned with ground water issues will participate.

Second, the bill will enable us to gain a better understanding of ground water contamination and of methods of preventing and mitigating such contamination. This is essential if Federal agencies and, particularly, State and local governments are to develop sensible policies for ground water protection and management.

In many places around the country, we now lack an understanding of the location and physical properties of ground water. We must remember that ground water is a hidden resource. But its nature it is not easy to know exactly what the characteristics of any particular aquifer are. In addition, it is often difficult to track contamination as it moves through the ground water.

The function of this bill, then, is to provide limited Federal assistance in developing the scientific foundation necessary for ground water policy. The U.S. Geological Survey has the expertise to examine the geological and hydrological issues involved in assessing ground water resources. The EPA has the expertise to carry out research and development in identifying sources of pollution and determining methods of prevention and mitigation of ground water contamination.

These efforts will assist other Federal agencies and State and local governments when they make decisions affecting ground water. It is important to note that this bill does not expand Federal regulatory authority over ground water. In fact, it affirms the primary role that State and local governments have in protecting and managing ground water.

I recognize that the level of authorizations in the bill may cause concern among some of my colleagues. I believe that the relatively small amount of funds authorized by this bill is a wise investment now that will help us to avoid more costly clean ups in the future.

I commend the five committees involved in this legislation for their efforts in producing the compromise bill before us and I urge its adoption.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Kansas [Mr. SLATTERY], who has played a very important role in crafting this legislation.

Mr. SLATTERY. Mr. Chairman, I rise in support of the legislation, and I commend the members of the five committees and the chairmen of the committees who have worked so hard to bring this legislation to the floor today.

Ground water is one of this country's most important natural resources. The uses of ground water in our daily lives cannot be overstated—we drink it, cook with it, bathe in it, and use it in commercial and industrial applications.

It constitutes a majority of all fresh water in this country, and supplies almost 50 percent of the Nation's drinking water. Nearly 117 million Americans rely on ground water for their drinking water.

Yet, ground water quality problems have been discovered in every State and region—and they are being detected with increasing frequency.

In fact, within the last few years, 2,800 drinking water wells have been closed in California; 2,600 in Long Island, 700 in Connecticut, 500 in New Jersey, and 250 in Massachusetts.

In 1984, 4,400 well contaminations were reported in 21 States alone—and estimates place nearly 70 percent of the Superfund NPL sites as contributing to ground water contamination.

At this point, the data we have indicates that between 1 to 2 percent of the Nation's ground water may be contaminated—yet, the actual extent and concentrations of contamination are factually unknown. Ground water protection is such a "new" area of environmental focus that the nature and extent of the problem are just being defined. National data on ground water are limited, and there is no national monitoring system to determine the degree or trends of ground water degradation.

We are literally on the learning curve of understanding the dimensions of ground water from a national perspective. We need to understand the types of ground water, and what its actual and potential uses may be. We need to understand how activities in one area affect ground water in other locations, and how land-use planning decisions affect water quality. Practically speaking, a full hydrogeologic study of this country's surface and subsurface water resources is needed.

The legislation before the House today will begin to provide us with the answers we need to preserve and protect our Nation's ground water. Federal ground water efforts will be coordinated through the newly created interagency ground water research committee. Data collected through the Department of Interior U.S. Geologic Survey will be made available to States and localities through the national ground water information clearinghouse to assist in developing ground water protection strategies.

Within the Environmental Protection Agency a research, development, and demonstration program will be established to study the causes and effects of ground water contamination, and technological development will be supported to prevent, detect, and remedy contamination problems.

In rural America, ground water is especially important because it supplies nearly 95 percent of all drinking water, and about 40 percent of the water used to irrigate crops. Provisions of this legislation which direct the Ag-

riculture Department to study the relationship between agricultural practices and water use and quality are vital to the well-being of this Nation's farmers and their families. Also important to the agricultural community are provisions of the legislation which direct the Agriculture Department to study nitrogen use and water quality and provide farmers with information about nitrogen best management practices.

The legislation before the House is but a first step toward insuring the integrity of this natural resource for future generations of Americans. Like several of my colleagues, I am concerned with the new spending authority provided in this legislation. I would point out, however, that the bulk of the authority, on an annualized basis, is targeted toward the activities USGS at the Department of Interior. The USGS activities have historically received appropriations, and the continuing resolution which we will consider tomorrow contains a \$148 million appropriation for this purpose.

The legislation before the House today is a wise investment of limited Federal dollars if we are to help the States prepare management and protection plans, and mitigate significant and costly ground water repair projects in the future.

I encourage my colleagues to support this legislation.

Mr. LENT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I did not realize I was going to be following another Kansan here, but I do think this is an issue of great importance in my State.

Mr. Chairman, I rise in support of H.R. 791. Ground water is this country's most important natural resource. It is also our most fragile. Once ground water is polluted or contaminated, it is virtually impossible to clean up. In some areas ground water is an especially precious and finite resource, because the surface is not porous and recharging doesn't take place, or takes place very slowly. The emphasis of public policy, therefore, must be geared toward prevention of pollution and maintaining ground water quality.

Kansas is the fifth largest user of ground water in the country. Ground water comprises 90 percent of the water used in Kansas, and 60 percent of Kansans depend on ground water for their drinking water. Both figures are significantly above the national average.

In January 1986, I cochaired a conference sponsored by the Environmental and Energy Study Institute on ground water quality protection. The conference concentrated on ground water protection policy options and

the local implementation of ground water protection policies.

This bill will improve our understanding of ground water resources with federally supported research. It recognizes that the primary responsibility for ground water protection lies with States and localities. The bill establishes a national clearinghouse for ground water information and coordinates efforts between the responsible Federal agencies and the States.

I urge my colleagues to support H.R. 791, legislation that will protect a national resource vital to life itself.

□ 1455

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the very distinguished chairman of the Subcommittee on Transportation, Tourism and Hazardous Materials of the Committee on Energy and Commerce, the gentleman from Ohio [Mr. THOMAS A. LUKEN].

Mr. THOMAS A. LUKEN. I thank the distinguished gentleman from California [Mr. WAXMAN] for yielding and extend to him and to the gentleman from New York [Mr. LENT] my congratulations for their leadership on this very important matter.

Mr. Chairman, I would like to voice my strong support for H.R. 3676, a consensus bill which merges the concerns of five committees with jurisdiction over ground water research legislation. H.R. 3676 is the result of efforts made by many Members and reflects the work of the Subcommittee on Transportation, Tourism, and Hazardous Materials, which reported to the bill to the Committee on Energy and Commerce on September 21 this year.

I believe that this legislation appropriately addresses important issues raised by the committees, including matters considered by the Committee on Energy and Commerce. The bill assigns responsibility to the President to coordinate the activities of Federal agencies which characterize, manage and protect our Nation's ground water resources to assist the States in restoration of our ground water resources. It requires the establishment of a clearinghouse for information about ground water on matters such as new technologies for monitoring ground water quality or providing a remedy to contamination.

Further, H.R. 3676 designates EPA as the lead agency for a research and development program for the protection and management of ground water. The program would be carried out in consultation with State and local governments and would include availability of Federal assistance for funding various projects. It does many things such as requiring the administrator of the EPA to conduct and publish a risk assessment analysis for significant ground water contaminants.

Ground water quality is an issue of national concern. In virtually every State, water quality problems have been found in the ground water, and this has understandably led to significant public concern. Increasingly, people are becoming more aware of what is in the ground, the dangers. Ground water is the source of drinking water for more than half of the United States population, and for over 90 percent of our rural citizens.

However, there is a consensus that water managers at the State and local levels lack the data they need on both the quantity and quality of our ground water resources. This was confirmed in a report released last year by the National Academy of Sciences which reviewed the efforts of State and local governments to manage ground water and concluded that, "There are no data available on a national or even regional scale to estimate the extent of ground water contamination or the impact of this contamination."

In recent years, various agencies have been given authority over aspects of our ground water resources. This bill is a necessary step toward generating the more comprehensive body of information which State and local governments will need to effectively manage their ground water resources. I hope that we will take that step today with the adoption of H.R. 3676.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the very distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. I thank the distinguished gentleman from California for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 791. The five committees who have worked on this bill have arrived at a consensus which embodies the most important aspects of the various committees' work. I urge my colleagues to support the bill.

Ground water contamination is the major emerging environmental issue of the 1980's. Over the past several years, virtually every State has discovered contaminated aquifers. Although statutes exist which attempt to address specific sources of ground water contamination, it is increasingly clear that the current piecemeal approach to ground water protection is inadequate to provide comprehensive protection; the statutes do not lend themselves to the formation of a coherent body of ground water data which can be shared between Federal agencies and State regulators, and regulations promulgated under the different laws sometimes work at cross purposes.

Our experiences with Superfund have taught us that cleanup of contaminated aquifers is extremely costly and time consuming. It is far better to keep ground water from becoming con-

taminated in the first place than to attempt to clean it up.

The programs established under the consensus bill are a necessary first step in providing comprehensive ground water protection:

In drafting the bill, the authors acknowledge the traditional role and responsibility of States to manage and protect ground water resources. One of the major obstacles to comprehensive ground water protection has been the sensitivity of the States in relation to water resource management. The current bill does not create Federal authorities which would override State authorities. What the bill does accomplish from a State perspective is to require the Federal Government to make its information and technical expertise available to assist the States in fulfilling their responsibilities to protect and manage their own ground water resources.

The bill requires the President to take overall responsibility for coordinating the ground water activities of all Federal agencies. In requiring the President to take the lead, it is intended that statutes affecting ground water will be administered in a manner consistent with each other and that collection of data and technical information from all Federal agencies will be coordinated to eliminate duplication of effort.

The bill requires the Secretary of the Interior to take the lead role in collecting basic scientific data about this Nation's ground water resources. In taking the lead role, it is intended that the Secretary have both the authority and the responsibility to coordinate with all other Federal agencies collecting ground water data—such as data relating to hazardous waste storage, treatment and disposal facilities—to assure that such data can be used as part of the Secretary's national ground water data base.

The bill requires the Administrator of the Environmental Protection Agency to establish a research, demonstration, and development program aimed at preventing and remediating ground water contamination. The program is intended primarily to support regulatory activities to manage and protect ground water and is not intended to duplicate in any substantial manner the data collection program administered by the Secretary of the Interior.

The bill requires the Administrator of the Environmental Protection Agency to conduct risk assessments of significant ground water contaminants. These risk assessments are intended to help those managing ground water resources to set priorities and to target their efforts on those contaminants representing the greatest threat.

The bill requires the establishment of mechanisms to transfer ground

water information gathered by the Federal Government to the States.

The bill requires the Secretary of Agriculture to study the relationship between agriculture practices, water use and water quality. It also requires him to establish an Agricultural Nitrogen Best Management Practices Task Force to determine the extent to which nitrogen from agricultural chemicals poses an environmental threat.

This bill represents an important effort to protect this Nation's ground water resources. I urge my colleagues to support the bill.

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

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

The CHAIRMAN. The gentleman from New York [Mr. NOWAK] from the Committee on Public Works and Transportation will be recognized for 15 minutes and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 15 minutes.

The Chair recognizes the gentleman from New York [Mr. NOWAK].

Mr. NOWAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to join with my distinguished colleagues in bringing to the floor H.R. 791, a bill concerning the protection of the Nation's ground water resources. The bill before us represents the efforts of five committees—Agriculture, Energy and Commerce, Interior and Insular Affairs, Science, Space and Technology, and our Committee on Public Works and Transportation. I wish to express my appreciation for the leadership and assistance provided by the chairman of our Public Works Committee, the gentleman from New Jersey [Mr. HOWARD] and for the cooperation and support of the ranking Republican of the full committee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] and the ranking Republican on the Water Resources Subcommittee, the gentleman from Minnesota [Mr. STANGELAND]. I would also note not only the commendable efforts of the other committees but also of Congressman SCHEUER for his efforts on those parts of the bill dealing with research activities of the Environmental Protection Agency, Congressman STANGELAND for his efforts with regard to the provisions relating to agricultural management practices and water quality, and Congressman GEJDENSON for his role in the development of the original version of H.R. 791.

Over the past decade there has been an increasing awareness of the seriousness of the problem of ground water contamination and the need to substantially increase efforts to assess, protect and properly manage ground water resources.

Ground water protection is one of the most important environmental issues facing the Nation, and arguably the most difficult. Pollution of surface waters is relatively simple to detect and observe. Pollution and contamination of other environmental media such as air and the Earth's surface are also susceptible of relatively straightforward detection and observations.

In the case of ground water, however, we are dealing with a resource which is out of sight and which, because of varying geological and geochemical conditions, behaves in very complex fashions. Ground water moves very slowly, and contaminants tend to travel in plumes with relatively little mixing or dispersion. Contaminants are thus difficult to locate, and may take decades to move out of a particular area. Ground water contamination problems are being detected with increasing frequency. No State is immune. Sources of contamination include improper waste disposal—landfills, hazardous waste sites, surface impoundments, septic systems, and the like—use of pesticides, industrial activity, underground storage tanks, salt water intrusion, and abandoned mines.

The Nation is dependent on ground water to a great degree—probably much more than most people realize. About one-fourth of all water used in the United States comes from ground water. Ground water is the source of drinking water for almost half of the population, and for over 90 percent of rural households. It supplies some 70 percent of the water used for irrigation of agricultural crops. Over 117 million people rely on ground water for their domestic needs. Of the Nation's 100 largest cities 34 obtain all or part of their water from ground water. Given the amount of ground water utilized by the Nation—estimated at over 100 billion gallons per day—the wisdom and necessity of protecting this essential resource are indisputable.

The most compelling need at this time is for information—where are there contamination problems, where do potential problems exist, what measures can be taken to prevent contamination, and what feasible methods exist for removing contaminants from ground water or mitigating their effects?

H.R. 791 is designed to obtain this information and make it available for use in the protection and remediation—which includes restoration—of the Nation's ground water resources. This is done through four key elements—coordination; data gathering; research; and technical assistance, training, dissemination of information, and technology transfer.

The President is directed to coordinate the ground water activities of the Federal agencies. This coordination is carried out primarily through an

Interagency Committee on Ground Water Research, which is composed of Federal agencies having responsibilities in the area of ground water. It is also expected that if agencies which are not members of the committee undertake activities related to ground water, the President will direct those agencies to coordinate with the committee. The committee is to identify research data needs and overall priorities for addressing these needs, facilitate interagency cooperation and coordination, and consult with State and local Governments. One of the more important duties of the committee is to recommend priorities for the assessment of ground water resources based on the use of such resources and the likelihood of such resources being contaminated. This provision applies to both existing and future uses of ground water and the likelihood of existing and future contamination. In conducting assessments, priorities will have to be set. Completion of needed assessments will require considerable time and resources, and it will be necessary to concentrate on the more serious or potentially serious problems first.

The second key element of the bill is data gathering. The Department of the Interior is designated as the lead agency for the purpose of carrying out a national ground water assessment program. Assessment is defined as a description of the location, hydrological properties, quantity, quality, and rate of depletion of ground water resources. The Secretary may carry out the assessment program both directly through the Department of the Interior and indirectly by providing assistance to other Federal agencies and State and local governments. The provision that the program may be carried out directly through the Department of the Interior is intended as clarification and affirmation of the Department's ability to perform the activities involved in ground water assessments under its own authority as well as by providing technical assistance and information to State and local governments.

The assessment of ground water resources will provide critically needed information with regard to ground water quality and protection. It will identify those resources which are in fact contaminated so that necessary decisions can be made with respect to remediation and mitigation. It will also provide information with respect to the hydrogeological properties of ground water—how water and contaminants move within the aquifer, the location of recharge areas where water and contaminants may enter the aquifer, and characteristics of an aquifer which may relate to the ease or difficulty, and means, of protection and remediation.

Research is another critical element of H.R. 791. The Environmental Protection Agency has a number of statutory responsibilities which involve ground water contamination—the Resource Conservation and Recovery Act, the Safe Drinking Water Act, Superfund, and the Federal Water Pollution Control Act, among others. In 1985, a review of EPA's Ground Water Research Program by the Ground Water Research Review Committee, Science Advisory Board, found that EPA's research effort under these statutes was inadequate to support the Agency's ground water strategy or future regulatory or policy needs. The committee also found a need for increased research on contaminants that are not covered by specific statutory mandates, increased coordination with other Federal agencies in the area of research and development, increased funding for monitoring, and increased research on the transportation and fate of contaminants in ground water. Similarly, the Office of Technology Assessment concluded that State and Federal programs relating to ground water vary in their approaches to protection of ground water quality and generally do not take into account the potential of all sources to contribute to ground water contamination, because the programs are concerned only with managing selected sources of contamination.

The need for additional research is addressed in section 206 of the bill, which directs the Administrator to establish a research, development, and demonstration program for the protection, management, and remediation of ground water resources. The program is to include research, experiments, demonstrations, surveys, and studies relating to the sources, causes, effects, extent, prevention, detection, remediation, monitoring, and mitigation of ground water contamination. It will also include the development and demonstration of effective, practical, and cost efficient technologies for the prevention, detection, monitoring, remediation and mitigation of ground water contamination.

Section 310 of the bill also addresses research needs through the improvement of EPA's research capability.

In a related area, section 207 directs the Administrator to conduct and publish a risk assessment analysis for significant ground water contaminants. The risk assessment analyses are to use scientifically sound methodologies to assess the risk to human health and the environment associated with a range of concentrations of the ground water contaminants. The analyses are to include, among other things, the most recent scientific knowledge of the physical, chemical, biological, and radiological properties of the contaminant and its effects on human health and the environment. It is not intend-

ed that these analyses be confined to effects that have conclusively been proven. They may take into account the potential of a contaminant to cause adverse health effects based on epidemiological data, animal studies, structure—activity relationship analysis, or other similar scientific information.

Finally, the bill provides for technical assistance, training, dissemination of information, and technology transfer. Both the Secretary of the Interior and the Administrator of the Environmental Protection Agency are authorized to establish a program to provide technical assistance between and among Federal agencies and to State and local governments with respect to ground water. Also, both are authorized, upon the request of a State or local government, to conduct research and make surveys concerning specific ground water problems, and develop recommendations for solutions to the problems.

Training of personnel in ground water matters is also authorized. Finally, transfer of technology obtained by the activities authorized under title 2, and establishment of an information clearinghouse to disseminate ground water information, are provided for.

Title 3 of the bill, the Agricultural Ground Water Management Act of 1987, directs the Secretary of Agriculture to study and report to Congress on the relationship between agricultural practices and water use and quality, including recommendations for changes in existing programs and new initiatives to address present and potential water quality and quantity problems. It also establishes a program to develop and improve agricultural best management practices and to develop and disseminate information with regard to agricultural nitrogen in order to reduce impacts on ground water.

Mr. Chairman, these are the highlights of the bill as developed by the five committees. I will now proceed to a more detailed analysis of this legislation.

Section 101 contains the short title for title I, "Geological Survey Water Resources Organic Act."

Section 102 authorizes the Secretary of the Interior, acting through the Geological Survey, to undertake ground water research activities, in cooperation with Federal, State, and local agencies, and to disseminate acquired information. The section requires agreements if the activities are to be conducted with other Federal agencies on a reimbursable basis.

Section 103 authorizes \$164 million for each of fiscal years 1988, 1989, and 1990 for water resource activities of the Secretary of the Interior authorized by this Act.

Title 2 deals with ground water research. Section 201 contains the short title for title II, "National Ground Water Research Act of 1987."

Section 202 contains numerous findings: ground water is a major source of drinking water and provides 86 percent of the available freshwater; contamination occurs in every State and from diverse sources; contamination is associated with adverse health, environment, economic, and social impacts; ground and surface water are interconnected; data collection, analysis and dissemination are essential but insufficient; there are significant gaps in scientific knowledge; the Federal Government has certain responsibilities under existing law, but lacks a statutory mandate to conduct ground water research; the primary responsibility for ground water is with States and local governments; Federal assistance should support State programs; additional Federal research is necessary; several States have ground water programs; current Federal programs require improved coordination; contamination prevention is preferable to clean up activities; greater efforts are necessary to preserve ground water.

Section 203 provides the definitions of certain terms used in title II.

Section 204 requires the President to coordinate activities of the U.S. Government related to ground water.

The President is also to establish an interagency ground water research committee which includes appropriate Federal agencies, and as a minimum, the Environmental Protection Agency, the U.S. Geological Survey, the Department of Agriculture, and the Department of Health and Human Services. The committee is cochaired by EPA and USGS. The committee is required to: Identify data needs and scientific uncertainties; recommend priorities and a coordinated research plan; facilitate interagency cooperation and coordination; consult with State and local governments and other groups to determine research and information needs; and, recommend priorities for the assessment of ground water resources based on the use of the resource and likelihood of the resource being contaminated. The activities of the committee will be reported by the President under section 212.

Section 205 requires the President to designate the Secretary of the Interior as the lead official for activities under this section. The Secretary, in consultation with the Administrator of EPA and the heads of affected agencies and State and local governments, is required to prepare a report on: An evaluation of ground water information systems; and evaluation of existing data collection and monitoring programs; an evaluation of the availability of data; and recommendations on actions to better use information, and

for the improved collection of data and information.

This report is to be completed within 270 days and made available for public comment before being submitted to Congress within 1 year. The report must be biannually updated and included in the report required under section 212.

The Secretary is to establish and conduct a National Ground Water Assessment Program to determine the location, hydrogeologic properties, quantity, quality, and rates of depletion of ground water resources. The program may be conducted directly by the Secretary or indirectly by providing assistance to other agencies and State and local governments. The program is to assist State and local governments in their ground water activities; coordinate activities relating to ground water; provide information regarding protocols and quality controls; encourage the use of existing programs; assist Federal and State governments in their activities under the Safe Drinking Water Act, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the Solid Waste Disposal Act, the Federal Water Pollution Act, the Federal Insecticide, Fungicide, and Rodenticide Act, and other related statutes; improve knowledge relating to ground water contamination and depletion; and provide information complementing surface water quality data. All activities are to be coordinated with the interagency committee.

Under section 206 the President is required to designate the Administrator of EPA as the lead official for activities under this section. The Administrator is to establish and coordinate a research, development, and demonstration program for the protection, management, and remediation of ground water resources. The program includes: Research and learning activities related to ground water contamination, and development, and demonstration of technologies related to ground water contamination.

The demonstration program may be conducted through contracts, agreements, or grants if: The project will improve technology; the project is not a duplicative effort; the demonstration is consistent with other laws; the project would meet an identified priority need; and, the project is not an alternative or innovative treatment technology eligible for assistance under section 311(b)(5) of the Comprehensive Environmental Response, Compensation and Liability Act.

The Administrator must annually solicit proposals for demonstration projects. Projects are to be selected based on the potential of the proposed technology to control or mitigate sources of contaminants, the capability of the applicant to complete the project and the applicant's willingness

to disseminate the results, and the transferability of the technology demonstrated. A decision on whether to accept projects must be made within 135 days, and at least 10 qualified projects must be selected annually. The Administrator is to supervise and ensure testing and quality control. An applicant must be able to demonstrate an inability to otherwise obtain reasonable financing, and the Federal share may not exceed 50 percent of the total cost.

Under section 207 the President is required to designate the Administrator of EPA as the lead official for activities under this section. The Administrator is to conduct and publish risk assessment analyses for significant ground water contaminants in a standard format. Each analysis is to include the most current knowledge, an assessment of variable factors and assumptions, and a comparison of the risks of a particular contaminant to the risks of other contaminants. Analyses for at least 30 contaminants must be published with 24 months, and an additional 30 in the following 12 months.

Under section 208 the President is to designate the Administrator and the Secretary as lead officials with responsibilities for technical assistance, training, and technology transfer. The Administrator is responsible for activities related to source controls and mitigation of contamination, remediation of ground water, and health and environmental effects. The Secretary is responsible for activities relating to ground water assessment.

Upon request of a State or local government, the Secretary and Administrator are authorized to conduct research and make surveys concerning specific ground water problems and make recommendations regarding a solution. This activity requires a 50 percent non-Federal share.

The Administrator and Secretary are each authorized and directed to establish a technical assistance program, conduct technology transfer program, and assure that acquired information is made available to the public.

Section 209 requires the President to designate the Secretary of the Interior as the lead official for activities under this section. The Secretary is to establish and maintain a national ground water information clearinghouse to assist in dissemination of information relating to ground water and the relationship between ground water quality and surface water quality and quantity.

The clearinghouse is to be coordinated with the interagency committee.

Section 210 directs the Administrator to create a media-specific research committee for ground water resources. It also requires the Science Advisory Board to review ground water research programs of EPA and to periodically report to Congress. The Science Advisory

Board is also to comment on the risk assessment analyses prepared under section 207.

The section also authorizes research fellowships and not more than five research institutes. The research institutes are to be funded with Federal grants of not more than 50 percent.

Section 211 requires the Secretary of the Army and the Secretary of the Interior to consider the impact of a proposed project on ground water resources, and to consider measures to replenish and protect ground water resources.

The Secretary of the Army and the Secretary of the Interior are authorized to review the operation of existing projects to determine the need for modifications to replenish and protect ground water. This section also contains provisions relating to specific ground water problems.

Section 212 requires the President to submit an annual report each January 15, on the activities of the Administrator, the Secretary, the Interagency Ground Water Research Committee, other Federal agencies, and State and local governments on activities under this title.

Section 213 requires that studies, reports and results of research be reported and adopted only after appropriate review.

Section 214 authorizes appropriations to the Environmental Protection Agency of \$10 million for fiscal year 1988, \$12 million for fiscal year 1989, and \$14 million for fiscal year 1990.

Title 3 relates to agricultural production and water use.

Section 301 contains the short title for Title III, "Agricultural Ground Water Management Act of 1987."

Section 302 contains congressional findings concerning the value and vulnerability of ground water supplies; and the need for and value of technology, education, and proper agricultural practices to reduce impacts on ground water.

Section 303 requires the Secretary of Agriculture to conduct an investigation and analysis of the relationship between agricultural practice and water use and quality. A report is to be submitted to Congress within 90 days. The report to include the status and level of effort of programs at the Department of Agriculture, estimates of the extent of water quality problems and the availability of agricultural water supplies, and recommendations for changes in existing programs and new initiatives.

Section 304 directs the Secretary of Agriculture to establish a task force consisting of specific representatives of appropriate Federal activities, a farmer's representative, a representative of fertilizer retailers, and the executive secretary of the National Association

ciation of State Departments of Agriculture.

The task force is to develop and improve agricultural best management practices, develop educational and training materials, and disseminate information. The task force must report to Congress in 1 year on the progress of its efforts and annually thereafter. The report is to describe the extent of nitrogen related problems, the best management practices recommended by the task force, the dissemination of information, and progress made by the agricultural community.

Section 305 amends section 319 of the Federal Water Pollution Control Act—relating to control of nonpoint pollution—to require that certain activities under that section be carried out in consultation with the task force.

Section 306 authorizes for appropriation such sums as are necessary for the 3 fiscal years after enactment.

Title 4 concerns ground water radium contamination.

Section 401 authorizes the Administrator of EPA to assist local governments in demonstrating mitigation of radium contamination in ground water. Assistance may be used for financing the acquisition and installation of ground water treatment technologies to remove radium from drinking water. The grants are limited to providing insurance or prepaying interest on local obligations and administrative costs.

There are authorized to be appropriated \$4 million for fiscal year 1988, and \$5 million for each of fiscal years 1989 and 1990.

Mr. Chairman, H.R. 791 constitutes an important step in our efforts to protect our ground water resources and I urge my colleagues to give it their full support.

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

Mr. Chairman, I rise in support of H.R. 791 which authorizes a comprehensive, focused program of Federal ground water research and information gathering to assist State and local governments in addressing the growing problem of ground water contamination.

Ground water is a precious national resource. It is used by over one half of our population as a source of drinking water. In rural areas, over 95 percent of all drinking water comes from underground aquifers. In addition, aquifers provide water for irrigation and other commercial and industrial purposes. According to the U.S. Geological Survey, 81 percent of all water withdrawals in my home State of Arkansas, exclusive of water used for thermoelectric power generation, comes from ground water supplies.

In view of this heavy dependence on ground water, it is imperative that we

ensure that these supplies are adequately protected. In this regard, we must strive to protect ground water from contamination that may impair the use of this precious resource. Where contamination is a problem, we should have thorough and cost effective technologies to restore the water to a level of quality appropriate to the water's use.

Recent studies by the Office of Technology Assessment, the National Academy of Sciences, Federal agencies and affected interest groups have brought attention to the threats posed to this precious resource from a variety of potential sources of contamination. These studies have pointed to the need to focus existing Federal efforts to assess the condition of ground water resources and to assist State and local governments to prevent, mitigate or correct any contamination problems.

I know that the Federal Government is already doing a great deal in the area of ground water research and protection. Frankly, my impression is that what is currently being done could and should be more focused and better coordinated. At the same time, there may be serious gaps in the overall Federal program that need to be addressed. Clearly, the States have had, and should continue to have, the lead in this area. Nonetheless, I believe there are aspects of the ground water problem that warrant Federal assistance.

Because ground water resources are so pervasive and because the potential threats come from a wide variety of sources, efforts to fashion legislation to strengthen the Federal role in ground water research have involved a number of the committees of the House. In all, five committees have come together to fashion a comprehensive, compromise bill. H.R. 791 as introduced originated in the Committee on Interior and Insular Affairs and, after being reported by that committee, was sequentially referred to the Committees on Agriculture, Energy and Commerce, Science, Space and Technology and our own committee on Public Works and Transportation. Each of these committees reported out somewhat differing versions of legislation dealing with ground water research and protection.

Mr. Chairman, referral of a bill to so many committees can, at times, present insurmountable obstacles to progress on a bill. It is a credit to the commitment and close cooperation of the leadership of each of these committees, as well as to the recognition that the House needs to address this issue expeditiously, that we have been able to achieve such success. I would like to thank the leadership of each of the committees involved in this bill for their flexibility and hard work. Although time will not permit me to

mention all who have participated in this process, I do want to take a moment to commend the chairman and ranking members of the other four committees.

Certainly, we all owe a debt of gratitude to the gentleman from Arizona [Mr. UDALL] and the gentleman from Alaska [Mr. YOUNG] who have taken much of the initiative to bring this bill before the House. Also, the gentleman from Texas [Mr. DE LA GARZA] and the gentleman from Illinois [Mr. MADIGAN] deserve our praise for the important contributions originating in the Agriculture Committee. The chairman and ranking members of the committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL] and the gentleman from New York [Mr. LENT] and of the Committee on Science, Space and Technology, the gentleman from New Jersey [Mr. ROEL] and the gentleman from New Mexico [Mr. LUJAN] are to be commended for the important improvements to the bill that were developed in their respective committees.

Finally, I would be remiss if I did not thank the chairman of our own Committee on Public Works and Transportation, the gentleman from New Jersey [Mr. HOWARD], as well as the chairman and ranking Republican of our Subcommittee on Water Resources, the gentleman from New York [Mr. NOWAK] and the gentleman from Minnesota [Mr. STANGELAND] for their leadership, commitment and willingness to cooperate in the drafting of this important bill. Without the hard work of all these and more, we would not be able to come before the House with a compromise bill that reflects the contributions and perspectives of all five committees.

The compromise bill, which was introduced on Monday by the gentleman from Washington [Mr. FOLEY], is truly a synthesis of the work of all five committees. Admittedly, most of the committees were fairly close in their approach to the bill, with differences in drafting style, emphasis, or the degree of specificity provided. This made the work of reconciling differences among the committees less difficult than might have been the case otherwise. I am happy to report that the compromise package is very close in most respects to the bill reported out by our Committee on Public Works and Transportation, including all of the refinements added by our committee and adopting a number of our basic approaches.

The bill contains four separate titles addressing different aspects of the Federal role to ground water research, data collection and assistance. Title I, "The Geological Survey Water Resources Organic Act," contains organic authority for the U.S. Geological Survey's program of water resources re-

search. This title is virtually the same as title I of the bill reported by the Committee on Interior and Insular Affairs.

Title II, "The National Ground Water Research Act of 1987," provides general authority to the President to conduct a comprehensive program of assessment, research, demonstration, technology transfer, training, and information dissemination relating to ground water. It represents a marriage of title II of the Interior Committee's reported bill, which emphasized the role of the USGS in ground water research, and H.R. 2253 introduced by the gentleman from New York [Mr. SCHEUER] emphasizing EPA's role in health related ground water research and information exchange.

Title II of the compromise bill authorizes a Federal program, under the direction of the President with full interagency coordination, that encompasses the important roles of USGS and EPA. The title calls for the President to designate the USGS as the lead Federal agency with respect to the development of factual information assessing or characterizing the Nation's aquifers, including information on the location, hydrogeological properties, quantity, quality, and rates of depletion of the resource. The USGS would be responsible for implementing a national assessment program within 2 years of the date of enactment to assist State and local ground water programs.

The title also requires that the President designate EPA as the lead agency in establishing a program of research, development, and demonstration for the protection, management, and remediation of ground water resources. The program is envisioned as being broad in scope but targeted to address primarily areas of research needed to support ongoing Federal, State, and local ground water protection strategies. Furthermore, although the bill provides EPA with the authority to undertake research to support existing programs, it does not provide any new regulatory authority. Instead, the bill recognizes the primary role of States to manage their ground water resources but with the full assistance of Federal research and expertise.

The bill also calls upon EPA to undertake a program of developing and distributing risk assessments of ground water contaminants which pose significant health threats. In preparing these assessments, EPA is to rely on the authority provided under other Federal laws, rather than on any new authority conferred in this bill.

The bill further authorizes both EPA and USGS to provide technical assistance, training, and technology transfer in areas of ground water research within their respective expertise. In addition, USGS would be called upon to establish a national

clearinghouse to disseminate information on ground water assessment, management, protection, and remediation as well as the interrelationship between ground and surface water. It also contains provisions strengthening EPA's institutional research capabilities, establishing research fellowships, and authorizing the funding of national research institutes. Finally, title II provides authority to the Secretaries of the Army and Interior to consider ground water impacts in connection with proposed and existing water resources projects; clarifies the authority of State water resources research institutes to look, at ground water contamination and water quality using existing Federal grant funding; authorizes a number of specific studies of ground water and related surface water problems; and calls for periodic reporting on the Federal ground water effort.

Title III of the compromise bill calls for study of agriculturally related ground water problems and for the development and dissemination of best management practices for the use of fertilizers and other forms of nitrogen in agriculture. I want to especially thank the gentleman from Minnesota [Mr. STANGELAND] for his contribution to title III of the compromise bill which is derived in large measure from a bill which he introduced earlier this year (H.R. 3069).

Ground water protection is certainly an important national issue but it is even more important in rural areas. Farmers have been identified with some of the causes of ground water pollution such as pesticides, herbicides, and fertilizers. At the same time, farmers are more dependent upon the resource to supply drinking water and irrigation needs.

Finally, title IV of the compromise bill establishes a grant program to assist small communities with the cost of removing radium which has contaminated underground resources of drinking water. This is a problem that was first brought to the attention of the committee by the gentleman from Illinois [Mr. HASTERT] who serves on our Water Resources Subcommittee. Radium is a naturally occurring radioactive substance that has been detected at levels exceeding the standards established by the EPA in approximately 400 communities around the country. Although the substance can be removed through a number of different treatment processes, the cost of such treatment can be quite high. These costs can be particularly burdensome in smaller communities where the costs can exceed \$100 per person served.

In an effort to provide some assistance without upsetting the traditional responsibility of States and local governments to provide drinking water supplies, our committee developed an

approach modeled on the State revolving loan fund authorized under the 1987 amendments to the Federal Water Pollution Control Act. The approach is to provide funds to States to "buy down" interest rates on loans which would be used to help finance the cost of treatment. Our committee included a radium removal provision in our markup of H.R. 791, which was the genesis of similar provisions subsequently incorporated into the bills reported out by the Committees on Agriculture and Energy and Commerce.

The radium provision contained in title IV of the compromise bill authorizes a total of \$14 million to help small communities deal with these potentially serious problems in their drinking water. It is to be administered by EPA and would target communities of 20,000 population or less.

Mr. Chairman, I again want to commend the many Members who have contributed to the development of this thoughtful bill. Certainly, it is not a perfect bill but, I believe, it takes the right basic approach. It recognizes that the State and local governments have the primary responsibility for addressing ground water problems. The Federal Government has an important role but it is a role of providing information, research capability, and general assistance to those that need to take the lead. Accordingly, I support the bill and urge my colleagues to support it also.

Mr. HOWARD. Mr. Chairman, H.R. 791 is a bill that addresses the growing problem of ground water contamination. This serious national problem requires the focus and resources of the Federal Government. I hope the agencies with jurisdiction, especially EPA and the Interior Department, will work in a cooperative effort to develop an effective ground water program, as our committees have. I would like to thank all of the committees who have worked to develop this bill, and especially thank Mr. NOWAK, chairman of the Water Resources Subcommittee, and Mr. HAMMERSCHMIDT and Mr. STANGELAND whose support for this legislation continues the public works and transportation tradition of developing strong bipartisan proposals to address difficult problems.

In some areas of the country, ground water contamination has forced the closing of wells, created health problems and ground water mining has depleted aquifers at alarming rates. In most areas ground water quality is good but it needs a strong program of protection from pollution.

For too long, our ground water resources have received too little attention. Public awareness of the problem has been limited. Until recently, the ground actually was thought to be the best place to get rid of our wastes—that the natural filtering capacity of soil simply removed dangerous contaminants. Most ground water contamination is not readily apparent, and most contaminants require a long time to reach wells, keeping the problem out of sight of the general public. However, in-

stances of serious pollution such as in my own district in Ocean County, NJ, clearly demonstrate the need for action on ground water pollution.

This bill provides the means to attack the problem before it reaches enormously expensive proportions. As we have learned in the Superfund Program, once ground water becomes contaminated, cleanup is extremely costly, and may not even be technically feasible in some instances. H.R. 791 will enable us to get the information we need to understand the nature and extent of ground water pollution. We will be able to develop a comprehensive strategy at the Federal, State, and local level to prevent contamination in the first instance, and to clean up existing pollution. The bill authorizes \$549 million over 3 years for a national program of research, assessment, technical assistance and demonstration programs.

The substitute text to H.R. 791 represents a compromise to the differing versions of the bill which were reported by each of the committees. First reported by the Committee on Interior and Insular Affairs, the bill was sequentially referred to the Committees on Public Works and Transportation, Science, Space, and Technology, Energy and Commerce, and Agriculture. The five committees have agreed upon the text of H.R. 3676 as a viable and valuable step toward addressing our ground water pollution.

The substitute text is divided into four titles. Title I contains the Geological Survey Water Resources Organic Act, outlining the basic authority of the Secretary of the Interior acting through the U.S. Geological Survey to undertake water resources research activities.

The Geological Survey has long been a leading source of information concerning the water resources of our Nation for both surface and ground water. Unfortunately, most of their authority emanates from annual appropriations bills and no basic authorizing legislation exists for the survey's ongoing programs. Title I clearly states the authority of the survey to continue their work without relying on authorization through appropriation bills.

Title II contains authorities for both the Department of the Interior and the Environmental Protection Agency.

Title II requires the President to coordinate the ground water activities of all Federal agencies. He is also to establish an Interagency Ground Water Research Committee composed of members of each agency involved in ground water related activities. The committee is to assist in coordination of ground water programs and recommend research priorities to the President as well as a coordinated research plan.

The Secretary of the Interior is charged with establishing and conducting a National Ground Water Assessment Program to determine the locations, hydrogeologic properties, quantity, quality, and rates of depletion of ground water resources. The program may be conducted directly by the Secretary of the Interior, or indirectly at the request of a State or local government. Both the Secretary of the Interior and other Federal agencies engaged in assessment activities are to consult and coordinate their activities with the Interagency Ground Water Research Committee. This

committee is to operate as a two-way conduit for information to pass from and between Federal agencies.

The Environmental Protection Agency is given the lead responsibility to establish a national research, development, and demonstration program for ground water protection and management. The program is to be for the protection, management, and remediation of ground water resources. It is not intended to have an adverse impact or to detract from ongoing geological survey activities. The new program is to enhance Federal efforts in the area of ground water and complement the activities of other agencies.

The Administrator of EPA is also to be the lead agency for a program to conduct and publish risk assessment analyses for significant ground water contaminants. Each analysis is to include the most recent scientific knowledge on the contaminant and its effects on human health and the environment. The analysis is not intended to be limited to known or certain effects. The Administrator has the authority and is encouraged to also examine potential or suspected human health and environmental effects. The analysis should also include an assessment of factors and assumptions used, and a comparison of the risk posed by the contaminant and other contaminants.

The bill establishes a Technical Assistance, Training, and Technology Transfer Program to be administered by both the Secretary of the Interior and the Administrator of EPA. The Secretary is the lead official for activities related to ground water assessment and the Administrator is the lead official for activities relating to source controls and mitigation of ground water contamination, remediation of ground water, and health and environmental effects. Authorized activities include assistance, and training to Federal and non-Federal personnel. The Administrator and the Secretary are each authorized to conduct research and surveys concerning specific ground water problems at the request of State and local governments, sharing the costs equally. Importantly, these research and surveys may include recommendations to the State or local government concerning solutions to the particular problem studied. These solutions will give the State or local government a guide to address their ground water problems using their own resources and in the manner which they determine is best.

Since one of the primary purposes of the legislation is to gather information, the Secretary is charged with establishing a national ground water information clearinghouse to disseminate information.

The Secretary of the Interior and the Secretary of the Army are each authorized to review projects within their jurisdiction to determine whether the project will have an impact on ground water resources, and to consider measures to replenish and protect ground water resources in developing project plans. They are also authorized to review existing projects to determine whether modifications are necessary to replenish or protect ground water.

The remainder of title II contains provisions to improve the Environmental Protection Agency's ground water research capability, a

requirement for the President to submit an annual report on ground water activities, and a requirement for studies, reports, and results of research to undergo appropriate, peer review.

Title III contains the Agricultural Ground Water Management Act of 1987. This title recognizes the relationship between agricultural nitrogen and ground water resources. The Secretary of Agriculture is to establish a task force to develop and improve agricultural best management practices, develop educational and training materials, and disseminate information. Title III also amends section 319 of the Federal Water Pollution Control Act relating to the control of nonpoint pollution to require that activities of that program and the task force created here be conducted in consultation with each other.

Title IV authorizes the Administrator of EPA to assist small communities in demonstrating mitigation of radium contamination in ground water. Assistance is in the form of grants used to provide insurance or preparing interest on local obligations and administrative costs.

Mr. Chairman, H.R. 791 adds an important component to our Nation's environmental effort—the protection of our ground water resources. It is time that we begin to study the extent of the problem. I hope that this House will give the legislation its overwhelming support.

Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota [Mr. STANGELAND], the ranking member of our Subcommittee on Water Resources of the Committee on Public Works and Transportation be allowed to handle the balance of our time on this side.

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

There was no objection.

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

Mr. Chairman, on November 30, Mr. FOLEY introduced a comprehensive ground water research and protection bill. This legislation, which I strongly support, embodies a compromise among the five committees that received referrals of H.R. 791, a ground water research bill, earlier this year. Today's consensus bill combines and coordinates major elements of each version of H.R. 791 reported by the five committees of jurisdiction.

Let me begin by thanking all the committees and members who worked on today's compromise bill and its predecessors. Our success is due in large part to the leadership of the Public Works and Transportation Committee: chairman JIM HOWARD, ranking minority member JOHN PAUL HAMMERSCHMIDT, and Water Resources Subcommittee chairman, HENRY NOWAK. I also want to thank the leadership and staff of the other committees for their hard work and dedication. The Interior and Insular Affairs Committee should be congratulated for its efforts and patience regarding

last year's and this year's ground water bills. I also want to commend the Committees on Energy and Commerce; Science, Space, and Technology; and Agriculture for their contributions and improvements to H.R. 791 and its substitute.

Mr. Chairman, our bill contains four major components to improve Federal, State, and local ground water protection efforts. The first is assessment and mapping of the resource itself. The second is research, development, and demonstration of cleanup technologies. The third is information gathering, information dissemination, and technology transfer. The fourth is improved consistency and coordination among existing and future ground water activities.

Title I, the Geological Survey Water Resources Organic Act, authorizes a number of USGS ground water activities. This portion of the substitute is based on sections in H.R. 791, as reported by the Interior Committee.

Title II, the National Ground Water Research Act of 1987, may be the heart of the bill. Our substitute combines aspects of the USGS research bill—H.R. 791—and the EPA research and demonstration bill—H.R. 2253. The substitute also reflects subsequent changes to the USGS and EPA bills made by Science, Space, and Technology; Energy and Commerce; Public Works and Transportation; and Agriculture.

Section 202 contains congressional findings that are the guiding principles of our substitute. Because ground water is a unique resource requiring different approaches to the control, prevention, and cleanup of contamination, we have adopted a phased approach emphasizing education, research, demonstration, technical assistance, and prevention. While providing for an increase in the Federal role in ground water research and protection, we have also recognized that State and local governments must retain primary responsibility for managing the resource. In addition, we have improved upon provisions to foster the consistency and coordination among Federal programs.

Section 204 provides the President with the overall responsibility of coordinating ground water activities of all Federal agencies. The President is directed to establish an interagency ground water research committee, co-chaired by EPA and the Interior Department and composed of members from each Federal agency involved in ground water activities. The interagency committee must recommend research priorities and a coordinated ground water research plan.

Section 205 directs USGS to evaluate the Nation's ground water quality and quantity information systems, the utility and adequacy of existing data collection and monitoring programs,

and the availability and accessibility of existing ground water data. The evaluation, to be updated every 2 years, will recommend actions to improve the collection of ground water data and information.

The bill also directs USGS to establish and conduct a national ground water assessment program. The program should assist State and local governments in the assessment, management, protection, and remediation of ground water resources and the design of ground water monitoring programs. The program should also provide information regarding protocols and quality controls, and recommend standard protocols to be used where appropriate.

Section 206 directs EPA to establish a research, development, and demonstration program of the causes, effects, cleanup and prevention of ground water contamination.

Section 207 directs EPA to conduct and publish a risk assessment analysis for significant ground water contaminants. This section will address the primary need of States to obtain information on health and environmental effects of contaminants.

Section 208 directs EPA and USGS to establish programs to provide technical assistance among Federal agencies and to State and local governments through grants, loans, cooperative agreements, and contracts. The section also establishes a technology transfer program.

Section 209 designates USGS as the lead agency for establishing and maintaining a national ground water information clearinghouse to be used to disseminate ground water information to Federal agencies, State and local governments, and other persons.

Section 210 directs EPA to establish a ground water research committee for the protection, maintenance, and remediation of ground water resources. The bill also instructs the Science Advisory Board to review EPA's ground water research programs, submit periodic reports, and comment on EPA's risk assessment program. EPA is also authorized to establish and maintain research fellowships and to award grants for up to five ground water research institutes.

Section 211 directs the Secretaries of the Army and Interior and the Administrator of EPA to conduct various ground water studies and activities.

Section 212 directs the President to prepare and submit to Congress an annual report evaluating programs authorized in title II. This section consolidates various reporting requirements contained throughout portions of the committee bills in an effort to avoid duplication and minimize paperwork.

Section 213 provides that studies, reports, and results of research conducted under this title are to be reported

and adopted only after appropriate peer review.

Section 214 authorizes \$46 million for fiscal years 1988 through 1990 to carry out title II's provisions. These funds are in addition to amounts authorized in section 211.

Title III, the Agricultural Ground Water Management Act of 1987, requires the Secretary of Agriculture to study and report on agricultural practices, water quality, and use and includes provisions from my bill, H.R. 3069. In September, the bill was not only introduced in the other body but also included in the three House ground water bills reported by Public Works, Energy and Commerce, and Agriculture.

H.R. 3069, now part of title III, establishes an agricultural nitrogen best management practices task force. Through increased education, public information, and the adoption of agricultural best management practices, this Nation can prevent many of its ground water and surface water quality problems right from the start. Title III brings key players together to get the ball rolling so that we can develop ways to use agricultural nitrogen more effectively and sensibly.

Section 302 contains various findings, including the finding that efficient plant use of agricultural nitrogen is essential to maximize the farmer's return on investment and to minimize agricultural nitrogen losses from erosion and leaching.

Section 304, which is the heart of title III, directs the Secretary of Agriculture to establish an agricultural nitrogen best management practices task force consisting of 12 specified members. Since reporting out the bills in September, we have increased the size of the task force to include the Director of USGS, a State representative, a representative of the fertilizer industry, and a member of the public who has considerable training and expertise in farming. We also expect the Secretary of Agriculture to provide any and all necessary items for the task force to carry out its functions.

Subsection (b) directs the task force to: First, review information on water quality and agricultural nitrogen; second, develop and improve agricultural best management practices for agricultural nitrogen utilization in crop production; and third, develop educational training material.

Subsection (c) requires the task force to provide annual progress reports to Congress beginning 1 year after enactment. The reports could include, among other things, the number of BMP's developed by the task force and adopted by farmers.

Subsection (d) defines the key terms "agricultural nitrogen," "environmental nitrogen," and "agricultural best management practices." These defini-

tions differ from those contained in the reported bills. We have adopted most of the public works' definition of "agricultural nitrogen, while adding the new term "environmental nitrogen." This distinction clarifies that nitrogen problems in ground water have a wide variety of man-made and natural sources, and that some are outside the control of farmers and fertilizer manufacturers. This, however, does not mean the task force should ignore the presence or impact of environmental or natural sources when assessing the problem and developing or recommending best management practices.

Section 305, provides two amendments to section 319 of the Clean Water Act, which establishes a new nonpoint source management program within the Environmental Protection Agency. Subsection (a) amends the Clean Water Act to require that any State assessment report and any State management report and program be developed in consultation with the agricultural nitrogen best management practices task force established by this bill. Similarly, subsection (b) amends the act to require the Administrator of EPA to consult with the task force in preparing the Administrator's annual and final reports to Congress. These amendments will highlight the important link between nonpoint source pollution and agricultural best management practices and encourage greater consultation with and coordination among Federal, State, and local agencies.

Finally, section 306 authorizes funds to carry out activities in title II for 3 years. Additional funding may be necessary for the task force to continue its important work beyond those 3 years, however.

Title IV addresses the growing, national problem of radium contamination in ground water. These provisions, written in large part by the gentlemen from Illinois [Messrs. HASTERT and MADIGAN], authorize EPA to provide financial and technical assistance to small communities with contamination problems.

Mr. Chairman, this bipartisan bill should not be controversial. It reflects a broad consensus of views among committees, agencies, and citizens. Its funding levels are responsive to ground water needs, yet responsible in these times of budgetary constraints. Its mandates and authorizations reflect long-standing principles of federalism and recognize the primary roles of State and local governments.

Today's substitute bill offers a comprehensive, sensible approach to ground water quality and quantity problems. Accordingly, I urge each Member to support or compromise. By doing so, we can send a strong signal to the other body and to the American public that ground water protection is finally coming of age.

□ 1510

Mr. NOWAK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of H.R. 791 and urge my colleagues to support its passage. Five committees have worked on this bill that will go far in helping States protect and manage their ground water resources.

Each State should have a comprehensive ground water protection and management program and I am proud to represent a State that has led all others in this area for a long time. The Federal Government should provide technical assistance and useful information to the States to enable them to carry out their responsibilities for ground water protection and management well. The Clean Water Act, the Resource Conservation and Recovery Act, Superfund, and the Safe Drinking Water Act have challenged the States to do more to protect our water resources. Now the Federal Government must assure it can provide promised levels of assistance in support of these worthy initiatives.

This legislation establishes the much needed assistance programs. Under this bill, the Federal Government would provide research, technical, and informational assistance to the States in areas in which the States have expressed a need for assistance; for example, ground water assessment and risk assessment analyses.

Mr. Chairman, I want to commend the original sponsors of the several bills that now make up H.R. 791, and in particular I commend my colleague, the gentleman from Connecticut [Mr. GEJDENSON], the original sponsor of a very significant piece of this legislation; I commend them for their leadership in bringing these issues before the Congress. I also wish to commend the leadership of my own Committee on Public Works and Transportation for its bipartisan approach to addressing ground water protection problems.

Mr. Chairman, at this time I would like to engage the distinguished gentleman from New York [Mr. NOWAK], the able chairman of our Subcommittee on Water Resources, in a colloquy.

Mr. Chairman, I would like to take a moment to discuss with the gentleman from New York [Mr. NOWAK] the sections of the bill—sections 205 and 208—that deal with the ground water assessment and technical assistance programs.

Mr. NOWAK. Mr. Chairman, if the gentlewoman would yield, I would be glad to discuss those sections with the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. In sections 205 and 208, broad authority is provided for Federal agencies to assist State and local governments in ground water assessment activities. By

ground water assessment, I mean a description of the location, hydrogeological properties, quantity, quality, and rates of depletion of ground water resources. It is a critical first step in any State or local effort to protect and manage ground water resources and to identify goals and objectives for those resources. The Federal agencies involved should construe their authority under sections 205 and 208 broadly in order to assist the States with their ground water protection and management programs. Assessment activities include providing any necessary information on ground water which allows for the classification of ground water, to the extent that States find such management approaches to be useful. This is particularly important to my own State of Connecticut, which has included a classification approach in its ground water program, and to many other States using or considering using classification as a ground water protection and management tool.

Mr. NOWAK. I concur with the gentlewoman from Connecticut. It is intended that the Federal Government provide the broadest possible range of assessment and technical assistance to the States, including information needed for State classification efforts where States determine them to be appropriate.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the subcommittee chairman for his support and urge passage of the bill.

Mr. STANGELAND. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HASTERT], who is the driving force behind the radium contamination section of this legislation.

Mr. HASTERT. Mr. Chairman, I thank the gentleman from Minnesota for yielding me this time.

Mr. Chairman, this is really an important issue. It is an issue that, as a member of the Committee on Public Works and Transportation and of the Subcommittee on Water Resources, I have been talking about for some time. I want to thank the chairman of our committee, the gentleman from New Jersey [Mr. HOWARD], and our subcommittee chairman, the gentleman from New York [Mr. NOWAK], for their help and cooperation in putting this specific provision in the bill. I also want to thank the gentleman from Minnesota [Mr. STANGELAND] and our ranking member, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], for helping to put this language together.

In my district and in districts across northern Illinois 0 and in 17 other States, there is a problem of bringing small towns up to meet the standards that the EPA has put into place, the standards relating to radium in water. What we have tried to do here is to

give small towns the ability to begin to help themselves in this regard, to begin to give them the ability to pool bonds and the ability to start to put the financial work together so they can begin to solve their problems. It is an across-the-board effort. It is something that certainly does not seem to be a big issue, but in a small town of a thousand people they have to raise anywhere from \$600,000 to \$700,000 to purify their water, and in towns of 3,000 to 4,000 people they have to go forward and try to raise bonds of \$4 to \$5 million to purify their water to meet these certain standards. These impurifications, the radium in the water, are naturally occurring. These are not manmade, and yet they have to bring those standards to pristine levels.

So, Mr. Chairman, I thank the leadership of this committee, and I also thank the chairman and the ranking member of the Agriculture Committee for their help in putting this legislation together.

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

Mr. NOWAK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROE], the chairman of the Committee on Science, Space, and Technology, will be recognized for 15 minutes, and the gentleman from New Mexico [Mr. LUJAN] will be recognized for 15 minutes.

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

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over the last 30 years, the Congress has initiated major initiatives to remove conventional pollutants from our air and from our lakes, rivers, and streams. We have also made a good start in tackling the more difficult tasks of controlling toxic chemicals and hazardous wastes which pervade our environment.

But in those years, there has been one major environmental resource which we have largely ignored: ground water.

We were slow to recognize the threat to ground water in large part because ground water is an unseen resource. Ground water pollution was out of sight, and out of mind. In addition, because contaminants move so slowly in ground water, it took a long time before evidence of contamination was detected in drinking and monitoring wells.

For the same reason, our understanding of ground water has lagged far behind that of air and surface water. Until recently, it was assumed that ground water was generally protected from contaminants associated with man's surface activities. The discovery in the mid-1970's of pesticides

in ground water came as a rude surprise to many ground water experts. Since then, ground water contamination has been discovered in every State.

We now know that ground water is in fact a vulnerable and finite resource that can be degraded through careless management.

This neglect is all the more surprising in light of our dependence on ground water. Ground water currently supplies nearly one-fourth of all of our Nation's water needs. In the West, agriculture would be impossible without the irrigation water supplied by vast underground aquifers. Ground water is also used extensively for drinking water. Indeed, 97 percent of rural households, and nearly half of the total U.S. population, use ground water from wells as the source of drinking water.

In the last few years, amendments to the Clean Water Act, Superfund, RCRA, and the Safe Drinking Water Act passed by Congress have addressed aspects of the ground water contamination problem. But no law has focused on ground water in a comprehensive way. As a result, protection of this vital resource remains haphazard and uncoordinated.

H.R. 791, as amended, would fill this missing link in our environmental statutes and signal Congress' determination to protect this critical resource. Protection must be the goal; once contaminated, ground water is likely to remain unusable for centuries. Even where feasible, cleanup is an extremely expensive and slow process.

Under present laws, the States and localities have the primary responsibility for the protection and management of their ground water resources. To manage ground water effectively, however, State and local officials need a wealth of technical and scientific information, including data on the potential sources of contamination in their areas, the feasibility of methods to control contaminant sources, the hydrogeological characteristics of specific aquifers that supply ground water, and the dispersion and movement of existing contaminants and their potential health effects.

Mr. Chairman, there are few States that have the institutional capacities to mount such efforts on their own. Nor does it make sense for numerous States to carry out programs which have national applicability, such as assessing health effects or evaluating cleanup technologies.

H.R. 791 reflects the view shared by environmentalists, by industry, by experts, and by State and local governments, that ground water research and technical assistance ought to be a Federal responsibility.

Both the Environmental Protection Agency and the U.S. Geological Survey have existing ground water re-

search and technical assistance programs. But the two agencies have not developed a coordinated program focused on the needs of the States. Instead, each agency has looked at ground water protection from its own narrow perspective and as a result many State needs are not being adequately addressed.

Title II of this bill provides for a coordinated, interagency, Federal research and technical assistance program. The bill draws upon the expertise already existing at the EPA and USGS, and brings together other agencies with significant ground water interests, such as the Department of Agriculture. It directs the President to establish an Interagency Ground Water Research Committee, composed of USGS, USDA, EPA, the Department of Health and Human Services, and other agencies designated by the President, which will recommend to the President research priorities and a coordinated research plan.

Mr. Chairman, the five committees that have worked to bring this bill to the floor have spent a great deal of time in order to develop a consensus package on these environmental issues. Indeed, many predicted that the sequential referral of H.R. 791 to four committees would be its death knell. Instead, the cooperation that we bear witness to is testimony to the strong consensus that what is needed now is not more Federal regulation, or expensive new programs, but an effective, coordinated Federal effort to assist State and local governments in protecting their own ground water resources. It recognizes that our first priority must be to build the institutional capacity at the Federal, State, and local levels to understand and manage ground water effectively and wisely.

I would like to highlight certain aspects of this bill which are of particular importance to the Committee on Science, Space, and Technology, and are further explained in our committee report (H. Rept. 100-155, part 4).

Section 206 establishes a research and demonstration program at the EPA. Under this authority, EPA will carry out research relating to the causes, effects, prevention, and remediation of ground water contamination. This authority will help EPA fill the gaps in its existing statutory research authorities and will enable it to conduct research more relevant to State and local ground water management needs. Section 206 also authorizes a program to demonstrate promising new technologies to prevent, detect, monitor, and remediate ground water contamination.

This demonstration program is a critically important element of this bill. Ground water management officials desperately need new technical

options. Monitoring technology generally remains cumbersome, costly, and imprecise. To give but one example, the Illinois EPA has estimated that it will take 4 to 5 years just to complete one round of organic compound testing for the 3,400 public drinking water wells in the State. In remediation technologies, much more work is needed on cleaning up contaminants from nonpoint sources such as fertilizers and pesticides. EPA scientists and others are conducting new tests on biological remediation methods that may provide hope for restoring contaminated aquifers, but this work needs to be accelerated and demonstrated.

The bill also authorizes a general technical assistance and technology transfer program, and a clearinghouse to help State and local officials locate and use relevant ground water information generated by this program.

Section 207 requires EPA to conduct and publish risk assessment analyses for 30 significant ground water contaminants within 2 years after the date of enactment. These assessments are intended to gather together existing scientific information on the health and environmental effects of exposure to ground water contaminants. At the present time, information relevant to such assessments are collected by numerous agencies under existing statutory programs; this section would simply require EPA to pull together and assess the existing information and put it together in a form that will assist State and local officials in making their own ground water management decisions.

Section 210 includes a number of important provisions intended to enhance EPA's capabilities to conduct ground water research. The bill adopts a recommendation made by EPA's independent Science Advisory Board to establish an internal research committee dedicated specifically to ground water. This change will improve coordination of EPA's ground water research, presently being carried out in separate programs, and improve the responsiveness of EPA's research to State and local needs.

This section also authorizes fellowships which will help contribute to the training of urgently needed scientists and engineers in fields relating to ground water protection and management.

Finally, section 210 also authorizes the administrator to establish up to five ground water research institutes to look at regional or national ground water issues. This program will supplement the existing USGS and USDA Water Research Institutes Program under which public land-grant colleges focus on local ground water issues. The EPA centers make funding available for interdisciplinary regional centers or consortia consisting of private

colleges, public non-land-grant colleges, and other research institutions.

The bill authorizes \$10 million for fiscal year 1988, \$12 million for fiscal year 1989, and \$14 million for fiscal year 1990 for EPA to carry out these programs. These authorizations are intended to be in addition to other sums otherwise authorized. In fiscal year 1987, EPA spent about \$30 million on ground water-related research. The funding provided for in this bill will provide a modest increase to EPA's base level program to enable it to carry out its additional responsibilities under this act.

Mr. Chairman, given the current budget crisis, I can understand the reluctance of some Members to authorize any new spending for needed programs. The fact is, however, that the budget issues will be with us for years to come. Declaring a moratorium on decisionmaking for the duration of the budget crisis would result in a total abdication of our responsibility to make decisions and set priorities.

It is hard to imagine an area where a modest investment in prevention will give more of a payoff than in the area of ground water. We need to get on with the work of protecting this resource for ourselves and for future generations. The bill which we have crafted will begin to do that in a cost-effective and responsible way, and I urge my colleagues to support the bill.

Mr. Chairman, I would like to sum up, now that we have heard from the distinguished representatives of all five of the committees that worked so diligently on this very, very important legislation, and I would like to compliment them and particularly compliment the staffs of all five committees for the extraordinary job they did in bringing this bill to the floor, in working up the details of this bill to be able to bring it to the floor.

I happen to think that we are coming full circle at this point in really a historical effort over the last 2 years or the last 3 years, particularly in the 100th Congress, in focusing our entire attention on the environmental relationship of the water resources of this Nation and really achieving the optimum yield of the water resources of this Nation.

If I may, Mr. Chairman, I would remind the Members of the House that in this Congress and in the last Congress we were successful in having passed the Water Resources Development Act, which had to do with revisiting, if you like, and readjusting and reestablishing the water resources projects in this country, and having to do with port development and hydro-power development and flood control and water supply development. We took a major step forward with the Safe Water Drinking Act. We took a major step forward when we passed the Clean Water Act, which really was

landmark legislation to provide for the improvement of water quality and the clearing up of sewage disposal contamination in our water supply.

We passed the Superfund Act, which was probably the most important bill we have been able to pass in getting rid of solid waste.

All those pieces of legislation pointed to one particular issue we had not resolved, and that was the ground water issue. The ground water issue now closes the circle of this monumental task that has been accomplished by the Congress, by all these five committees and in fact by all the Members of Congress on a bipartisan basis in the interest of the people of this Nation to preserve and protect and establish a quality water supply for this country that will go on for centuries yet to come.

As it has been written, there is no new water ever created in the world, as the distinguished committee chairman knows well, having served so eloquently and diligently on the Committee on Public Works and Transportation for the years he has been in this House. In effect, what we are saying is that we hope that man has not destroyed the cycle of protecting the water supply.

There is no new water. It is the same water we use over and over and over again. But the ground water issue becomes particularly important because it is the one area that is out of sight of mankind and we do not know what happens underground unless we protect it and we must protect it above ground. Basically, that is what this very important piece of legislation does for the people of this country.

□ 1520

Therefore, if we close this cycle, which we should do today and I hope the vote is unanimous on this particular piece of legislation, and it should be, it would really be a great legacy left by the 100th Congress, this historical 100th Congress, in the water resources protecting and development and achieving the optimum yield of the water resources of this Nation.

Having said that, Mr. Chairman, again I want to compliment the chairman of the respective full committees and subcommittees and the staff for their hard work they have performed in bringing this very splendid piece of legislation to the floor.

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

Mr. LUJAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this legislation. We are authorizing some projects that need to be taken care of. I think those are all very good demonstrations of the kind of work that we need to do.

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

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SCHEUER], the subcommittee chairman who has been really one of the truly great leaders in this House in this very important area and has spent a great deal of his career here in the Congress in protecting and passing legislation of great magnitude affecting the water resources of this country.

Mr. SCHEUER. Mr. Chairman, I thank the full committee chairman for this time and for his kind words and for his constant support and distinguished leadership in every way along the line, and I thank the other full committee chairmen and subcommittee chairmen in the five different committees of the Congress for their efforts in bringing this bill to the point where it is. The system is working. This is an excellent bill.

The Subcommittee on Natural Resources, Agriculture and Environment, which I chair, has held 4 days of field hearings on problems associated with ground water contamination.

Each of these hearings demonstrated the widespread support for an expanded Federal research and information role on ground water contamination.

Environmentalists, industry representatives, academics and State representatives all testified that the ability of States and local governments to manage and protect ground water supplies was being hampered by a lack of reliable, usable scientific information about ground water and ground water contamination.

It is essential that we act now to protect this vast, invisible resource.

Ground water is the source of drinking water for more than 50 percent of the total U.S. population and 97 percent of rural residents.

Ground water accounts for nearly 40 percent of all agricultural irrigation water and 26 percent of industrial water uses.

Until recently, we mainly believed that ground water was naturally protected from man-made sources of contamination.

We have learned—sometimes painfully—that this is not, in fact, the case.

For example, in December 1978, 36 wells in Suffolk and Nassau Counties on Long Island were closed after the discovery of synthetic organic chemicals—solvents and degreasers, gasoline and petroleum products, and pesticides—in the drinking water, an incident that affected more than 2 million people.

Similar incidents all across the country have shown that ground water contamination is a problem of national scope.

In 1981, an EPA study found measurable levels of volatile organic compounds in more than one-fourth of the large public drinking water systems drawing on ground water.

The discovery of contaminated ground water has led to well closings all over the Nation:

Causing disruptions in water supplies;

Concerns about possible health effects;

Economic losses to consumers and businesses.

Once contaminated, ground water can be cleared up—if at all—only through slow and highly expensive technologies.

The purity of our ground water is threatened daily for a wide variety of sources:

Hazardous wastes;

Septic tanks;

Road salts;

Pesticides and fertilizers;

Sanitary landfills;

Underground storage tanks; and

Oil and gas explorations.

We can no longer afford to take our ground water for granted.

Protecting our ground water will require strong concerted action.

Toward this end, I, together with seven members of the Natural Resources Subcommittee of the Committee on Science, Space, and Technology, introduced H.R. 2253 to establish a comprehensive and coordinated program of research, development, and demonstration at EPA to enhance the knowledge of ground water contamination.

In addition, that bill contained provisions that:

Would improve the scientific capability to assess, detect, and evaluate the effect on human health;

Provide for technology transfer, technical assistance and dissemination of information to State and local governments; and

Provide for the training of scientists in disciplines relevant to ground water contamination.

Mr. Chairman, I am pleased that these and other provisions adopted by our committee during its consideration of H.R. 2253 and H.R. 791 are included in the final compromise, H.R. 3676, before us today.

The adoption of this bill is a major step in protecting our vast resources for future generations.

We must commit the resources necessary to conduct the research, provide the training and engineering needed to understand ground water contamination and to develop new technologies to clean up ground water resources.

This bill would accomplish these goals and I urge my colleagues to support it.

I am very grateful for the support, as I have said, of the gentleman from

New Jersey [Mr. ROE], the chairman of the Committee on Science, Space, and Technology, for the other full committee and subcommittee chairmen who have worked so tirelessly and in such a great common cause to produce this product of five great committees of the House.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. Mr. Chairman, I appreciate the gentleman yielding this time. I would like to have an opportunity to engage the gentleman in a colloquy, and with the predicate that it is my understanding that the bill provides for the establishment and operation of several regional research institutes in the country. Is that correct?

Mr. ROE. Mr. Chairman, if the gentleman will yield, that is absolutely correct, yes.

Mr. DAUB. With that understanding, I would like to ask the gentleman two questions. First, does the bill designate the National Center for Ground Water, a consortium between Oklahoma University, Oklahoma State University, and Rice University, as one of these institutes?

Mr. ROE. The gentleman is also correct on that.

Mr. DAUB. The committee report states, "The Administrator shall equitably allocate the funds made available to carry out this section among the regions of the United States."

My question to the gentleman is, does this predetermined selection preclude the establishment of another research institute, perhaps as a consortium, in the northern Great Plains, which includes Nebraska, Iowa, the Dakotas, Kansas, and Minnesota, to name just a few potentially interested states?

As the gentleman knows, this region, which includes the State of Nebraska, is facing a unique set of problems, such as nonpoint source contamination which threatens vital water supplies and aquifer depletion uncertainties resulting from irrigation uses.

Mr. ROE. As far as I know, the predetermined selection of an institute in the Oklahoma-Texas region would not preclude the selection of an institute in the northern Great Plains region.

Mr. DAUB. Well, I thank the chairman.

I want to commend my friend from prior service. I have enjoyed my service with him on the committee and I thank the gentleman for his leadership and his action and information this very important matter to the folks who live in our part of the country.

Mr. Chairman, I rise in support of H.R. 791, which establishes a timely, comprehensive, and multiagency research program that addresses the

growing problem of ground water contamination in the United States.

I am pleased that this legislation establishes an interagency committee that includes the United States Geological Survey, the Environmental Protection Agency, the U.S. Department of Agriculture, and the Department of Health and Human Services.

The representation on this committee recognizes that an examination of ground water contamination automatically requires a discussion of the scientific uncertainties relating to ground water, agricultural practices in areas with susceptible ground water resources, and public health concerns.

I am also pleased that the bill recognizes the high degree of variation among ground water resources among the States by stating in several places that "the primary responsibility for ground water protection and management resides with the States and local government."

Unlike air pollution, ground water contamination is a very site-specific problem which removes the possibility of setting Federal uniform standards that would effectively reflect the site-specific nature of ground water contamination in the United States.

While the bill recognizes that many States have already developed or are developing ground water management and protection strategies, it also recognizes that "the Nation's ground water quality data collection, analysis, and information dissemination programs and activities are insufficient."

Scientists need effective models that can predict the movement of chemicals through different soils and hydrological formations. They need more accurate statistical methods to monitor contamination levels in aquifers and get meaningful results.

Additionally, the scientific community needs more information on the attenuation process of chemicals and methods to enhance this process and mitigate contamination.

This bill establishes a ground water information clearinghouse which will become a national repository of important research results which will assist the States in developing their ground water strategies.

I am also aware of the establishment of the Agricultural Nitrogen Best Management Practices Task Force, which includes the USDA and some of its various services, the EPA, farmers, and fertilizer companies. This task force will provide important educational and training opportunities for farmers who apply nitrogen.

Separately, the Science Committee included authorizing language for the establishment of several regional institutes to study the various aspects of ground water contamination.

The State of Nebraska is heavily dependent on ground water for a wide range of uses and its ground water has

unique geological and hydrological characteristics. Coincidentally, the University of Nebraska's institute of agricultural and natural resources is one of the leading institutions in the country in the study of ground water, and it is in a position to undertake extensive research efforts on ground water in the northern Great Plains.

In conclusion, I would like to say that this is a responsible and reasonable bill, and it will make the prevention and cleanup of ground water contamination in the United States an easier task for State and local governments, and it will force this issue to the top of State's environmental priorities.

Mr. ROE. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. COELHO].

Mr. COELHO. I would like to engage the chairman of the Water and Power Resources Subcommittee and the chairman of the Science Committee in a colloquy. Mr. Chairman, under this legislation, who would have the authority to regulate ground water?

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, it clearly is under the States' jurisdiction. As noted in the findings section of the bill, "the primary responsibility for ground water protection and management shall reside with State and local governments."

Mr. COELHO. And did the committees of the House that reported this legislation have any intent to take away or lessen the States' ability to regulate ground water?

Mr. MILLER of California. We did not. Both majority and minority members of the committees involved agreed that the States would continue to have the primary responsibility for ground water protection and management.

Mr. COELHO. I am pleased to see the major role that USGS will have under this legislation as their scientific credentials are well-known and respected. However, I see that EPA has been given some additional responsibilities to conduct research into ground water problems.

May I ask the gentleman from New Jersey [Mr. ROE], does this responsibility include any role in regulating ground water?

Mr. ROE. Mr. Chairman, if the gentleman will yield, I can assure my colleague that EPA's role under this bill will be limited to research into ground water problems and to dissemination of the results of this research to the States. EPA will also be providing technical guidance to the States, at their request.

Mr. COELHO. EPA has been given the authority to undertake a demonstration program for projects that may be effective in controlling or mitigating sources of ground water con-

tamination. Does this demonstration program in any way give EPA the authority to regulate ground water?

Mr. ROE. I assure the gentleman that it does not.

Mr. COELHO. Finally, I wish to mention the risk assessments that EPA will be carrying out. These assessments shall look at the risk of ground water contaminants to human health and the environment. Does EPA have any authority to do any more than publish the results of these assessments under this legislation?

Mr. ROE. Again the answer to the distinguished gentleman is that it does not.

Mr. COELHO. Mr. Chairman, I thank both my colleagues for their clarification of these matters.

Mr. LIGHTFOOT. Mr. Chairman, I rise in support of H.R. 791, the National Ground Water Contamination Research Act, of which I am a cosponsor.

Ground water contamination is a growing problem in this Nation. During hearings in the Public Works and Transportation Subcommittee on water resources, we were presented with testimony and tests showing that more and more of our ground water supplies are becoming contaminated at levels that pose a threat to human health and the environment. This trend is alarming in view of the fact that ground water is the source of water of 117 million Americans. In fact, 95 percent of rural communities use ground water for their drinking water, and 34 of the Nation's 100 largest cities obtain all or part of their supplies from this resource.

Currently three different agencies—the Environmental Protection Agency, the U.S. Geological Survey, and the U.S. Department of Agriculture—are primarily responsible for research and regulation of ground water contaminants, but there is no coordinated effort nor any central data base or authority. As a result, we cannot hope to effectively address problems in this area. The goal of H.R. 791 is to fill in these gaps and develop a comprehensive plan to prevent ground water contamination.

I am particularly pleased that a bill I joined Congressman STANGELAND in introducing, H.R. 3609—the Agricultural Nitrogen Management Act, has been incorporated into H.R. 791. As a result of farming techniques that make intensive use of fertilizers, ground water contamination is becoming particularly acute in certain areas of agricultural States. H.R. 3609 is aimed at minimizing the impact of nitrogen fertilizer on ground water and surface water. The centerpiece of this bill is the creation of a task force consisting of 12 professionals drawn from the fertilizer industry, the U.S. Department of Agriculture, the Environmental Protection Agency, the U.S. Geological Survey, the Extension Service, and other State and private sector ground water specialists. This task force would be charged with developing agricultural best management practices to minimize agricultural nitrogen losses into ground water. The task force also would develop and disseminate to American farmers educational materials to familiarize

farmers with the use of these practices. This is an essential first step we need to take to address this problem in the area of agriculture.

I also want to take a moment to commend the members in the various committees with jurisdiction over H.R. 791. I know a lot of hard work has gone into this bill, not only in the Public Works Committee but in other committees as well.

Mr. Chairman, I intend to vote in favor of H.R. 791, and I urge my colleagues to do so as well.

Mr. ROBERT F. SMITH. Mr. Chairman, I rise in support of passage of this bill and I urge my colleagues to join me in helping to pass it.

Ground water contamination is a serious problem throughout the United States, but certainly is a far greater threat to the entire population when it occurs in areas of agricultural production.

I am concerned, however, that this legislation unfairly indicts the agricultural producers of this Nation for ground water pollution.

Though the business of crop production is often blamed for contributing pollutants, the fact is that contamination due to use of pesticides and herbicides is far less frequent and far less devastating than the problems caused by farming's urban neighbors.

Factories, city disposal systems—sewage, industrial, and sanitary landfills—annually create sources of ground water pollution in far greater amounts than anything from food production. These are the criminals in most need of attention when this Nation focuses on ground water pollution.

This bill's shift of responsibilities also causes some degree of concern to me. Ground water pollution has always before been the responsibility of States and municipalities. With this legislation, we may be treading dangerously close to Federal assumption of that problem.

The fact is that, for long-term policy, the Federal Government is the least well-equipped level of government to assume the gigantic chore of monitoring, regulating, and governing pollutants to ground water.

Distantly removed from the problem, from the people involved and from the cleanup, the shoulders of Uncle Sam may be adequate for the purpose of study and documentation, but in the long run, if this leads to a next step assumption that the Federal Government should also do the cleanup or should step in as regulator of ground water quality across the Nation, we might actually degrade current purity levels.

In Oregon, our State Department of Environmental Quality has conducted a 15-year, and ongoing, study of ground water contamination. Because of Oregon's vastly agricultural complexion, they have concentrated levels of nitrates and pesticides, and they will, in fact, be concluding the latest 2-year study this January.

Similarly, they have chosen to study urban landfill and industrial sites so that they may show us definitive comparisons of ground water pollutants from both rural and urban sources.

Though this bill's requirements for study are, indeed, laudable, the State of Oregon is concerned that Federal involvement will de-

tract from Federal commitments for help to States like Oregon which are already in place.

This bill and this first step into ground water pollution by Uncle Sam must not be considered a replacement or a higher priority than local studies now underway.

Oregon officials do agree, however, that a national information repository would benefit all States with an equal ambition for cleanup and regulation.

Though I have some reservations about the well-known camel's nose in the tent—my suspicion that this bill could lead to far more Federal involvement than most of us would like—I will support it.

I realize that not every State is as enterprising or vigilant as my own home State of Oregon. If this bill helps identify those who need to do more to protect the quality of ground water, I can't help but support it.

Mr. WOLPE. Mr. Chairman, I want to express my strong support for H.R. 791, the Ground Water Research Act. Approximately 86 percent of the fresh water available for use in the United States is ground water. This resource is essential not just for drinking and bathing, but for industry, agriculture and a myriad of other uses as well. As a Representative from the State of Michigan, I am all too familiar with the disastrous environmental and economic consequences of ground water contamination. Over a thousand sites of ground water contamination have already been discovered in Michigan. And, the Northeast-Midwest Congressional Coalition, which I cochair, has determined that 18 percent of the wells in our region are contaminated. Ground water contamination is not simply a regional issue, however. Contamination has occurred in every State of the Union and is being detected with increasing frequency.

Once discovered, the costs of addressing ground water contamination are tremendous. No environmental problem more aptly proves the old adage, "an ounce of prevention is worth a pound of cure." The skyrocketing expense of "Superfund" site clean-ups—now projected at \$100 billion—largely reflects the costs of cleaning up contaminated ground water. In all too many cases, the Environmental Protection Agency has determined that clean-up is not feasible and has opted to leave water contaminated.

We waited to address surface water pollution until rivers were bursting into flames and Lake Erie was on the brink of death. We will not have that luxury with ground water. Solutions must be preventative.

H.R. 791 embodies the preventative approach. It coordinates and improves current Federal Ground Water Protection Programs. It delineates, Federal responsibilities for ground water research, enhances research capabilities, and provides for direct financial and technical assistance to State and local governments to help them meet their responsibilities for ground water protection. This bill will be essential for helping States and localities address the ground water contamination before it occurs.

There is, of course, a broader problem behind ground water contamination; the toxic inundation threatening the Nation. The toxic shell games we have been playing—moving wastes from one environmental medium to an-

other—have had a devastating effect on ground water. As we move to declare ground water off limits for pollution, we can also explore our capacity to limit the production of toxic pollution in the first place. Hazardous waste reduction at the source has a tremendous potential to reduce toxic pollution altogether. The Office of Technology Assessment estimates we could cut pollution by as much as 50 percent through waste reduction.

Earlier this year, I introduced the Hazardous Waste Reduction Act, H.R. 2800, in an effort to help us take advantage of waste reduction's potential. A bipartisan initiative of the Northeast-Midwest Coalition, it now has the support of over half the Members of the House. Like the Ground Water Research Act, the Hazardous Waste Reduction Act focuses on disseminating information and technical assistance through a computer clearing house and assistance to States. Like the Ground Water Research Act, H.R. 2800 is an important first step toward addressing a major environmental and economic threat. And like the Ground Water Research Act, H.R. 2800 demonstrates that an ounce of prevention is truly worth a pound of cure.

Mr. CLINGER. Mr. Chairman, I rise in strong support of the National Ground Water Research Act of 1987. This legislation will expand the ground water research efforts of the U.S. Geological Survey and the Environmental Protection Agency and promote more coordination between Federal, State and local efforts with regard to ground water contamination.

The bill contains a number of initiatives which will help the millions of people in our Nation who rely on ground water for their domestic needs. Most importantly, the legislation's basic goal is to develop a national ground water information clearinghouse to provide technical assistance for States and local areas as they develop water policies.

In fact, I've been pleased to assist in securing a comprehensive ground water study conducted in Warren County, PA, by the U.S. Geological Survey and Pennsylvania's Department of Environment in Warren County. This study will detail the physical and chemical characteristics of industrial wastes, oil and gas drilling and other suspected contaminants and possible alternatives.

In closing, I urge my colleagues to support this legislation. It's imperative that we tackle this problem today—not tomorrow. Ground water contamination must be prevented rather than relying on expensive clean up efforts.

Mr. BRUCE. Mr. Chairman, the protection of the Nation's ground water is an issue of growing concern to the Congress and the public as contamination of this important resource is detected with increasing frequency. I believe that this compromise legislation agreed to by all the committees of jurisdiction establishes an excellent ground water research program allowing for the appropriate participation of the Environmental Protection Agency, the U.S. Geological Survey and the Department of Agriculture.

Ground water supplies 96 percent of all the freshwater in the United States, 95 percent of the drinking water supply in rural areas such as I represent, and 40 percent of the water

used for agricultural irrigation. While the U.S. Geological Survey has characterized the existing ground water quality as "generally good" contamination is being found as ground water monitoring increases.

The 1984 Office of Technology Assessment report on ground water quality noted 8,000 public and private wells closed or otherwise affected by ground water contamination. Contamination has been found in every State.

This contamination can be traced both to natural sources and to man's activities. I believe that one thing agricultural areas can do right now to protect ground water is to more carefully manage the application of fertilizers. The nitrogen found in ground water comes from many sources including septic tanks and the biological processes of some legumes. However, fertilizer also contributes to the nitrogen contamination of ground water. I believe that by encouraging agricultural nitrogen best management practices we can reduce the amount of nitrogen getting into the ground water supply.

The Committee on Energy and Commerce approved an amendment, which I strongly supported, to add an important component to existing ground water and surface water protection programs. The amendment, based on the Mr. Stangeland's Agricultural Nitrogen Management Act, would minimize the impact of agricultural nitrogen on ground water and surface water quality by establishing a nationwide educational program aimed at the American farmer, urging adoption of agricultural best management practices.

This legislation, with the best management practices language, is an important first step in protecting the quality of the Nation's ground water. I believe the chairs of the relevant committees should be commended for bringing us a sound investment in ground water quality at a modest cost to the taxpayer. I urge my colleagues to support this legislation.

Mr. DREIER of California. Mr. Chairman, ground water contamination is a serious and growing national dilemma, and I support H.R. 791 as a necessary step in protecting this critical national resource.

Ground water, which constitutes more than 96 percent of all fresh water in the United States, is known to be contaminated in virtually every State. The picture is no different in southern California. In my district, nearly a third of the water wells are contaminated, and many people believe that the scope of the problem is still not fully known. Four areas in the San Gabriel Valley alone have spent several years on the Superfund priority list as a result of hazardous waste contamination. Some studies indicate that cancer-causing toxic solvents, such as TCE, may have been leaking into the ground water there for as long as 30 years. Tragically, health officials have been unable to find the major sources of the contamination.

There are so many sources of ground water contamination that detection, monitoring, and cleanup is extremely difficult, time-consuming, and expensive. Contamination can come from various sources, including hazardous waste dumps, oil and petroleum spills, agriculture fertilizers and pesticides, and leaking underground storage tanks. Unlike the air, ground water cannot cleanse itself of these contami-

nants, which can remain for thousands of years.

Mr. Speaker, the problem lies in identifying the sources of ground water contamination through research and information gathering. Although I, too, have concerns regarding the cost of such a program, I believe H.R. 791 is necessary for dealing with the problem of ground water contamination, and I urge my colleagues to support this important legislation.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this bill, and I want to first commend the members of the five committees which have jurisdiction over this legislation for their hard work and the spirit of cooperation which guided this important bill to the floor today for our prompt consideration.

Fellow colleagues, as we all know, concern over the Nation's ground water has grown in recent years as contamination has been detected with ever increasing frequency. Ground water is a vital resource because it supplies about half of our Nation's drinking water and about 70 percent of the water used for irrigation of agricultural crops. Approximately 117 million Americans rely on ground water for their domestic needs. Therefore, given the increasing contamination of ground water by municipal and hazardous waste disposal sites, underground storage tanks, and fertilizer and pesticide application, as well as other sources, swift and coordinated action between the Federal Government and the States and local authorities is essential to preserving this resource as well as protecting the health and safety of our Nation's citizens.

In my home State of New Jersey, 50 percent of the water supply is found below ground. In recent years, problems with ground water quality have led to the closing of dozens of water wells throughout the State. Although the primary responsibility of ground water protection rests with the State, clearly a national program to monitor this critical resource would assist New Jersey and the other States in safeguarding ground water. The bill before us today accomplishes this important goal.

Specifically, the bill directs the President to establish an Interagency Groundwater Research Committee to coordinate the efforts of the Environmental Protection Agency [EPA] and the Departments of the Interior, Agriculture, and Health and Human Services in this area. To increase the availability of ground water data, this legislation directs the Interior Department to establish a national ground water information clearinghouse to provide Federal, State, and local authorities, as well as industry and other interested parties, with information on ground water contamination and remedies for ground water protection. The bill directs the EPA to conduct studies in order to determine the risks posed to human health and the environment due to the contamination of our Nation's drinking water supplies.

There are two studies mandated in the bill with particular importance for my home State of New Jersey. The first study will examine the feasibility of removing volatile ground water contaminants resulting from gasoline spills along New Jersey's coastal plain. The second study will examine the corrosive effects of highly acidic ground water on drinking

water supply equipment, also along the coastal plain. This study will be used to develop a corrosive index for wells in the Potomac-Raritan-Magothy Aquifer System and to determine if a corrosive ground water study is needed in northern New Jersey.

Other provisions in the bill establishing a grant program for the removal of radium contamination in drinking water and protecting coastal waters from the discharge of contaminated ground water are particularly noteworthy and deserving of support.

I urge my colleagues to support this legislation today, and I urge Members in the other body to take prompt action on this issue. This legislation provides the Nation with workable and practical solutions to this problem. It also accords us greater security in our fight to keep our Nation's drinking water safe from contamination.

Mr. MCGRATH. Mr. Chairman, I want to take this opportunity to express my support of one of the best pieces of environmental legislation to come before the 100th Congress. H.R. 791, with over 100 cosponsors, is a much needed measure designed to better this Nation's ever-growing water needs.

Ground water is indeed a precious resource and I believe without immediate action it may become an endangered species. A great deal of evidence has surfaced in recent years indicating that contamination of our Nation's ground water supplies is increasing at an alarming rate. When you consider that the fact that about one-half of all Americans depend on ground water for drinking water, you can begin to realize the potential magnitude of this problem. Being from Long Island, I consider ground water to be one of our biggest environmental concerns, for we on the island depend solely on underground aquifers for drinking water.

I am especially pleased with the bill's provisions involving the Environmental Protection Agency. Included in H.R. 791 is a demonstration program to direct the EPA to study the causes and effects of ground water contamination, and develop technologies for preventing, detecting, and remediating contamination. This is certainly a giant step in the right direction.

As a proud cosponsor of H.R. 791, I urge my colleagues to carefully consider this legislation and vote to preserve one of our most precious natural resources.

Mr. GALLO. Mr. Chairman, clean water is our most basic environmental resource because, without it, human beings cannot sustain the quality of life that we as Americans currently enjoy.

Over 117 million Americans rely on ground water for their daily water needs. And, as reports of ground water contamination continue, the need to create a national ground water protection program increases.

Over the past decade, the country's ground water quality has become an issue of growing concern. It has become painfully apparent that ground water protection has fallen through the regulatory cracks under existing environmental legislation.

Because our ground water aquifer systems are critically important to many of our Nation's communities, including most of the communi-

ties in our area of New Jersey, I believe it is time to improve our National Ground Water Protection Program.

I support H.R. 791, the National Ground Water Contamination Research Act of 1987, because I believe that ground water protection is one of the most important environmental issues facing the United States today. The bill, which authorizes \$549 million over 3 years, establishes a comprehensive plan to improve Federal, State, and local efforts to prevent ground water contamination.

The legislation vests the President with the overall responsibility of coordinating the ground water activities of all Federal agencies and establishes an Interagency Ground Water Research Committee composed of members from each relevant, Federal agency.

The Secretary of the Interior is directed to establish and conduct a national ground water assessment program that will assist State and local governments in the assessment, management, protection, and remediation of ground water programs.

Under the bill, the Administrator of the EPA is directed to establish a research development and demonstration program for ground water resources. This program will include research and experiments concerning ground water contamination.

Because of the importance of our ground water resources, I strongly support the passage of the National Ground Water Contamination Research Act of 1987.

Mr. LEWIS of Florida. Mr. Chairman, I rise in strong support of the ground water legislation, H.R. 791, that is before the House.

This is landmark legislation that addresses a serious nationwide problem. The recognition of the magnitude of the problem is indicated by the fact that five committees have joined together to report this legislation.

Ground water supplies over 50 percent of the Nation's drinking water supply and approximately 80 percent of the rural and agricultural water needs.

In my own State of Florida, more than half of the fresh water used for all purposes, which amounts to over 7,300 million gallons per day, comes from ground water sources. In addition, approximately 90 percent of Florida's population depends on ground water for its drinking water.

However, the supply is not endless, especially when the existing water is contaminated. Today's legislation has several provisions that address the contamination problems.

One such provision calls for the development of a management model system designed to prevent future decisionmaking disasters that have led to many of the ground water pollution problems facing us today. Moreover, once the model is developed it will be in a form that is usable in all 50 States.

In Florida, for example, the Biscayne aquifer and other nearby aquifers supply the densely populated Miami-Palm Beach coastal area with virtually all the water needs. These aquifers are recharged by several sources including surface water. Unfortunately, in managing the surface water problems, little or no thought is given to the impact on the ground water.

This bill establishes a demonstration project that will address these and related manage-

ment problems. Up until now, if herbicides were used to control surface aquatic weeds, no one knew the impact on the entire ecosystem, including the ground water.

When this provision is funded and the research completed within 3 years, the management system will be developed that would allow the decisionmakers to find the short- and long-term impact on the entire ecosystem. Decisionmakers in each of the 50 States would be able to use this sound scientific management system for assistance in policy decisions regarding ground water, surface water, and other aquatic ecosystem issues.

This scientifically sound approach to solving environmental problems, including ground and surface water contamination, is both important and necessary. It will help decisionmakers avoid decisions that will help one segment of the ecosystem but could destroy another.

I urge my colleagues to support this ground water research legislation.

I would like to express my appreciation to the chairman of the Science, Space, and Technology Committee, Mr. ROE, for his leadership in forging this landmark legislation and for his support for the management model provision in the bill. I also want to recognize the significant contribution of several Members that I have worked with including Mr. HOWARD, Mr. STANGELAND, Mr. DE LA GARZA, and Mr. MADIGAN.

Thank you Mr. Chairman.

Mr. BONIOR of Michigan. Mr. Chairman, I rise today in support of H.R. 791, the Ground Water Research Act. This legislation marks a significant step in the direction of a cleaner environment and dovetails with Superfund, the Resource Conservation and Recovery Act, FIFRA, the Clean Water Act, the Clean Air Act, and the many other environmental protection bills that Congress has enacted. Our Nation's continuing commitment to cleaning up environmental damage from the past and insuring environmental integrity in the future is embodied in the efforts we make today in passing this bill.

I believe that H.R. 791 will provide much needed support to State and local governments which are attempting to protect their ground water resources. Recent studies have concluded that only the Federal Government has the resources to determine the scope of ground water contamination, to devise the best methods of ground water protection, and to disseminate this information.

Ground water is an essential resource that must be protected. For many families, ground water is the only fresh water they have for drinking, cooking, bathing, and washing clothes. In fact, ground water supplies 86 percent of the fresh water available in the United States. Ground water supplies 80 percent of the water needs of rural communities and farm livestock and provides 40 percent of the water used for irrigation.

If this water which has collected underground in natural reservoirs is contaminated, it affects everyone who uses it. Certain chemicals found in contaminated ground water could cause cancer or other debilitating, fatal diseases. Contamination is not a limited problem in scope or geography. It has been detected with increasing frequency, often near heavily populated areas. The Office of Tech-

nology Assessment reported in 1984 that ground water contamination was found to some degree in every State.

The Ground Water Research Act assists states and localities by placing the Federal Government in the role of researcher and adviser. H.R. 791 sets up a comprehensive program of ground water research and information dissemination.

To learn the extent of the ground water contamination problem, the bill will create a National Ground Water Assessment Program in the Interior Department. The program's goal will be to determine how much ground water we have, where it is, and what part of it is contaminated. The program will also help local entities develop assessment and monitoring systems for their own water supply.

To determine what toxics affect our ground water, the bill will create a new research, development, and demonstration program at the Environmental Protection Agency. The program will have the responsibility of determining what toxics contaminate ground water and the effects of these toxics on human health. The EPA will set up demonstration units to develop ways to prevent these toxics from ruining our ground water resources.

In an effort to prevent research duplication and provide pertinent ground water information quickly, a National Ground Water Information Clearinghouse will be established at the Interior Department. From the clearinghouse, Federal agencies and State and local governments, will be able to learn about the most recent findings regarding ground water assessment, management and protection. The U.S. Geological Survey will have the responsibility of compiling a working list of the current efforts by private industries and Federal and State agencies engaged in ground water research.

When we vote for the Ground Water Research Act, we are voting against poor public health, the spiraling costs of medical care needed for the diseases that contaminated water causes, duplicated research efforts, and the inability of State and local governments to provide the service they need to provide. When we vote for the Ground Water Research Act, we are voting for the abatement of ground water contamination, for State and local governments, and for the health of our citizens.

I want to commend the efforts of my colleagues in the House who have played a role in crafting this legislation and urge all Members of the House to support this bill.

Mr. PANETTA. Mr. Chairman, I rise today in support of H.R. 791 as amended by the text of H.R. 3676.

Ground water, as acknowledged by the Members who have already spoken, is a critical national resource. Yet it is unfortunate, and somewhat ironic, that this body has expended so much energy over the past two decades debating the merits of programs to provide protection for the Nation's surface waters, while largely ignoring, until today, the source of water that is most important to all Americans. Ground water is the lifeblood of this Nation—most especially of its rural residents and of our agricultural producers. Yet we know remarkably little about how much

ground water there is, where it is located, and what effects our activities have had on both the quantity and the quality of the ground water resources that remain.

When most of my colleagues think of water, I know many think of California and water projects. Certainly surface waters are a critical part of California's water supply. But more than 50 percent of all Californians rely on ground water as a source of water for domestic use. Nearly 40 percent of all the water withdrawn for irrigation is from ground water. In fact, the amount of ground water used for domestic purposes and for agricultural irrigation in California each total more than 14 billion gallons a day. In fact, I suspect that California's dependence on ground water resources will grow as budgetary constraints limit our ability to develop projects to provide other sources of water.

H.R. 791 will develop the inventory, research, demonstration, and technical assistance programs that are needed to protect and effectively manage our ground water resources. The coordinating mechanisms which it would establish should help to keep duplicative efforts and programs to a minimum while ensuring that all the technical expertise needed to tackle this issue is made available. This is the only rational way of dealing with this complex concern.

One problem that I believe warrants special attention is the matter of pesticide impacts on ground water quality. This has become a growing concern in various regions of the country, particularly California. According to a recent EPA report, 57 different pesticides have been detected in California's ground waters. Half of these are believed to be associated with "normal" pesticide applications. The discovery of pesticides like dibromochloropropane (DBCP), aldicarb, and EDB in California ground waters are cause for concern and necessitate action. EPA, as a result of increasing reports of pesticide residues in ground water, has initiated a long-term strategic plan for protecting ground water from contamination by agricultural chemicals. Unfortunately, as my colleague from the Committee on Agriculture have already made clear, USDA has yet to respond to this and other potential threats to ground water quality.

The matter of agricultural chemical impacts on ground water resources can no longer be ignored by the agriculture community. In the end, if we fail to tackle the issue—to attempt to determine the scope of the problem and develop means to prevent or at least minimize water contamination by agricultural chemicals—agriculture will suffer.

California's Central Valley, Santa Clara Valley, and Salinas Valley STGT dependent on ground water for irrigation and public water supplies. Most cities in the San Joaquin and Santa Clara Valleys are heavily dependent or entirely supplied by ground water. If pesticides should contaminate the aquifers which supply water to this region, then both agricultural producers and other rural residents will suffer irreparable harm.

There is an urgent need to understand how agricultural programs and practices may be affecting ground waters. Yet USDA continues to sit on the sidelines while other Federal agencies are formulating their game plans and, in

some instances, already putting them in place. Title III of H.R. 791 should send a clear message to the Department of Agriculture to take control of their own destiny before other Federal agencies dictate how, when, and where agricultural producers are permitted to use pesticides and other agricultural chemicals.

I will grant that responding to the ground water contamination problem will require some innovation and imagination on USDA's part. The Department must look at the economics of chemical applications and begin to question if the costs of some traditional practices outweigh the benefits. The Department should begin to pay serious attention to alternative, less chemical intensive forms of agriculture. And the Department must promote greater understanding of the interrelationship between surface and ground waters—and the effects that farm practices have on the quality of all water resources. The Department of Agriculture, to its credit, has made great strides in dealing with the problem of soil erosion. I only hope that it is willing to expend the same energy to deal with the problem of chemical contamination of ground waters.

As a member of the Agriculture Committee's Subcommittee on Department Operations, Research, and Foreign Agriculture, I am pleased to see that our chairman, the gentleman from California [Mr. BROWN], intends to continue the process of reviewing the role of agriculture in relation to ground waters. Nevertheless, H.R. 791, as amended by the text of H.R. 3676, can provide a critical first step toward understanding the effects of agricultural chemicals on ground water. It warrants immediate passage by the House.

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

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

The CHAIRMAN. All time has expired for general debate.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of H.R. 3676 is considered by titles as an original bill for the purpose of amendment under the 5-minute rule in lieu of the amendments now printed in the reported bill, and each title is considered as having been read.

The Clerk will designate title I.

The text of title I is as follows:

H.R. 3676

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

**TITLE I—WATER RESOURCES AUTHORITY
OF THE GEOLOGICAL SURVEY**

SEC. 101. SHORT TITLE.

This title may be cited as the "Geological Survey Water Resources Organic Act".

SEC. 102. WATER RESOURCES AUTHORITY.

(a) **IN GENERAL.**—The Secretary of the Interior (hereinafter in this title referred to as the "Secretary"), acting through the Geological Survey, is authorized to undertake research, investigations, appraisals, surveys, and related activities, of the Nation's water resources. The Secretary is authorized to undertake such activities in cooperation with other Federal, State, and local govern-

ments and agencies, and academic institutions. The Secretary is further authorized to disseminate the results of such research, investigations, appraisals, surveys, and related activities.

(b) **REIMBURSEMENT.**—The Secretary may undertake the activities described in subsection (a) with other Federal agencies or Federal permittees or licensees on a reimbursable basis, but only after execution of an agreement which outlines for whom such activities are being undertaken and the purpose, cost, and duration of the activities. The Secretary shall transmit on a yearly basis a summary of the agreements executed to the Committees on Appropriations and Interior and Insular Affairs of the House of Representatives and the Committees on Appropriations and Energy and Natural Resources of the Senate.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of carrying out the water resource activities of the Secretary authorized by this Act, there is authorized to be appropriated \$164,000,000 for each of the fiscal years 1988, 1989, and 1990.

AMENDMENT OFFERED BY MR. LUJAN

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

The Clerk read as follows:

Amendment offered by Mr. LUJAN: On page 3, lines 7 and 8, strike "\$164,000,000 for each of fiscal years 1988, 1989, and 1990", and insert in lieu thereof "\$155,000,000 for fiscal year 1988, \$158,000,000 for fiscal year 1989, and \$160,000,000 for fiscal year 1990".

Mr. LUJAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. LUJAN. Mr. Chairman, simply, this amendment reduces the authorization by \$19 million for 1988. It means where \$164 million is in the bill, we reduce it to \$155 million and we increase it in the following years to \$158 million and then to \$160 million.

I might say that it does not in any way eliminate any of the demonstration projects, nor does it diminish the USGS nor the EPA role in ground water research.

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

Mr. LUJAN. I am glad to yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

We have had an opportunity to look at the gentleman's amendment. It is consistent with the amount in the continuing resolution. With the additional funding for 1989 and 1990, we would be willing to accept the amendment. We thank the gentleman for offering it.

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

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

Mr. ROE. Mr. Chairman, we, too, in the Science, Space, and Technology Committee have reviewed this amendment and have no objection to it. We think it is an improvement to the bill and we accept the amendment.

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

Mr. LUJAN. I yield to the gentleman from California.

Mr. BROWN of California. Well, Mr. Chairman, in light of this overwhelming support expressed for the gentleman's amendment, I am persuaded of its merit. I am willing to endorse it at this point.

Mr. LUJAN. Mr. Chairman, I thank all three gentlemen, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. LUJAN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—GROUND WATER RESEARCH

SEC. 201. SHORT TITLE.

This title may be cited as the "National Ground Water Research Act of 1987".

SEC. 202. FINDINGS.

The Congress finds the following:

(1) Ground water is a resource of immeasurable value, comprising 86 percent of the fresh water available for use in the United States.

(2) Ground water supplies approximately one-half of the Nation's population with drinking water and over one-half of the Nation's irrigation water.

(3) Ground water contamination has occurred in every State in the Nation and is being detected with increasing frequency.

(4) Sources of ground water contamination are diverse.

(5) Certain ground water contaminants are associated with adverse health, environmental, economic, and social impacts.

(6) Ground water and surface water are interconnected as related parts of the hydrologic cycle.

(7) While the Federal Government has certain responsibilities for the protection, maintenance, and remediation of ground water quality under existing laws, the primary responsibility for ground water protection, maintenance, and remediation is with States and local governments.

(8) Many States already have comprehensive ground water protection and management programs or are developing such programs.

(9) Although considerable scientific progress has been made in knowledge about ground water resources and ground water contamination, including the transport, transformation, and fate of ground water contaminants and the effects of ground water contamination on human health and the environment, there remain significant gaps in developing and making available needed scientific knowledge.

(10) Presently available technologies to detect, monitor, and mitigate ground water contamination are expensive and highly limited in utility.

(11) Shortages exist in skilled personnel trained in scientific disciplines relevant to

the detection, assessment, prevention, and remediation of contaminated ground water resources.

(12) The scientific uncertainties, lack of adequate technologies, and shortage of skilled scientific personnel hinder the ability of Federal agencies or State and local governments to develop and implement effective ground water management, protection, and remediation policies.

(13) The Nation's ground water quality data collection, analysis, and information dissemination programs and activities are insufficient.

(14) Access to information regarding national ground water quality conditions and trends is essential to improving management of the Nation's ground water resources.

(15) Federal research and development, technical assistance, and financial assistance should be available to support State ground water programs.

(16) Additional Federal research efforts in ground water are necessary to provide the States with adequate technical information and guidance upon which they can develop and implement comprehensive ground water management programs. One of the aims of these research efforts should be to develop risk assessment analyses that States can use to develop ground water standards, where appropriate.

(17) Current Federal programs of research and development with respect to ground water require improved coordination.

(18) The Federal Government lacks a clear and comprehensive statutory mandate to conduct ground water research.

(19) Ground water contamination should be prevented rather than relying on expensive clean up efforts.

(20) Greater efforts are necessary to prevent ground water contamination today and to preserve this valuable resource for current and future generations of Americans.

SEC. 203. DEFINITIONS.

As used in this title—

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AGENCY.—The term "Agency" means the Environmental Protection Agency.

(3) ASSESSMENT.—The term "assessment", when used with respect to ground water or ground water resources, means a description of the location, hydrogeological properties, quantity, quality, and rates of depletion of such resources.

(4) FEDERAL AGENCY.—The term "Federal agency" means any department, agency, or other instrumentality of the Federal Government, including any Government corporation.

(5) LOCAL GOVERNMENT.—The term "local government" means any city, town, borough, county, parish, district, or other public body which is a political subdivision of a State and which is created pursuant to State law.

(6) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means any organization, association, or institution described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation pursuant to the provisions of section 501(a) of such Code.

(7) PERSON.—The term "person" means an individual, trust, firm, joint stock company, corporation (including government corporation), partnership, association, consortium, joint venture, State, local government, commission, regional agency, interstate agency, or Federal agency.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(9) STATE.—The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and federally recognized Indian tribes.

SEC. 204. COORDINATION OF FEDERAL GROUND WATER RESEARCH PROGRAMS.

(a) DUTIES OF THE PRESIDENT.—

(1) The President shall coordinate activities conducted by Federal agencies to undertake assessment, management, and protection of ground water resources and to remedy ground water contamination and depletion. The President shall also assist the States in the conduct of such activities and shall disseminate information concerning those activities to State and local governments.

(2) The President shall establish within 90 days from the date of enactment of this title, an Interagency Ground Water Research Committee to provide for the coordination of research, development, demonstration, technology transfer, training, and information dissemination activities authorized in this title.

(b) INTERAGENCY GROUND WATER RESEARCH COMMITTEE.—

(1) The President shall appoint the members of the Interagency Ground Water Research Committee from each Federal agency involved in ground water-related activities, including the Environmental Protection Agency, the Department of the Interior, the Department of Agriculture, and the Department of Health and Human Services. The Committee shall be cochaired by the Secretary and the Administrator. The Committee shall hold at least 2 public meetings per year.

(2) The Interagency Ground Water Research Committee shall—

(A) identify major research data needs and scientific uncertainties regarding ground water assessment, monitoring, protection, management, and remediation,

(B) recommend overall priorities and a coordinated research plan to the President and to Congress for addressing the data needs and scientific uncertainties identified,

(C) otherwise facilitate, through joint funding and other means, interagency cooperation and coordination on ground water research, development and demonstration programs,

(D) consult with State and local governments, environmental organizations, scientific and professional organizations, industry, academia and other appropriate institutions to determine the ground water research and information needs of State and local governments and other persons who have responsibilities for protecting or managing ground water resources, and

(E) recommend priorities for the assessment of ground water resources based on the use of such resources and the likelihood of such resources being contaminated.

SEC. 205. NATIONAL GROUND WATER ASSESSMENT PROGRAM.

(a) DUTIES OF THE PRESIDENT AND SECRETARY.—The President shall designate the Secretary of the Interior as the lead official for the purposes of carrying out the activities authorized in this section. The Secretary shall carry out such activities in consultation and coordination with the members of the Interagency Ground Water Research

Committee and such other agencies as the President may designate.

(b) ASSESSMENT REPORT.—The Secretary, in consultation with State and local government officials and other persons, shall prepare a report which includes each of the following:

(1) An evaluation of existing ground water quality and quantity information systems, including a description of geographic areas and categories of data where there is a lack of information on quality or quantity.

(2) An evaluation of the utility and adequacy of existing ground water data collection and monitoring programs conducted by Federal agencies, State and local governments, and other persons, including the adequacy of such programs for projecting long-term status and trends in ground water contamination and depletion.

(3) An evaluation of the availability and accessibility of existing ground water data to Federal agencies, State and local governments, and other persons.

(4) Recommendations on actions to be taken to better utilize existing information and recommendations for the improved collection of data and information.

(c) REPORT AND SUPPLEMENTS.—The Secretary shall complete a draft of the report under subsection (b) no later than 270 days after the date of the enactment of this title. The report shall then be made available for public comment for a period of at least 45 days. The final report shall be submitted to Congress and made available to the public no later than 1 year after the date of the enactment of this title. The report shall be updated every 2 years and supplements to the report containing such updates shall be submitted to Congress together with the report required under section 212.

(d) ESTABLISHMENT OF PROGRAM.—Within 2 years after the date of the enactment of this title, the Secretary shall establish and conduct a national ground water assessment program. The purposes of the program shall be to determine the location, hydrogeological properties, quantity, quality, and rates of depletion of ground water resources in the United States. The Secretary shall carry out the program both directly through the Department of the Interior and indirectly by providing assistance to other Federal agencies and State and local governments. The Secretary shall ensure access to the data and information gained under the program to Federal, State, and local agencies and other persons. The program shall meet each of the following requirements:

(1) The program shall assist State and local governments in the assessment, management, protection, and remediation of ground water resources and the design of ground water monitoring programs.

(2) The program shall coordinate activities relating to ground water among Federal agencies and State and local governments in order to avoid duplication of efforts.

(3) The program shall provide information regarding protocols and quality controls, recommend protocols to be used where appropriate, and provide guidance regarding the comparison of data collected under different methods and quality assurance programs. Such recommended protocols (A) shall not be construed as binding or retroactive, (B) shall not be construed to apply to or impair the validity of any other protocols in any enforcement proceeding, and (C) shall not be construed to alter the authority of Federal agencies and State and local governments to determine where the use of such protocols is appropriate. The Secretary

shall develop the protocols in consultation with the members of the Interagency Ground Water Research Committee and provide public notice and solicit comment upon proposed protocols.

(4) The program shall encourage the use of existing Federal-State programs.

(5) The program shall assist Federal and State agencies in meeting their data collection responsibilities under title XIV of the Public Health Service Act (relating to safe drinking water), the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the Solid Waste Disposal Act, the Federal Water Pollution Control Act, Federal Insecticide, Fungicide, and Rodenticide Act, and other related statutes.

(6) The program shall improve the knowledge and understanding of the nature, extent, and causes of (A) ground water contamination (including contamination on a site specific basis), and (B) ground water depletion.

(7) The program shall provide information and data which will complement the collection of surface water quality data to provide integrated knowledge of water quality conditions within specific hydrologic regions and subregions. For this purpose, the Secretary is authorized to obtain any ground or surface water quality information in the possession of Federal agencies, States, or subdivisions thereof, and shall maintain the confidentiality of any such information and data in accordance with the provisions of section 552 of title 5, United States Code, and section 1905 of title 18, United States Code.

SEC. 206. NATIONAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM FOR GROUND WATER PROTECTION AND MANAGEMENT.

(a) DUTIES OF THE PRESIDENT AND ADMINISTRATOR.—The President shall designate the Administrator as the lead official for the purposes of carrying out the activities authorized in this section. The Administrator shall carry out such activities in consultation and coordination with the members of the Interagency Ground Water Research Committee and such other agencies as the President may designate.

(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a research, development, and demonstration program for the protection, management, and remediation of ground water resources. Such program shall include conducting research, experiments, demonstrations, surveys, and studies relating to the sources, causes, effects, extent, prevention, detection, remediation, monitoring, and mitigation of ground water contamination, and the development and demonstration of effective, practical, and cost-efficient technologies for the prevention, detection, monitoring, remediation, and mitigation of ground water contamination. For the purposes of this section, "technologies" includes processes, practices, methods, and products.

(c) DEMONSTRATION PROGRAM.—The Administrator shall carry out a program to develop and demonstrate technologies which may be effective in controlling sources or potential sources of ground water contaminants or in mitigating ground water contamination. The Administrator shall develop and publish a list of priority needs with respect to source control technologies or mitigation technologies. The Administrator may enter into contracts or cooperative agreements with, or provide financial assistance in the form of grants to, public agencies and authorities, nonprofit institutions and organizations, or other persons, for

projects to demonstrate such technologies, only if the Administrator makes each of the following findings:

(1) The project involved will serve to demonstrate a new or significantly improved technology or the feasibility and cost effectiveness of an existing but unproven technology.

(2) The project involved will not duplicate other Federal, State, local, or commercial efforts to demonstrate such technology.

(3) The demonstration of such technology will comply with all other laws for the protection of human health, welfare, and the environment.

(4) The project involved would meet a priority need previously identified by the Administrator.

(5) The project involved is not an "alternative or innovative treatment technology" eligible for demonstration assistance under section 311(b)(5) of the Comprehensive Environmental Response, Compensation and Liability Act.

(d) DEMONSTRATION PROGRAM ELEMENTS.—The demonstration program established by this section shall include solicitations for demonstration projects, selection of suitable demonstration projects from among those proposed, supervision of such demonstration projects, and evaluation of the results of the demonstration projects which are conducted. The Administrator shall publish regulations to assure the satisfactory implementation of each element of the program established by this section.

(e) SOLICITATION FOR DEMONSTRATION PROGRAMS.—Within 270 days after the date of the enactment of this title, and no less often than every 12 months thereafter, the Administrator shall publish a solicitation for proposals for projects to demonstrate technologies which may be effective in controlling sources or potential sources of contaminants or in mitigating ground water contamination. The solicitation shall prescribe the information to be included in each such proposal which shall permit the Administrator to assess the potential effectiveness and feasibility of the technology proposed to be demonstrated.

(f) APPLICATIONS FOR DEMONSTRATION PROJECTS.—Any person (including any public or private nonprofit entity) may submit an application to the Administrator in response to a solicitation under subsection (e). The application shall contain a demonstration plan setting forth how and when the proposed project is to be carried out and such other information as the Administrator may require.

(g) DEMONSTRATION PROJECT SELECTION.—In selecting technologies to be demonstrated, the Administrator shall fully review the applications submitted and shall evaluate each project on the basis of each of the following:

(1) The potential of the proposed technology effectively to control or mitigate sources or potential sources of contaminants, with emphasis upon those sources of contaminants which present the greatest risk to human health and the environment or the greatest likelihood of ground water contamination and which are not effectively controlled by existing technologies.

(2) The capability of the person or persons proposing the project to complete successfully the demonstration as described in the application and the willingness of such person to make the benefits of the technology widely available to the public in a timely manner.

(3) The likelihood that the demonstrated technology would have significant application.

The Administrator shall select, request further information on, or refuse to select a project for demonstration under this section within 135 days after receiving the completed application for such project. In the case of a refusal to select a project, the Administrator shall notify the applicant within such 135-day period of the reasons for the refusal. In each 12-month period the Administrator shall select at least 10 qualified demonstration projects for support according to the provisions of this section.

(h) **SUPERVISION AND TESTING.**—Each demonstration project under this section shall be performed by the applicant, or by a person satisfactory to the applicant, under the supervision of the Administrator. The Administrator and the applicant shall enter into a written agreement granting the Administrator the responsibility and authority for testing procedures, quality control, monitoring, and other measurements necessary to determine and evaluate the results of the demonstration project. The Administrator may pay the costs of testing, monitoring, quality control, and other measurements required by the Administrator to determine and evaluate the results of a demonstration project and the limitations of subsection (i) shall not apply to such costs.

(i) **COST SHARING.**—The Administrator shall not provide any Federal assistance for any project under this section to any applicant unless such applicant can demonstrate that it cannot obtain appropriate private financing on reasonable terms and conditions sufficient to carry out such project without such Federal assistance. The total Federal funds for any project under this section shall not exceed 50 percent of the total cost of such project estimated at the time of the award of such assistance.

(j) **DEMONSTRATION OF COMPLIANCE.**—In making the required finding of compliance in subsection (c)(3), the Administrator shall, after notice and opportunity for public comment, establish guidelines and procedures for issuing expedited demonstration permits or other regulatory approvals required to carry out such research or demonstration.

SEC. 207. GROUND WATER CONTAMINANT RISK ASSESSMENT ANALYSIS.

(a) **DUTIES OF THE PRESIDENT AND ADMINISTRATOR.**—The President shall designate the Administrator as the lead official for the purposes of carrying out the activities authorized in this section. The Administrator shall carry out such activities in consultation and coordination with the members of the Interagency Ground Water Research Committee and such other agencies as the President may designate.

(b) **GROUND WATER RISK ASSESSMENT ANALYSES.**—The Administrator shall conduct and publish a risk assessment analysis for significant ground water contaminants. Such risk assessment analysis shall use scientifically-sound methodologies to assess the risk to human health and the environment associated with a range of concentrations of the ground water contaminant.

(c) **CONTENT OF ANALYSES.**—Each risk assessment analysis shall include—

(1) the most recent scientific knowledge on the physical, chemical, biological, and radiological properties of the contaminant and its effects on human health and the environment,

(2) an assessment of factors, including contaminant sources, variable aquifer conditions, and ground water uses, which may in-

fluence the effect of the contaminant on human health and the environment,

(3) an assessment of the assumptions, scientific uncertainties and data gaps contained in the risk assessment analysis, and

(4) a comparison of the risks posed by such contaminants to risks posed by other ground water contaminants.

(d) **FORMAT.**—The Administrator shall establish and use a standard format for the presentation of risk assessment analyses to facilitate the use of such analyses by State and local officials and the public.

(e) **USE OF AVAILABLE DATA AND AUTHORITY TO CONDUCT ADDITIONAL STUDIES.**—In carrying out this section, the Administrator shall use, to the fullest extent practicable, existing data or analyses developed by other agencies, including the Department of Health and Human Services. The Administrator shall also consider data and analyses developed pursuant to the Federal Water Pollution Control Act, title XIV of the Public Health Service Act (relating to safe drinking water), the Toxic Substances Control Act, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986, and the Federal Insecticide, Fungicide, and Rodenticide Act. The Administrator may conduct such additional studies under the authorities of such Acts to gather data necessary to reduce scientific uncertainties in the risk assessment analyses. Such additional studies may be conducted in consultation with the Department of Health and Human Services.

(f) **TIMETABLE FOR PUBLICATION OF RISK ASSESSMENT ANALYSES.**—The Administrator shall publish, with an opportunity for public notice and comment, risk assessment analyses for not less than 30 contaminants within 24 months after the date of enactment of this title, and not less than 30 additional contaminants within 36 months after the date of enactment of this title. The Administrator shall continue to publish such analyses for additional contaminants at a rate which is consistent with the needs of the State and local governments in developing ground water quality standards.

(g) **PERIODIC REVIEW AND REVISION.**—The Administrator shall periodically review and revise, with an opportunity for public notice and comment, published risk assessment analyses to ensure that they reflect developments in scientific data relevant to the contaminant.

SEC. 208. TECHNICAL ASSISTANCE, TRAINING, AND TECHNOLOGY TRANSFER.

(a) **DUTIES OF THE PRESIDENT, SECRETARY, AND ADMINISTRATOR.**—The President shall designate the Secretary as the lead official for the purposes of carrying out the activities authorized in this section relating to ground water assessment and shall designate the Administrator as the lead official for the purposes of carrying out the activities authorized in this section relating to source controls and mitigation of ground water contamination and remediation of ground water and health and environmental effects. The Secretary and the Administrator shall carry out their activities in consultation and coordination with the members of the Interagency Ground Water Research Committee and such other agencies as the President may designate.

(b) **ASSISTANCE.**—The Administrator and the Secretary are each authorized and directed to establish a program to provide technical assistance (1) between and among Federal agencies, and (2) to State and local governments through grants, loans, cooper-

ative agreements, and contracts. Such technical assistance shall assist in the conduct of activities authorized under this title and in the collection, evaluation, and analysis of ground water data and information to assist such agencies and governments to undertake assessment, management, monitoring, protection, and remediation of ground water resources.

(c) **RESEARCH AND SURVEYS.**—Upon request by a State or local government, the Administrator and the Secretary (1) may each conduct research and make surveys concerning any specific problem of ground water contamination or depletion in cooperation with such government, and (2) may each make recommendations concerning solutions to such problem. The non-Federal share of the costs of such research and surveys shall be 50 percent.

(d) **TRAINING.**—In the course of carrying out this title, the Administrator and the Secretary are authorized to conduct training for personnel from Federal agencies, States, local governments, nonprofit organizations, and other persons, relating to the assessment, management, protection, and remediation of ground water resources, and the causes, effects, extent, prevention, detection, and mitigation of ground water contamination and depletion. The Administrator and the Secretary may establish reasonable fees for such training provided to non-Federal personnel.

(e) **TECHNOLOGY TRANSFER.**—The Administrator and the Secretary shall conduct a technology transfer program, including the collection and dissemination of information obtained by the activities authorized by this title. Such technology transfer shall be accomplished by publications, conferences, and other appropriate means and shall ensure that such information is available through the National Ground Water Information Clearinghouse established under section 209.

(f) **PUBLIC ACCESS.**—Information obtained by the programs authorized by this title shall be made available to the public, subject to the provisions of section 552 of title 5, United States Code, and section 1905 of title 18, United States Code, and to other government agencies in a manner that will facilitate its dissemination, except that, upon a showing satisfactory to the Administrator or the Secretary by any person that records, reports, or information, or particular parts thereof, to which the Administrator or Secretary has access under this section, would, if made public, divulge methods or processes entitled to protection as trade secrets of such person, the Administrator or Secretary shall treat such record, report, or information or particular portion thereof as confidential in accordance with section 1905 of title 18, United States Code.

SEC. 209. NATIONAL GROUND WATER INFORMATION CLEARINGHOUSE.

(a) **DUTIES OF THE PRESIDENT AND SECRETARY.**—The President shall designate the Secretary of the Interior as the lead official for the purposes of carrying out the activities authorized in this section. The Secretary shall carry out such activities in consultation and coordination with the members of the Interagency Ground Water Research Committee and such other agencies as the President may designate.

(b) **CLEARINGHOUSE.**—The Secretary shall establish and maintain a National Ground Water Information Clearinghouse. The Clearinghouse shall be used to disseminate

information to Federal agencies, State and local governments, and other persons on—

(1) ground water assessment, management, protection, and remediation,

(2) remedies for ground water contamination and depletion, and

(3) the relationship between ground water quality and quantity and surface water quality and quantity.

SEC. 210. ENVIRONMENTAL PROTECTION AGENCY GROUND WATER RESEARCH CAPABILITY IMPROVEMENTS.

(a) **AUTHORITIES.** For the purposes of carrying out this title, the Administrator is authorized—

(1) to enter into contracts or cooperative agreements with, or make grants to, States, local governments, other appropriate public agencies and authorities, nonprofit organizations, and other persons,

(2) subject to the provisions of the Public Buildings Act of 1959, to construct and equip such facilities as may be necessary, and

(3) to use, on a reimbursable basis, facilities and personnel of existing Federal scientific laboratories and research centers.

(b) **RESEARCH COMMITTEE.**—The Administrator shall establish a media-specific research committee for ground water resources in addition to the media-specific research committees already established. The membership of the committee established pursuant to this subsection shall be broadly representative of the program and research concerns within the Environmental Protection Agency related to the protection, maintenance, and remediation of ground water resources.

(c) **SCIENCE ADVISORY BOARD.**—

(1) **CONTINUING REVIEW.**—In addition to such other duties as may be prescribed by the Administrator under this title, the Science Advisory Board established under the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365) shall review on a continuing basis the ground water research programs of the Agency and submit periodic reports to Congress. The reports should include an evaluation of the progress made by the proposed research program of the Agency, the likelihood that the research program will provide the information needed for pending policy decisions or for State and local governments, and the adequacy of resources to carry out the research program.

(2) **COMMENT.**—The Administrator shall request comments from the Science Advisory Board on the risk assessment analyses prepared by the Administrator under section 207. The Board shall respond, as it deems appropriate, within the time period applicable for the publication of the risk assessment analyses. This subsection shall under no circumstances be used to delay the final publication of ground water contaminant risk assessment analyses.

(d) **FELLOWSHIPS.**—The Administrator is authorized to establish and maintain research fellowships in the Agency and at public or nonprofit private educational institutions or research organizations for the purposes of this title.

(e) **RESEARCH INSTITUTES.**—

(1) **GRANT PROGRAM.**—The Administrator may make grants to institutions of higher learning or other research institutions (or consortia of such institutions) to establish and operate not more than 5 ground water research institutes in the United States.

(2) **RESPONSIBILITIES OF THE INSTITUTES.**—The responsibility of each ground water research institute established under this sec-

tion shall include the conduct of research and training relating to the protection, maintenance, and remediation of ground water resources and the publication and dissemination of the results of such research.

(3) **APPLICATIONS.**—Any institution of higher learning or other research institution (or consortium of such institutions) interested in receiving a grant under this section shall submit to the Administrator an application in such form and containing such information as the Administrator may require by regulation.

(4) **SELECTION CRITERIA.**—The Administrator shall select recipients of grants under this section on the basis of the following criteria:

(A) Each research institute shall have available for carrying out this section demonstrated research resources.

(B) Each research institute shall have the capability to provide leadership in making national and regional contributions to the solution of both long range and immediate ground water contamination problems.

(C) Each research institute shall make a commitment to support ongoing ground water research programs with budgeted institutional funds.

(D) Each research institute shall have an interdisciplinary staff with demonstrated expertise in ground water management and research.

(5) **AGENCY SHARE.**—The grant or grants made by the Administrator under this section with respect to the establishment and operation of a ground water research institute shall not exceed 50 percent of the costs of establishing and operating such institute and of the related activities carried out by the grant recipient or recipients.

(6) **LIMITATION ON USE OF FUNDS.**—No funds made available to carry out this section shall be used for the acquisition of real property (including buildings) or the construction or substantial modification of any building.

(7) **EQUITABLE DISTRIBUTION.**—The Administrator shall equitably allocate the funds made available to carry out this section among the regions of the United States. One of the institutes shall be the National Center for Ground Water Research, a consortium between Oklahoma University, Oklahoma State University, and Rice University, except that paragraph (5) shall not apply to such Center.

(8) **TECHNOLOGY TRANSFER.**—Not less than 5 percent of the funds made available to carry out this section for any fiscal year shall be available to carry out technology transfer activities.

(9) **PROPOSED RESEARCH PROGRAM.**—Prior to and as a condition of the receipt each year of funds appropriated to carry out this section, each research institute established under this section shall submit to the Administrator for approval a ground water research program that includes assurances, satisfactory to the Administrator, that such program was developed in consultation with the States, local governmental entities, and other agencies and institutions within the region having ground water protection or management responsibilities and with interested members of the public. Such program shall include plans to promote research, training, information dissemination, and other activities meeting the needs of the region and the Nation, and shall encourage regional cooperation among institutions in research into areas of ground water protection, maintenance, and remediation that have a regional or national character.

(10) **REVIEW AND EVALUATION.**—

(A) **PROCEDURES.**—The Administrator shall establish procedures for a careful and detailed evaluation of each research institute to determine whether the quality and relevance of its ground water resources research and its effectiveness as an institution for planning, conducting, and arranging for such research warrants its continued support under this section in the national interest.

(B) **EVALUATION.**—The Administrator shall arrange for each of the research institutes supported under this section to be evaluated within two years after its establishment and to be reevaluated at intervals not to exceed five years. If, as a result of any such evaluation, the Administrator determines that a research institute does not qualify for further support under this section, then no further grants to such institute may be made until its qualification is reestablished to the satisfaction of the Administrator.

SEC. 211. MISCELLANEOUS PROVISIONS.

(a) **WATER RESOURCE PROJECTS.**—

(1) **CONSIDERATION OF IMPACT ON GROUND WATER RESOURCES.**—In the formulation and evaluation of water resource projects, the Secretary of the Army and the Secretary of the Interior shall consider the impact of the proposed project on ground water resources and the feasibility of measures to replenish and protect such resources.

(2) **REVIEW OF EXISTING PROJECTS.**—The Secretary of the Army is authorized to review the operation of water resources projects authorized for construction by the Secretary of the Army before the date of the enactment of this title and the Secretary of the Interior is authorized to review the operation of water resources projects authorized for construction by the Secretary of the Interior before such date. Such reviews shall be made to determine the need for and feasibility of modifications in the structures and operations of such projects for the purpose of replenishing and protecting ground water resources.

(b) **INSTITUTE PRIORITIES.**—Section 108 of the Water Resources Research Act of 1984 (Public Law 98-242; 98 Stat. 97, 98) is amended—

(1) in paragraph (6), by inserting ", contamination," after "Depletion", and

(2) in paragraph (8), by inserting "quality and quantity" after "water".

(c) **STUDIES.**—

(1) **VOLATILE GROUND WATER CONTAMINANTS.**—The Administrator, in cooperation with the State of New Jersey and appropriate local governments, shall study the feasibility of removal of volatile ground water contaminants in the New Jersey coastal plain by induced air phase transport for the purpose of developing a plan for removal of such contaminants. The Administrator shall prepare a report on the results of such study, including recommendations for implementation of such plan.

(2) **TRACE METAL LEACHING BY CORROSIVE GROUND WATER.**—The Administrator, in cooperation with the State of New Jersey and appropriate local governments, shall study the problem of trace metal leaching by corrosive ground water at selected sites in the New Jersey coastal plain for the purpose of determining methods of reducing or controlling such problem. The Administrator shall prepare a report on the results of such study, including recommendations.

(3) **GROUND WATER REPLENISHMENT AND CONTAMINATION.**—The Administrator, in cooperation with the sanitation districts of

Los Angeles County, California and regulatory agencies of the State of California, shall conduct a study of the feasibility of ground water replenishment with treated wastewater with particular emphasis on health effects related research recommended by the California State Scientific Advisory Panel on Groundwater Recharge. The Administrator shall prepare a report on the results of such studies.

(4) WATER POLLUTION RESULTING FROM CONTAMINATED GROUND WATER.—The Administrator, in cooperation with the State of New York and appropriate local governments, shall study the problem of pollution of the Buffalo River by contaminated ground water in Erie County, New York, for the purpose of determining methods of reducing or controlling such problem. The Administrator shall prepare a report on the results of such study, including recommendations.

(d) LAKE OKEECHOBEE ECOSYSTEM, FLORIDA.—

(1) RESEARCH PROGRAM.—

(A) IN GENERAL.—The Administrator, in cooperation with the Secretary of the Army, shall conduct a program of research at the Lake Okeechobee ecosystem on the relationship between surface and ground water quality and the management and control of aquatic plants. The Secretary of the Army shall provide such resources and services as may be necessary to assist the Administrator in conducting such program.

(B) PROGRAM REQUIREMENTS.—The program conducted under this paragraph shall—

(i) examine, interpret, and summarize existing data relating to surface and ground water quality and the management and control of aquatic plants, and identify the location of major collections of such data,

(ii) examine the impact of existing methods for the management and control of aquatic plants on the Lake Okeechobee ecosystem,

(iii) conduct any research which the Administrator determines is necessary for the development of effective methods of management and control of aquatic plants and surface and ground water quality, and

(iv) be conducted in coordination with similar programs conducted by other Federal agencies.

(C) MANAGEMENT AND CONTROL METHODS.—Methods developed under this paragraph shall—

(i) be capable of application in a variety of combinations as separate components of systems for such management and control,

(ii) be adaptable for application, without a significant loss of accuracy and utility, to a wide variety of surface and ground water ecosystems and regions of the United States, and

(iii) be compatible with all aspects of each ecosystem to which they may be applied.

(D) OUTSIDE RESEARCH.—Subject to the availability of appropriations, the Administrator and the Secretary of the Army may each enter into contracts for the performance of research required for the development of methods under this paragraph.

(E) PROVISION OF INFORMATION TO STATE AND LOCAL GOVERNMENTS.—The Administrator shall provide information about methods developed under this paragraph to any official of State or local government upon receipt by the Administrator of a request submitted by the official.

(2) DEMONSTRATION PROJECT.—The Administrator shall conduct a project demonstrating methods developed under paragraph (1) at the Lake Okeechobee ecosystem. Such project shall—

(A) assess the utility of methods developed under paragraph (1) as components of a variety of comprehensive systems for the management and control of aquatic plants and surface and ground water quality, and

(B) identify any further research required to allow development of effective methods for the management and control of aquatic plants and surface and ground water quality.

(3) RECOMMENDATIONS OF THIRD PARTIES.—The Administrator shall solicit recommendations regarding activities under paragraphs (1) and (2) from—

(A) scientists other than those participating directly in activities under paragraphs (1) and (2), including scientists representative of the Federal, State, and local scientific communities, universities, and private industry, and

(B) management and operational personnel involved in the management and control of aquatic plants,

and shall utilize such recommendations in the development of methods under paragraph (1).

(4) COMPLETION OF RESEARCH AND DEMONSTRATION.—The Administrator shall complete the research program under paragraph (1) and demonstration project under paragraph (2) not later than 3 years after the date of the enactment of this title.

(5) PLAN FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this title, the Administrator and the Secretary of the Army shall each transmit to the Congress a report outlining a plan for carrying out the functions of the Administrator or Secretary of the Army, as the case may be, with respect to the research program and demonstration project to be conducted under this subsection. Such reports shall each include a description of the cooperative measures to be undertaken by the Administrator or the Secretary of the Army, as the case may be.

(6) UTILIZATION BY DEPARTMENTS AND AGENCIES.—Any department or agency of the United States may utilize any recommendation contained in a report on the results of the research program and demonstration projects conducted under this subsection—

(A) if the recommendation may be utilized without interfering with any management or demonstration project already in progress, or

(B) after consultation with each person conducting such a management or demonstration project.

(7) LAKE OKEECHOBEE ECOSYSTEM DEFINED.—For the purposes of this subsection, the term "Lake Okeechobee ecosystem" means Lake Okeechobee, Florida, all rivers and streams entering into and carrying water away from such lake, the surrounding marsh area, the associated 100-year flood plain, and associated ground water resources.

(e) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section \$7,000,000 for fiscal years beginning after September 30, 1987. Upon request of the Secretary of the Army, the Administrator may transfer to the Secretary of the Army such funds as may be necessary for the Secretary of the Army to comply with the provisions of this section applicable to the Secretary of the Army.

SEC. 212. ANNUAL REPORT.

Not later than January 15, 1989, and each January 15 thereafter, the President shall prepare and submit to Congress an annual report on the activities carried out by the Administrator, the Secretary, the Inter-

agency Ground Water Research Committee, other Federal agencies as appropriate, and State and local governments regarding ground water assessment, protection, management, and remediation activities under this title. The annual report shall contain a discussion of the ground water assessment and research findings to date, needs of the Federal Government and State and local governments, and an evaluation of the extent to which the programs authorized by this title are addressing those needs. The report shall also describe the ground water research and assessment programs for the agency members of the Interagency Ground Water Research Committee for the succeeding 2 fiscal years.

SEC. 213. PEER REVIEW.

Except as otherwise provided in this title, studies, reports, and results of research conducted under this title shall be reported and adopted only after appropriate peer review.

SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

In addition to such sums as may be otherwise authorized, there are authorized to be appropriated to the Environmental Protection Agency for the purposes of carrying out the provisions of this title, other than section 211, \$10,000,000 for fiscal year 1988, \$12,000,000 for fiscal year 1989, and \$14,000,000 for fiscal year 1990.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: On page 41, at the beginning of line 23, insert "(a)" and on page 42, after line 2, insert the following new subsection:

"(b) Any contract authority provided in this title shall be available only in amounts provided in advance in appropriations acts.".

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. MILLER of California. Mr. Chairman, this is a technical amendment which has been cleared by the majority and minority of all five committees.

The amendment is being offered at the request of the Budget Committee. The amendment is a requirement of the 1974 Budget Act. The language will ensure that any contract authority in the bill can only be for amounts provided in advance in the appropriation bill, and I urge its passage.

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

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—AGRICULTURAL PRODUCTION AND WATER USE**SEC. 301. SHORT TITLE.**

This title may be cited as the "Agricultural Ground Water Management Act of 1987".

SEC. 302. FINDINGS.

The Congress finds that—

(1) ground and surface waters are interconnected and the quality and availability of these waters are of critical importance to our Nation,

(2) agriculture is the largest single consumer of water in rural America, with irrigation used on more than 41,000,000 acres,

(3) 95 percent of all rural residents in the United States are dependent upon ground water as a source of potable water,

(4) ground and surface water contamination from a number of sources, including contamination from agricultural operations, is a major national concern which can cause adverse social, economic, health, and environmental impacts,

(5) technology and education on soil and tissue testing, in managing both economic and environmental concerns of agriculture, deserve renewed emphasis by the Department of Agriculture in view of changing farmer needs,

(6) careful selection of the proper combination of agricultural practices and technologies, including proper water management, will help farmers reduce the effect of agricultural practices on water quality,

(7) efficient plant use of agricultural nitrogen is essential to maximize the farmer's return on investment and to minimize agricultural nitrogen losses from erosion and leaching,

(8) least-cost production strategies continue to offer the best long-term hope for sustaining American agriculture,

(9) farmers must be fully informed to ensure that agricultural operations are agronomically, economically, and environmentally sound, and

(10) present water quality and use data collection, analysis, and information dissemination programs are insufficient to provide farmers and decision makers with the bases for formulating sound water quality and use policies and programs.

SEC. 303. AGRICULTURAL WATER QUALITY AND USE STUDY.

The Secretary of Agriculture shall conduct an investigation and analysis of the relationship between agricultural practices and water use and quality and shall, within 90 days of the date of the enactment of this title, submit a report to Congress on the results of the investigation and analysis. The report shall include—

(1) the current status and level of effort of programs at the Department of Agriculture to evaluate present agricultural water use and predict future use and availability of water for agricultural and rural residents,

(2) the current status and level of effort of programs at the Department of Agriculture to evaluate, prevent, and mitigate water quality problems in both surface and ground water,

(3) the current status of efforts to coordinate the undertakings described in paragraphs (1) and (2) both within the Department of Agriculture and within other departments and agencies of the Federal Government, including a detailed description of how the water quality and use issues are being included in management plans for lands of the Department of Agriculture,

(4) an estimate of the extent of the water quality problem, in both surface and ground water, due to agricultural operations and an

examination of the extent to which these problems are due to identifiable organic and inorganic sources of pollution,

(5) an estimate of the availability of water for agricultural uses on a geographic area basis, based upon current and predicted levels of use and withdrawal,

(6) an analysis of the interrelationships and compounded problems, if any, between agricultural water use and water quality,

(7) the policy of the Department of Agriculture on water quality and use which should be used to guide programs associated with agricultural and rural water needs, and

(8) specific recommendations for changes in existing programs and new initiatives in monitoring, research, extension, and technical assistance efforts to address present and potential water quality and quantity problems.

SEC. 304. AGRICULTURAL NITROGEN BEST MANAGEMENT PRACTICES TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish an Agricultural Nitrogen Best Management Practices Task Force. The Secretary shall appoint as members of the Task Force—

(1) the Administrator of the Agricultural Research Service,

(2) the Administrator of the Extension Service,

(3) the Chief of the Soil Conservation Service,

(4) the Administrator of the Agricultural Stabilization and Conservation Service,

(5) the Administrator of the Cooperative State Research Service,

(6) the Manager of the National Fertilizer Development Center of the Tennessee Valley Authority,

(7) the Director of the Office of Ground Water Protection of the Environmental Protection Agency,

(8) one representative of persons engaged in the agricultural production,

(9) one representative of the fertilizer industry,

(10) one representative of State government,

(11) one representative of the public with expertise in agricultural practices, and

(12) the Director of the United States Geological Survey.

(b) FUNCTIONS.—The Task Force appointed under subsection (a) shall—

(1) review the status of current information on the relationship between agricultural nitrogen and water quality, including the quality of both surface and ground water,

(2) develop and improve agricultural best management practices, systems, and technologies for (A) improving nitrogen utilization in agricultural production, and (B) reducing or mitigating any negative effects of agricultural nitrogen and environmental nitrogen on water quality, and

(3) develop educational and training materials for providing information and technical assistance to farmers through appropriate means to encourage the adoption of the recommendations developed under paragraph (2).

(c) REPORT.—The Task Force shall report to the Secretary of Agriculture and to Congress one year after the date of the enactment of this title and annually thereafter on the progress of its efforts under subsection (b). Each report shall include a description of—

(1) the extent of problems posed by agricultural nitrogen and environmental nitrogen for water quality,

(2) the agricultural best management practices recommended by the task force

with particular emphasis on practices to minimize the impact of agricultural nitrogen and environmental nitrogen on ground and surface water quality,

(3) the means for disseminating to farmers and producers data and information relating to environmental nitrogen sources as they may impact on agricultural best management practices,

(4) the educational and training materials developed to promote adoption of agricultural best management practices and the strategy for their dissemination, and

(5) progress made by the agricultural community, to date, to address these problems, including progress in disseminating information to agricultural producers.

(d) DEFINITIONS.—For the purpose of this section—

(1) AGRICULTURAL NITROGEN.—The term "agricultural nitrogen" means nitrogen in all forms (whether manmade, chemical, or biological) which may be present or available for crop production including nitrogen supplied by leguminous plants, animal manures, decaying leaves, and other vegetation, commercial fertilizers, applied human and industrial sewage, and such other nitrogen sources that are within the control of a farmer or producer.

(2) ENVIRONMENTAL NITROGEN.—The term "environmental nitrogen" means nitrogen fixed or occurring in the soil by means not under the control of a farmer or producer, including nitrogen from naturally occurring sources, such as precipitation and dustfall, and nitrogen from non-naturally occurring sources, such as air and water pollution.

(3) AGRICULTURAL BEST MANAGEMENT PRACTICES.—The term "agricultural best management practices" means generally recognized management practices under the control of farmers engaged in crop production that may be designed to reduce or prevent contamination of ground and surface water.

SEC. 305. NONPOINT SOURCE MANAGEMENT PROGRAMS.

(a) STATE REPORTS AND MANAGEMENT PROGRAMS.—Section 319(c) of the Federal Water Pollution Control Act (33 U.S.C. 1329(c)) is amended by adding at the end thereof the following new paragraph:

(3) CONSULTATION REQUIREMENT.—Any report required by subsection (a) and any management program and report required by subsection (b) shall be developed in consultation with the Agricultural Nitrogen Best Management Practices Task Force of the Department of Agriculture established by section 304 of the Agricultural Ground Water Management Act of 1987."

(b) REPORTS OF THE ADMINISTRATOR OF EPA.—Section 319(m) of such Act (33 U.S.C. 1329(m)) is amended by adding at the end thereof the following new paragraph:

(3) CONSULTATION REQUIREMENT.—In preparing the reports under this subsection, the Administrator shall consult the Agricultural Nitrogen Best Management Practices Task Force of the Department of Agriculture established by section 304 of the Agricultural Ground Water Management Act of 1987."

SEC. 306. AUTHORIZATION.

There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the first 3 fiscal years beginning after the date of the enactment of this title.

AMENDMENT OFFERED BY MR. SOLOMON

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

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 43, line 24, insert "(a) IN GENERAL" before "The" and after line 15 on page 45 insert the following:

(b) The Secretary of Agriculture and the Administrator of the Environmental Protection Agency shall conduct and complete within 12 months of the date of enactment of this Act a joint study of the impact on groundwater and agricultural interests of proposals to dredge sediments which contain PCBs from the Hudson River and dispose of such sediments on land.

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

□ 1535

Mr. SOLOMON. Mr. Chairman, let me first of all commend all of the committees of jurisdiction for bringing this vitally important legislation to the floor. Ground water contamination is one of the most serious problems facing many areas of our country including the Hudson Valley, which I happen to represent. We presently have a number of existing problem areas such as the one in the town of Moreau in Saratoga County which the chairman of the full committee, the gentleman from New Jersey [Mr. HOWARD], and the gentleman from New Jersey [Mr. ROE], the chairman of the subcommittee, have been helpful with me on in the past; and another potential problem could become a real problem which is why I am offering this amendment today.

About 7 years ago, Mr. Chairman, the Congress of the United States passed an amendment which authorized a pilot project to dredge certain PCB spots in the Hudson River. Since that time over a period of 7 years there have been all kinds of problems that have come up, and the most recent problem is that the Department of Agriculture Commissioner of the State of New York has come out unalterably opposed to the project because by dredging the PCB's far upriver where the Hudson River is only about a foot deep, it endangers the 34-foot-deep water channel running for 150 miles from Albany, NY, the State capital, to the New York City, and by dredging that deep-water channel and dumping the PCB-laden silt along the Hudson River Basin, it would endanger all the dairy industry, the apple-growing area along the Hudson River and consequently what I am asking for here is just that we direct the Secretary of Agriculture at the Federal level, and the Administrator of the Environmental Protection Agency to conduct a study to complete within a 12-month period a study of

just what the ground water contamination would be if the project went ahead.

It in no way stops the project but at the same time in an ongoing effort we would at least be able to accumulate the information and know ourselves what is going on.

Mr. Chairman, I urge adoption of this amendment.

Mr. Chairman, I am offering this amendment today which concerns the PCB Hudson River dredging program. I am the Representative who represents the largest section of the Hudson River. I am also the Representative of the community which would be the site of the landfill that would hold the dredged sediment should the New York State Department of Environmental Conservation's PCB dredging project succeed in winning approval for this demonstration project.

I take a back seat to no one in my desire to see the majestic Hudson River restored. It is a precious natural resource of rare beauty, as well as an economic resource for fisherman, an important waterway for commerce, and the source of drinking water for the town of Waterford and other communities downriver.

What I do not support, and what I have been fighting for years, however, is the attempt to dredge and landfill PCB-laden sediment on New York farmland.

Ellen Silbergelb, an environmental toxicologist with the Environmental Defense Fund, likened the PCB dredging plan to "Trying to suck sugar from the bottom of a glass with a straw. You can't do it without stirring it up." And Walter Hang of the New York Public Interest Research Group said "There is no such thing as a landfill that won't leak." This raises serious questions about contaminating ground water.

Mr. Chairman, I believe that there are serious problems with both the dredging and the landfilling aspects of the plan, problems that clearly suggest that taxpayer funds, would be more wisely spent in finding alternatives to this outmoded and environmentally discredited project which is so inconsistent with public sentiment and current environmental thinking.

There have been serious questions raised about the adverse effects of this project on the continued viability of farmland, not only in the area adjacent to the site of the landfill, but throughout the Hudson Valley.

To better understand these concerns, I would like to quote from the report on the Hudson River PCB demonstration project by Donald Butcher, commissioner of the New York State Department of Agriculture. "These findings state it is clear from the record of the hearing that the proposed Hudson River PCB reclamation

demonstration project will have an adverse and damaging effect upon agriculture and agricultural resources within Washington County agricultural district No. 27."

It also appears that there may be other alternatives to the proposed action which would not require the taking of any agricultural land. One of these is not to dredge at all. Evidence that PCB's are biodegradable in the environment of the river suggest that they may be left in place.

The permanent loss of one farm and the significant disruption of normal farming practices on another for up to 2 years, constitutes a serious impact in itself.

An overriding concern in this matter, however, involves the degree to which surrounding crops, livestock, and livestock products will be subject to contamination either through volatilization of the PCB's during dredging, or their leakage from the pipeline or the containment facility. Unquestionably, the fear of serious contamination and its resultant adverse effects on farmer incomes, farm values and markets for farm products is paramount in the minds of many Washington County farmers.

The landfilling aspect of the PCB dredging flies in the face of national efforts to avoid contaminating ground water and farmland by the landfilling of toxic wastes. I respectfully request adoption of my amendments.

Mr. ROE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise primarily to consult a bit with the distinguished gentleman from New York [Mr. SOLOMON] for clarification on his amendment.

As we understand the amendment, what the amendment attempts to achieve, which I find no fault with, is to get a coordination between the Department of Agriculture, and the Environmental Protection Agency on the studies that they have already conducted; is that correct?

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

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

Mr. SOLOMON. I say to the gentleman that he is correct.

Mr. ROE. Therefore, we are not looking for another protracted study. We are coming back and saying that the information that has been gathered by the Environmental Protection Agency already, and the information that has already been gathered by the Department of Agriculture, all of that information would be assimilated and considered in its whole, so to speak, and then, with a decision based on that existing data?

Mr. SOLOMON. If the gentleman will continue to yield, the gentleman is exactly right, plus we would want

them to obtain the information also that has been gathered and completed by the New York State Department of Agriculture and the New York State Environmental Conservation Department.

Mr. ROE. With the purpose of looking to coordinate them?

Mr. SOLOMON. If the gentleman will yield further, to accumulate in one report that would go back to the committees of jurisdiction so that we will know what is going on with this project.

In no way does it stop or hinder that project from going ahead.

Mr. ROE. In effect, what we are saying is we will take this information and coordinate this information and come up with an overall consensus of what we find there.

Mr. SOLOMON. If the gentleman will continue to yield, the gentleman is absolutely correct. That is the legislative intent of the amendment.

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

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

Mr. NOWAK. Mr. Chairman, I want to reemphasize the point that has been made that there is an existing program to start to look at the actual removal of sediments. That is ongoing by the Department of Conservation of the State of New York.

This amendment, or this study which would be conducted would not in any way inhibit that from progressing as it is now stated, is that correct?

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

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

Mr. SOLOMON. The gentleman is absolutely correct. I might say that I had an amendment at the desk which would have prohibited the project from going forward until this study had been completed, but I withdrew that amendment, and this amendment in no way impedes or hinders the ongoing project as it now stands.

Mr. NOWAK. If the gentleman will continue to yield to me, I thank the gentleman for his clarification.

Mr. ROE. Mr. Chairman, if I might reclaim my time, the Committee on Science, Space, and Technology on that understanding has no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

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

Mr. Chairman, I appreciate the opportunity to address the House to explain the purpose of the amendment I had intended to offer to this legislation and to engage a number of my

colleagues in a colloquy on separate legislation I will introduce on low-level nuclear waste disposal.

At the outset, let me just say that H.R. 791 is long overdue. I commend my colleagues on the five committees with jurisdiction who have worked so diligently in bringing this bill to the floor. Because ground water contamination is so serious, a national problem, and because it can occur in a variety of ways, my amendment was designed to provide a margin of protection to scarce domestic water resources—as well as those we share with Mexico.

My intention was to add a provision to the Low-Level Radioactive Waste Policy Act of 1980, which delegated to the States responsibility for disposal of low-level radioactive waste within their borders. A majority of the States have formed regional compacts which assume control over the site selection process for location of waste disposal facilities—as well as with the eventual operation of those facilities. The formation of these compacts must be approved by the Congress.

The State of Texas has elected not to join a regional compact and has instead created the Texas Low-Level Radioactive Waste Disposal Authority to draw up a plan for disposal. No congressional approval is required.

The efforts of the Texas authority to select a suitable location for disposal facilities have raised strong concerns along the State's border with Mexico and particularly in west Texas, the area most likely to house a site. Unfortunately, political and budgetary factors appear to have had more influence in the site selection process than analysis based on scientific or engineering concerns.

At the present time, two locations have been selected—both in Hudspeth County and both in my district. A neighboring county, El Paso, has filed suit against the authority, alleging that neither location meets the siting criteria spelled out in State law. An injunction has been placed on the authority to prevent any further work on the sites while the Texas Supreme Court hears arguments on the suit.

The language I proposed in my amendment and now in legislation I am introducing would exactly duplicate language contained in a 1983 agreement between the United States and Mexico on cooperation for the protection and improvement of the environment in the border area. The agreement, which was signed by President Reagan and President de la Madrid, provides for mutual cooperation in preventing or reducing sources of pollution in their respective territories. The border area is defined as land within 100 kilometers—60 miles—on either side of the border. The problem is obviously most acute where the Rio Grande constitutes the border.

Earlier this session, the House passed a bill sponsored by two of my colleagues from Texas, Mr. DE LA GARZA and Mr. BUSTAMANTE, which authorized the State Department to enter into consultations with the Government of Mexico to prevent further pollution of the Rio Grande. Unless the State decides to utilize the most scientifically appropriate sites, or this Congress acts, we will be setting the stage for a unilateral violation of the 1983 Presidential agreement and a reversal of the bill we passed unanimously just 2 months ago.

The 1983 agreement—and my bill—recognize the need for both countries to act responsibly in respecting our shared border area environment. The location of a low-level disposal facility within the defined area—in this case an international boundary, a navigable river fed by several surface and ground water sources—clearly violates the intent of the 1983 agreement and poses a serious threat to the natural resources H.R. 791 seeks to protect.

The purpose of this legislation is to prevent contamination before it happens. My bill will be consistent with that purpose.

Congress has only recently begun to recognize the need to aggressively safeguard against ground water contamination. In adopting new legislation, Congress would demonstrate an understanding of the interdependence which characterizes the border environment. I urge my colleagues to keep to our part of the Presidential agreement and to support my legislation. I thank the distinguished chairmen for the opportunity to articulate my concerns and those of my constituents.

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

Mr. COLEMAN of Texas. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding. I want to thank him on behalf of all of the committees involved in this legislation for not offering the amendment that was made in order by the Committee on Rules.

While there is support for the gentleman's amendment, there is also a great deal of concern, especially since the issues of ground water and radioactivity are mixed. We recognize that this is an immediate problem in the gentleman's State of Texas. It is not just a decision that can be isolated and considered in a vacuum.

The gentleman from Texas [Mr. COLEMAN] has expressed concern that the potential site for the disposal of the low-level radioactive waste may impact an aquifer near the United States and Mexico border. This may not be an isolated case of contamination. The gentleman has clearly captured the attention of this Member and others with his amendment. In

lengthy discussions with the gentleman from Michigan [Mr. DINGELL], with the gentleman from Indiana [Mr. SHARP], with the gentleman from Arizona [Mr. UDALL], and myself, we agree that this problem deserves our careful attention.

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

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

Mr. COLEMAN of Texas. I yield to the gentleman from California.

Mr. MILLER of California. We have consented to the gentleman's request that we hold indepth hearings on the subject of his amendment. This will give our committees an opportunity to take a look at the problem. I am authorized on behalf of both the chairman of the Committee on Energy and Commerce and the chairman of the Committee on Interior and Insular Affairs to make that commitment to the gentleman from Texas [Mr. COLEMAN]. As soon as we possibly can, both committees will hold hearings on the problem as it exists in the State of Texas and on the border with Mexico.

Again I want to express my gratitude to the gentleman for bringing this problem to the attention of the Congress. There has been a lot of discussion on it since the amendment was brought to our attention. I also want to express our gratitude for your withholding the amendment.

Mr. COLEMAN of Texas. Mr. Chairman, I thank the gentleman for his comments and I appreciate very much the opportunity to work with such distinguished chairmen as we have in this Congress who I think understand the problem from many more years of experience than many of us who did not arrive here until the 1980's. I appreciate very much the opportunity to work with all of them. I certainly hope for all the chairmen that they will continue with that willingness as we go into early next year because the bill that I will propose and that I hope we can work on will start out very simple. It will deal with that very critical and crucial issue to the health and welfare and safety of constituents along the United States-Mexico border as well as to those who live on the other side of the United States-Mexico border. I really hope we can move forward with it and with that commitment, Mr. Chairman, I appreciate very much the opportunity to address this body.

The CHAIRMAN. Are there further amendments to title III?

Mr. REGULA. Mr. Chairman, I move to strike the last word.

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

Mr. REGULA. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I rise as a co-sponsor of H.R. 791 and urge its passage.

Ground water protection is one of the most important environmental issues facing our Nation today.

About one fourth of all water used in the United States comes from ground water and almost one half of all drinking water consumed domestically comes from ground water.

In rural areas, such as my district in Michigan, over 90 percent of the people depend on ground water for their household needs.

Given the need for clean water for everyday activities, and given the amount of water used per day in our Nation—estimated at over 100 billion gallons—it is imperative that Congress act to preserve, protect, and improve the quality of our precious ground water.

A number of my constituents have contacted me and asked that I do something to make sure that the water they are drinking is safe—the bill before us, H.R. 791, is that something.

Mr. Chairman, this bill represents the work of five House committees to craft a proposal to coordinate the efforts of at least three Federal agencies—at the same time, this bill recognizes the importance of the states ground water protection and management.

Many important activities are currently being undertaken at the local, State, and Federal level to protect ground water, but these efforts lack coordination—this bill provides that coordination.

Mr. Chairman, H.R. 791, is what our constituents are looking for—legislation to ensure that their drinking water is safe.

I urge my colleagues to vote yea on H.R. 791.

Mr. REGULA. Mr. Chairman, I would like to add my support to this legislation before us today. The National Ground Water Contamination Research Act represents a major accomplishment on behalf of the several committees which have so carefully and thoroughly crafted it. It is the first important step in a vital investment in our nation's future.

The old adage that an ounce of prevention is worth a pound of cure is the perfect description of the effects that this legislation may have on the ground water resources of our future generations.

As we in this body have witnessed, numerous aquifers across our Nation have already been contaminated from a variety of sources. For example, we are now faced with huge technical and financial constraints in meeting the task of cleaning up major aquifers which supply drinking water to thousands of people. Completing this task can take decades and will no doubt cost our country billions of dollars. But today we can turn this trend around for future generations. Let us move toward protecting this precious and vital resource before we are confronted with the overwhelming task of its cleanup.

A number of organizations, including the Environmental and Energy Study Institute, has warned of the inadequate mechanisms available to aid the States and local governments in

their ground water protection decisions. For this reason, I would especially like to commend the bill's authors for their creation of the National Ground Water Clearinghouse. The clearinghouse will be able to fill this glaring void by providing uniform, usable data to decisionmakers across the country.

I further endorse the task given the U.S. Geological Survey to gather the vital data on ground water quality, quantity, and hydrogeological properties. These are essential components in determining policy decisions, especially in our Nation's rural communities.

Mr. Chairman, we have heard the statistics that nearly 40 percent of the people of our Nation depend upon these underground resources for drinking. Today we can make an impact on helping to preserve this precious resource. Let us not miss the opportunity to make a worthwhile investment in our future.

□ 1550

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—GROUND WATER RADIUM CONTAMINATION

SEC. 401. ASSISTANCE FOR SMALL COMMUNITIES WITH GROUND WATER RADIUM CONTAMINATION.

(a) RADIUM REMOVAL DEMONSTRATION PROGRAM.—The Administrator of the Environmental Protection Agency, in cooperation with State public authorities, may assist local governments in demonstrating mitigation of radium contamination in ground water. Upon application of any State public authority, the Administrator may make a grant to that authority for such purposes. Assistance provided pursuant to this subsection shall be used for financing the acquisition and installation of ground water treatment technologies needed to remove radium from ground water used as a source of public drinking water for residents of small communities under the jurisdiction of such local governments.

(b) LEVEL OF CONTAMINATION.—A grant may only be made under subsection (a) for removal of radium from ground water if the level of contamination from such radium exceeds the maximum contaminant level for radium established under title XIV of the Public Health Service Act (relating to safe drinking water).

(c) PURPOSES OF GRANTS.—Funds made available through grants under subsection (a) may only be used by the grant recipient for one or both of the following purposes:

(1) Providing insurance or prepaying interest for local obligations issued by a local government to finance the acquisition and installation of treatment technologies described in subsection (a).

(2) Paying for the costs of administration for establishment and operation by such authority of a program to provide financing for such acquisition and installation.

(d) DEFINITIONS.—For purposes of this section—

(1) SMALL COMMUNITY.—The term "small community" means a political subdivision of

a State the population of which does not exceed 20,000 individuals.

(2) STATE PUBLIC AUTHORITY.—The term "State public authority" means an agency or instrumentality of a State which is established for the purpose of assisting local governments in financing capital improvements on a statewide or regional basis.

(e) AUTHORIZATION OF APPROPRIATIONS.—The following sums are authorized to be appropriated to carry out this section:

Fiscal Year	Amount
1988	\$4,000,000
1989	\$5,000,000
1990	\$5,000,000.

The CHAIRMAN. Are there any amendments to title IV? If not, the question is on the amendment in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. FOLEY] having assumed the chair, Mr. FLIPPO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 791) to authorize the water resources research activities of the U.S. Geological Survey, and for other purposes, pursuant to House Resolution 318, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

The amendment was agreed to.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. LUJAN. 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 399, nays 15, not voting 19, as follows:

[Roll No. 449]

YEAS—399

Ackerman	Ballenger	Billey	Gaydos	Manton	Scheuer	Stangeland	Visclosky
Akaka	Barnard	Boehlert	Gejdenson	Markey	Schneider	Stark	Volkmer
Alexander	Barton	Boggs	Gekas	Martin (IL)	Schroeder	Stenholm	Vucanovich
Anderson	Bateman	Boland	Gibbons	Martin (NY)	Schuette	Slattery	Walgren
Andrews	Bates	Bonior	Gilman	Martinez	Schulze	Stokes	Waxman
Annunzio	Bellenson	Bonker	Gingrich	Matsui	Schumer	Stratton	Walker
Anthony	Bennett	Borski	Glickman	Mavroules	Sensenbrenner	Studds	Watkins
Applegate	Bentley	Boucher	Gonzalez	Mazzoli	Sharp	Sundquist	Weber
Aspin	Bereuter	Boulter	Goodling	McCloskey	Shaw	Sweeney	Weiss
Atkins	Berman	Boxer	Gordon	McCollum	Shays	Swift	Weldon
AuCoin	Bevill	Brennan	Gradison	McCurdy	Shuster	Swindall	Wheat
Badham	Bilbray	Brooks	Grandy	McDade	Sikorski	Synar	Whittaker
Baker	Bilirakis	Broomfield	Grant	McEwen	Sisisky	Tallon	Whitten

Brown (CA)	Gray (IL)	McGrath	Skaggs	Stangeland	Visclosky
Brown (CO)	Gray (PA)	McHugh	Skeen	Stark	Volkmer
Bruce	Green	McMillan (NC)	Skelton	Stenholm	Vucanovich
Buechner	Gregg	McMillen (MD)	Slattery	Stokes	Walgren
Bunning	Guarini	Meyers	Slaughter (NY)	Stratton	Walker
Bustamante	Gunderson	Mfume	Slaughter (VA)	Studds	Watkins
Byron	Hall (OH)	Mica	Smith (FL)	Sundquist	Weber
Callahan	Hall (TX)	Michel	Smith (IA)	Sweeney	Weiss
Campbell	Hamilton	Miller (CA)	Smith (NE)	Swift	Weldon
Cardin	Hammerschmidt	Miller (OH)	Smith (NJ)	Torres	Wheat
Carper	Hansen	Miller (WA)	Smith (TX)	Torricelli	Whittaker
Carr	Harris	Mineta	Smith, Denny	Tauke	Whitten
Chandler	Hastert	Moakley	(OR)	Tauzin	Williams
Chapman	Hatcher	Molinari	Smith, Robert	Taylor	Wilson
Chappell	Hayes (IL)	Mollohan	(NH)	Thomas (GA)	Wise
Clarke	Hayes (LA)	Moody	Smith, Robert	Torres	Wolf
Clay	Heffley	Moorhead	(OR)	Upton	Yates
Clinger	Hefner	Morella	Snowe	Valentine	Yatron
Coats	Henry	Morrison (CT)	Solarz	Vander Jagt	Young (AK)
Coble	Herger	Morrison (WA)	Solomon	Vento	Young (FL)
Coelho	Hertel	Mrazek	Spence		
Coleman (MO)	Hiler	Murphy	Spratt		
Coleman (TX)	Hochbrueckner	Murtha	St Germain		
Collins	Holloway	Myers	Staggers		
Combest	Hopkins	Nagle	Stallings		
Conte	Horton	Natcher			
Conyers	Houghton	Neal			
Cooper	Howard	Nelson			
Coughlin	Hoyer	Nichols			
Courter	Hubbard	Nowak			
Coyne	Huckaby	Oakar			
Crockett	Hughes	Oberstar			
Daniel	Hunter	Obey			
Darden	Hutto	Olin			
Daub	Hyde	Ortiz			
Davis (IL)	Ireland	Owens (NY)			
Davis (MI)	Jacobs	Owens (UT)			
DeFazio	Jeffords	Oxley			
Dellums	Jenkins	Packard			
Derrick	Johnson (CT)	Panetta			
DeWine	Johnson (SD)	Parris			
Dickinson	Jones (NC)	Pashayian			
Dicks	Jones (TN)	Patterson			
Dingell	Jontz	Pease			
DiGuardi	Kanjorski	Pelosi			
Dixon	Kaptur	Penny			
Donnelly	Kasich	Pepper			
Dorgan (ND)	Kastenmeier	Perkins			
Dornan (CA)	Kennedy	Petri			
Downey	Kennelly	Pickett			
Dreier	Kildee	Pickle			
Duncan	Kleckza	Porter			
Durbin	Kolbe	Price (IL)			
Dwyer	Konnyu	Price (NC)			
Dymally	Kostmayer	Pursell			
Dyson	Kyl	Quillen			
Early	LaFalce	Rahall			
Eckart	Lagomarsino	Ravenel			
Edwards (CA)	Lancaster	Ray			
Emerson	Lantos	Regula			
English	Latta	Rhodes			
Erdreich	Leach (IA)	Richardson			
Espy	Lehman (CA)	Ridge			
Evans	Lehman (FL)	Rinaldo			
Fascell	Leland	Ritter			
Fawell	Lent	Roberts			
Fazio	Levin (MI)	Robinson			
Feighan	Levine (CA)	Rodino			
Fields	Lewis (CA)	Roe			
Fish	Lewis (FL)	Rogers			
Flake	Lewis (GA)	Rostenkowski			
Flippo	Lightfoot	Roth			
Florio	Lipinski	Roukema			
Foglietta	Lloyd	Rowland (CT)			
Foley	Lott	Rowland (GA)			
Ford (MI)	Lowry (WA)	Royal			
Ford (TN)	Lujan	Russo			
Frank	Lukens, Thomas	Sabo			
Frenzel	Lukens, Donald	Saiki			
Frost	Lungren	Savage			
Galelegy	Mack	Sawyer			
Gallo	MacKay	Saxton			
Garcia	Madigan	Schaefer			
Gaydos	Manton	Scheuer			
Gejdenson	Markey	Schneider			
Gekas	Martin (IL)	Schroeder			
Gibbons	Martin (NY)	Schuette			
Gilman	Martinez	Schulze			
Gingrich	Matsui	Schumer			
Glickman	Mavroules	Sensenbrenner			
Gonzalez	Mazzoli	Sharp			
Goodling	McCollum	Shaw			
Gordon	McCloskey	Shays			
Gradison	McCurdy	Shuster			
Grandy	McDade	Sikorski			
Grant	McEwen	Sisisky			

Skaggs	Stangeland	Visclosky
Skeen	Stark	Volkmer
Skelton	Stenholm	Vucanovich
Slattery	Stokes	Walgren
Stratton	Studds	Watkins
Studds	Sundquist	Weber
Sundquist	Sweeney	Weiss
Sweeney	Swift	Weldon
Swift	Swindall	Wheat
Swindall	Synar	Whittaker
Synar	Tallon	Whitten
Tallon	Tauke	Whittem
Tauke	Tauzin	Williams
Tauzin	Taylor	Wilson
Taylor	Thomas (GA)	Wise
Thomas (GA)	Torres	Wolf
Torres	Torricelli	Wolpe
Torricelli	Trahan	Wortley
Trahan	Traxler	Wyden
Traxler	Upton	Young
Upton	Valentine	Yates
Valentine	Vander Jagt	Yatron
Vander Jagt	Vento	Young (AK)
Vento		Young (FL)

NAYS—15

Archer	Craig	McCandless
Armeay	Dannemeyer	Nielson
Bartlett	DeLay	Shumway
Burton	Inhofe	Stump
Cheney	Marlenee	Thomas (CA)

NOT VOTING—19

Biaggi	Gephardt	Montgomery
Bosco	Hawkins	Rangel
Bryant	Kemp	Roemer
Crane	Kolter	Rose
de la Garza	Leath (TX)	Towns
Dowdy	Livingston	
Edwards (OK)	Lowery (CA)	

□ 1605

The Clerk announced the following pair:

On this vote:

Mr. Lowery of California for, with Mr. Crane against.

Mr. ARCHER and Mr. BARTLETT changed their votes from "yea" to "nay".

Mr. CARPER and Mr. SWINDALL changed their votes from "nay" to "yea".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

The SPEAKER pro tempore. (Mr. FOLEY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 404. Joint resolution to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes.

AUTHORIZING USE OF DEPOSITIONS IN CONNECTION WITH IMPEACHMENT INQUIRY OF COMMITTEE ON THE JUDICIARY

Mr. CONYERS. Mr. Speaker, I offer a privileged resolution (H. Res. 320) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 320

Resolved, That the Committee on the Judiciary or its Subcommittee on Criminal Justice, in connection with the inquiry into the conduct of the United States District Judge Alcee L. Hastings, may authorize the taking of affidavits and depositions by counsel to such Committee pursuant to notice or subpoena.

Mr. GEKAS. Mr. Speaker, reserving the right to object—

The SPEAKER pro tempore. The gentleman does not have the right to impose a reservation; no unanimous consent is required. This is a privileged resolution.

The gentleman from Michigan [Mr. CONYERS] has called up a privileged resolution which has been reported by the Clerk.

Mr. GEKAS. That is correct. In that case, then Mr. Speaker, I would ask the gentleman from Michigan to yield to me.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] will be recognized for 1 hour and the gentleman may request that he be recognized.

Mr. GEKAS. I thank the Chair.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] is recognized for 1 hour.

Mr. CONYERS. Mr. Speaker, for purposes of debate only I yield 30 minutes to the gentleman from Pennsylvania [Mr. GEKAS] and pending that I yield myself such time as I may consume.

Mr. Speaker, the Committee on the Judiciary is conducting an inquiry to determine whether U.S. District Judge Alcee L. Hastings, of the Southern District of Florida, has engaged in conduct which would warrant impeachment. This is a very important matter. The committee has before it a certification from the Judicial Conference of the United States stating that, in language specified by Federal law, "consideration of impeachment [of Judge Hastings] may be warranted," as well as a report of an investigating committee of the Eleventh Circuit Court of Appeals and other evidentiary materials. The matter has been referred to the Subcommittee on Criminal Justice, which I chair.

The subcommittee's inquiry into the conduct of Judge Hastings includes interviewing witnesses who may have information relevant to the investigation. Certain witnesses have indicated an unwillingness to respond to ques-

tions unless they are subpoenaed. Many of these witnesses are located far from the District of Columbia and it is uncertain whether their testimony will be pertinent because of the exploratory nature of the questioning. It is desirable that these witnesses be questioned without the formality of a subcommittee hearing.

On October 19, 1987, the Committee on the Judiciary, on recommendation of the Subcommittee on Criminal Justice, unanimously reported favorably on the resolution now before the House. The resolution authorizes the taking of affidavits and depositions by committee counsel pursuant to notice or subpoena, in connection with the inquiry into the conduct of Judge Hastings.

Rule XI(2)(m)(1)(B) of the Rules of the House of Representatives provides in pertinent part that:

[A]ny Committee, or any subcommittee thereof, is authorized *** to require, by subpoena or otherwise, the attendance and testimony of such witnesses *** as it deems necessary.

This rule authorizes the Committee on the Judiciary and the Subcommittee on Criminal Justice, in furtherance of the pending inquiry, to issue subpoenas and take sworn statements from witnesses. The resolution now pending merely confirms that authority by enabling counsel, at the direction of the committee or subcommittee, to take sworn testimony, pursuant to subpoena or otherwise, without the need for two Members to be present. The procedure authorized by the resolution will enable the inquiry to move forward efficiently and economically, and will minimize inconvenience to the witnesses and to Members of Congress.

□ 1620

Mr. Speaker, this follows the discussions and the intercourse between the members of the committee and the Judiciary Committee, and I urge the support of the Members for the resolution.

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

Mr. CONYERS. I yield to my colleague, the gentleman from Pennsylvania, the ranking minority member.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Michigan [Mr. CONYERS] has well stated the necessity for using this procedure. We are at a point in the inquiry as to whether or not Judge Hastings should be impeached where our counsel and staff require the ability to move around with dispatch to gain testimony and evidence that we might not otherwise be able to obtain. All this does is provide a waiver or make it easier for the subcommittee and, therefore, the full committee to do its work.

Mr. Speaker, we ask that the resolution be adopted in full.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Pennsylvania.

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

Mr. CONYERS. I yield to the chairman of the full committee.

Mr. RODINO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Chairman, I merely want to state that this resolution is not only timely but it is essential in order that the Committee on the Judiciary fulfill the responsibility that it has before it in the impeachment proceedings of Judge Hastings.

Mr. Speaker, I urge adoption of the resolution.

Mr. Speaker, the resolution before the House is related to the inquiry into whether a U.S. district judge, Alcee L. Hastings, should be impeached. The Judicial Conference of the United States transmitted this matter to the Speaker of the House of Representatives on March 17, 1987, certifying that consideration of the impeachment of Judge Hastings may be warranted. The report and records of the Judicial Council were referred to the Committee on the Judiciary which in turn referred the matter to the Subcommittee on Criminal Justice.

The resolution authorizes the Judiciary Committee's impeachment staff to take sworn statements of witnesses pursuant to notice or subpoena and to conduct investigative interviews efficiently and economically. It would be cumbersome at this stage of the inquiry to require the subcommittee to meet in order to conduct interviews which may well be preliminary in nature. In addition it would be unnecessarily costly and inconvenient to bring out of town witnesses to the District of Columbia, or, in the alternative, to require of the subcommittee to travel to where the witnesses are located. For these reasons, I urge you to support the resolution.

Mr. CONYERS. Mr. Speaker, I think the chairman of the full committee and the ranking minority member of the subcommittee have adequately added to these comments. I presume that this is not a controversial resolution. It would take away the responsibility of our having two members of the committee follow our staff through Florida and wherever this investigation may take us.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just adopted.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFERENCE REPORT ON H.R. 2939, INDEPENDENT COUNSEL REAUTHORIZATION ACT OF 1987

Mr. FRANK. Mr. Speaker, I call up the conference report on the bill (H.R. 2939) to amend title 28, United States Code, with respect to the appointment of independent counsel.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Under the rule, the conference report is considered as having been read. (For conference report and statement, see proceedings of the House of November 20, 1987.)

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FRANK] will be recognized for 30 minutes and the gentleman from Florida [Mr. SHAW] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on the Judiciary, the gentleman from New Jersey [Mr. RODINO], who has been the major player in the development of this legislation over the past 10 years.

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

Mr. Speaker, the conference agreement that we have before us on the independent counsel legislation is one that has been worked out between the House and the Senate. I believe that as a result of the coming together of these views, we have worked out a proper resolution that will serve well the Independent Counsel Reauthorization Act of 1987.

Mr. Speaker, the conference report on H.R. 2939, the Independent Counsel Reauthorization Act of 1987, provides for a 5-year reauthorization of the independent counsel provisions of the Ethics in Government Act of 1978.

As I stated in October during floor consideration of this bill, this is one of the most important pieces of legislation that Congress will consider this year. Reauthorization of this statute is critical to maintaining public confidence in the fairness of our legal system and the integrity of our Government. Also if this statute is not reauthorized, four currently operating independent counsel will be left hang-

ing, with investigations and prosecutions not yet complete.

This conference agreement is a compromise between the House and Senate versions and represents a very workable piece of legislation.

There are five major substantive differences between H.R. 2939 as it passed the House and this conference report on H.R. 2939.

First, the current law provides for a 90-day preliminary investigation by the Attorney General to determine whether to apply for the appointment of an independent counsel. The House-passed bill basically followed current law. The Senate bill followed current law, except that it provided that the Attorney General file a report with the court if no application for the appointment of an independent counsel is made within 30 days of receiving information under the act.

One major problem encountered with the current law has been that the Attorney General sometimes takes months to conduct a pre-preliminary investigation, thereby significantly lengthening the 90-day limit for a preliminary investigation.

The conference agreement solves this problem by reaching a compromise between the House-passed and Senate-passed versions. This compromise gives the Attorney General 15 days to decide whether to commence a preliminary investigation and then limits the preliminary investigation to 90 days.

The second major difference between the House-passed bill and the conference report involves the expansion of jurisdiction provisions. The House-passed bill provided that the independent counsel could go directly to the court for an expansion of jurisdiction. The conference agreement limits an independent counsel's request for expansion of jurisdiction to the Attorney General. However, the conference report retained the House language and current law on the procedures to be followed by an independent counsel in seeking referral of a related matter. The conference agreement also retained the House language that independent counsel be provided with prosecutorial jurisdiction adequate to fully investigate and prosecute the subject matter involved, including all related matters.

Third, the state of mind provisions in the House-passed bill were modified to provide that the Attorney General consider evidence of the state of mind of the subject of the investigation in determining whether to apply for the appointment of an independent counsel only if that evidence is clear and convincing on its face. The conferees anticipate that this will only occur in rare cases.

Fourth, the House adopted an amendment on the floor which provided that the position of an independent

counsel would be full time. Numerous concerns were raised that the very nature of criminal investigations and prosecutions often make it impossible to work full time on only one case, and could also make it difficult to find qualified, experienced attorneys to take on the job. However, all the conferees agreed that an independent counsel should work diligently and as quickly as possible to resolve his particular investigation or prosecution. Therefore, the mandatory requirement was removed from the bill, but language was inserted stating that the court should appoint an independent counsel who will conduct an investigation in a "prompt, responsible, and cost-effective manner." There is no question that independent counsel should conduct any investigation and prosecution as expeditiously as possible.

In addition, the conference agreement includes several new reporting requirements by the Attorney General and the independent counsel to encourage the independent counsel to conduct the investigation promptly and with due regard to cost.

Fifth, the conference agreement adopted the Senate provision which provides for a mandatory audit of independent counsel investigations and prosecutions by the Comptroller General.

These differences represent the major differences between the House-passed bill and the conference report.

I believe the legislation before us is a good bill. None of the decisions made in reaching this compromise were made lightly.

I urge my colleagues to support the conference report and vote for its passage.

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

Mr. Speaker, we have here a conference report which reflects some modifications in the bill that passed the House. It does not make major changes. I think Members should be aware that to the extent it makes the changes, it removes one of the major amendments that was adopted in the House.

In the House we dealt with the situation where the Attorney General had in a previous case objected to an expansion of jurisdiction requested by an independent counsel. We explicitly in the House authorized what some people feel was in the law, and may still be there, the right of independent counsel to go directly to the special court for expansion of jurisdiction.

In a case in which the independent counsel had first gone to the Attorney General and then went to the special court, the special court said, "Having gone to the Attorney General and being refused, you can't come to us." That leaves open the question in my

mind about what happens when you go directly. We in our bill said explicitly that if the independent counsel went directly to the court, the court had the power to expand jurisdiction. The Members of the minority here were very opposed to that.

The Members of the other body, in the bill they adopted, found that that would be a potential problem. In particular, Members thought that might weaken the Constitution argument. I did not agree, nor did I think a majority of the Members of the House on the conference committee agreed, but in the spirit of getting the bill out and since no pending issue turns on that, we receded. It would be the intention of some of us, after there has been a resolution of this issue in the courts, to bring this matter up again, and an amendment to the statute would always be in order, and that could be done later.

In other areas, the bill conforms fairly closely to what we had in the House. It does clarify somewhat the question of the Attorney General's ability to refuse to get an independent counsel if he thinks a state of mind of criminality is not present. We had said he could not take that into account. This bill allows him to take it into account in a modified fashion, and I think it achieves in substance what we were trying to do. It prevents the Attorney General from making more than a threshold inquiry as a matter of denying.

We now have before us essentially, then, the issue we had before. Is it reasonable in that limited class of cases where there is at least a perceived and almost certainly a real conflict of interest between the Attorney General's desire to enforce the law and his problem of having to enforce it against those who have been his close allies and friends and coworkers and common servers of the President who were appointed over them? Does it make sense for us to set forth this mechanism of independent counsel?

The independent counsel mechanism has been working well. It is now very much involved in the prosecution of several cases which are pending. The bill will expire at the end of this year. The administration has argued that it is unconstitutional. No court has yet agreed with the administration. We are confident that the ultimate decision of the U.S. Supreme Court will be to uphold the constitutionality.

Mr. Speaker, we ask for the approval of the independent counsel conference report here as part of the process of keeping it alive.

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

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

Mr. Speaker, as the ranking member of the subcommittee from which this bill originated, I have fought this bill

in subcommittee and in full committee and on the House floor. I offered several amendments in subcommittee and full committee to delete certain provisions of this bill and to add certain provisions to it. Those amendments were, for the most part, defeated. I voted against this bill when it was considered previously in this House. Today, I will vote against this conference agreement and, should President Reagan veto this legislation, I will vote to support that veto.

The conference agreement represents an improvement over the House version of the bill primarily because the Senate provisions with regard to certain issues prevailed in the conference. For instance, the criminal state of mind provision contained in the House bill, which restricted the Attorney General's discretion with regard to the appointment of an independent counsel, was replaced with a more reasonable Senate provision which allows the Attorney General discretion with regard to that pivotal decision. Furthermore, the provision in the House bill, which provided an independent counsel unilateral authority to seek expansion of his prosecutorial jurisdiction through the special court, was replaced by a Senate provision which provides the Attorney General some discretion with regard to the expansion of an independent counsel's jurisdiction. These two provisions were both subjects of amendments which I had unsuccessfully attempted to pass in the House, and I am pleased that the conference agreement now includes them. For these reasons, as a conferee, I signed the conference report. I want to emphasize that I signed that conference report only because it represented an improvement over the House bill. I remain opposed to the underlying theory of this independent counsel law. Why? Because I remain convinced that this law is unconstitutional as a violation of the separation of powers doctrine and will be so found by our courts when they rule on this matter.

I further remain opposed to this bill because, as I demonstrated when this bill was on the House floor, I believe Members of Congress ought to be included under this measure. This law represents our Nation's primary political conflict-of-interest law and yet it conveniently exempts Members of Congress from mandatory coverage under the bill. This body refused to include Members under the coverage provision, and I think that was a mistake.

When this bill was considered by the House, I also offered an amendment to simply extend the current law for 1 more year in order to provide our courts an opportunity to rule on this issue. That amendment was also defeated. We continue to await the opinion from the Circuit Court of Appeals

for the District of Columbia in *Sealed Case*, the only pending case in which our courts have had an opportunity to determine the constitutional validity of the independent counsel law. Should that appellate court rule that the independent counsel law is unconstitutional, then the bill we are passing today will also be unconstitutional, as the statutory framework of this bill is identical to the current law, and the changes we have made in it would merely exacerbate the constitutional problems inherent in the current law. I would urge our appellate court here in the District of Columbia to expeditiously ruling on this issue so that we in Congress may have some guidance with regard to the constitutional aspects of this law.

I believe the independent counsel statute although providing political cover has proven to be a tool of political abuse. I believe the independent counsel statute represents a convenient conceptual cure to a highly complex and serious issue facing our Federal Government; however, I do not believe that we should trample upon the fundamental theory of our Constitution—the separation of powers doctrine—in order to implement a convenient legal concept.

I intend to vote against this conference report, and I urge my colleagues to do so as well.

□ 1630

Mr. FRANK. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN], the former chairman of the subcommittee, who made a major contribution to getting our bill to this point, and who is a conferee.

Mr. GLICKMAN. Mr. Speaker, this is a very important bill. The purpose of this bill is to insure that an aggressive unbiased and thorough investigation is conducted of all criminal allegations against senior Government officials. It is to insure continuing public confidence in our democratic system of government and to protect the executive branch from unwarranted suspicion. It is to insulate the investigation of senior executive branch officials from personal or political influence, and therefore, to insure that its conclusion will have the fullest credibility.

It is to insure that we afford protection to the reputation of any official subject to investigation.

This bill will have much to do with the integrity of what high-level Government officials are doing.

I should point out that all the conferees on the House side, Republican and Democrat, signed the conference report, and that includes the gentleman from Florida [Mr. SHAW] and the gentleman from Georgia [Mr. SWINDALL].

Now, it is strange, indeed, that the gentleman from Florida [Mr. SHAW] contends that he signed the conference report because it reflects an improvement on what the original piece of legislation that passed the House contained, but I accept the fact that the gentleman signed the conference report. He put his name, his credibility, on the line, because he believed that in fact we had done a good job as conferees to make this a good and constitutional piece of legislation. I assume the gentleman would not have signed the conference report if he felt the bill was still unconstitutional.

I should point out, Mr. Speaker, this bill passed the House by 322 to 87. The Senate just voted 85 to 7, an overwhelming bipartisan majority, to support this conference report, to insure that we have an impartial way of investigating wrongdoing of senior Government officials.

So I commend the gentleman from New Jersey [Mr. RODINO], and the gentleman from Massachusetts [Mr. FRANK], as well as the gentleman from Florida [Mr. SHAW] for the work they have done, and I urge my colleagues to vote yes on the conference report.

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

Mr. GLICKMAN. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I would like to address just one comment the gentleman made as to why I signed the report. I signed the report because I do think it sets forth accurately the legislative intent of the managers of the bill and I do believe also that it is a substantial improvement over some of the issues that I was particularly concerned about; but the overall issue that I am still tremendously concerned about, that is, the constitutionality of the bill, is going to cause me to vote against it.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. FRANK. Mr. Speaker, I yield 1 additional minute to the gentleman from Kansas.

Mr. GLICKMAN. I am just curious, Mr. Speaker, that one would sign a conference report on a piece of legislation that one had serious questions about its constitutionality.

The gentleman from Florida is a great constitutional scholar. I know the gentleman. I have great respect for his legal ability. It is one of the best legal minds in this institution. I say that in all sincerity, and for the gentleman to put his name on a conference report and still have questions of its constitutionality of the underlying legislation is absolutely amazing.

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

Mr. GLICKMAN. I am glad to yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, after throwing those roses at me, I hesitate to disagree with the gentleman, but the question of the constitutionality and the question of the constitutional infirmities were in both bills that were before the conference. That was not an issue in the conference.

Mr. FRANK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. CARDIN] a distinguished member of the subcommittee who worked hard on this bill.

Mr. CARDIN. Mr. Speaker, I thank my chairman for yielding this time.

Mr. Speaker, I rise in support of the Independent Counsel Reauthorization Act of 1987 conference report and urge my colleagues to join me in endorsing this important legislation.

The Judiciary Committee has considered this legislation in great detail. What we have before us today is a carefully drafted, thoroughly debated bill. I would like to commend the chairman of the subcommittee [Mr. FRANK] and the chairman of the committee [Mr. RODINO] and ranking minority member [Mr. SHAW] for their commitment to achieve a fair compromise—one that represents the best of many differing viewpoints.

Since its very beginning, this country has had a commitment to the checks and balances that have prevented any branch of government from becoming too powerful or arrogant. In 1978, having withstood one of the worst constitutional crisis in our history, we enacted the first independent counsel law. That enactment was critical to preserving the integrity and credibility of our Government. It still is.

The purpose of the independent counsel law is to ensure that an aggressive, impartial investigation is conducted when criminal allegations are made against senior Government officials. Public confidence in our democracy cannot be sustained without this assurance. Conversely, senior Government officials cannot protect their innocence and credibility without this law.

The important principle we are affirming today is that no man or woman—no matter how high their position in Government—is above the law. Experience has demonstrated that it is necessary to affirm and to reaffirm this principle—again and again.

Public cynicism is corrosive to democracy. It is in all of our best interests to have a strong independent investigatory mechanism and to demonstrate a continued commitment to the independent counsel. It has served us well in the past and will continue to do so in the future.

Mr. SHAW. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia [Mr. SWINDALL] a member of the subcommittee and a conferee.

Mr. SWINDALL. Mr. Speaker, I rise in opposition to this conference report. Like the ranking member of my subcommittee, I too, signed the conference report and I would like to just state to the gentleman from Kansas that my reasons for doing so are very simple, and that is that it is my understanding that as a conferee you are to try to strike an agreement between what the House stated and what the Senate stated.

I voted against the bill in subcommittee. I voted against the bill in full committee and I voted against the bill and spoke out against the bill when it came to the floor of the House. I intend to vote against the bill and speak out against the bill at this time, because the bill is fundamentally flawed constitutionally.

First, it violates one of the most fundamental concepts of our Constitution, and that is the notion of separation of powers. When it comes to prosecution, there is a very good reason for the rationale of the Constitution. It is fundamental that you do not want the same branch of government executing the law as legislating or interpreting the law.

In this case, you have a merger between execution and the determination that a court ordinarily does with respect to fundamental fairness of the judicial procedure.

The next fundamental flaw, constitutionally at least, is the notion of equal protection. One of the things that makes our Constitution a unique constitution and has survived the test of time is the fact that all of us, whether we serve in public office or otherwise, enjoy the same fundamental protection of the law. In this case, we are singling out one group of individuals, one might even argue that it amounts to a bill of attainder, and we are starting that those individuals will be treated differently.

Why, if we are not concerned by that, did we not include the Congress? If you go back and review our own debates, you will find that there were legitimate concerns by Members of Congress if they were included in this bill that they might well become subject to political persecution and political retaliation. No one here can give a legitimate reason why those individuals who are expressly singled out by this law for special prosecutor status would not have the same right to raise the same fundamental argument.

If you will recall, there were amendments to try to perfect this bill and each of those were defeated.

The next point that I would like to make is one that former Attorney General Griffin Bell made, and that is this bill does not make sense because it violates fundamental public policy with respect to two major aspects; one, the cost, there is absolutely no way

that we can put any type of cost containment on what a special prosecutor can spend.

Second, there is no congressional oversight over these special prosecutors once they are appointed.

It does not make sense for this body to create one of these special prosecutors without having at least those same restraints that we place on anyone else.

The other point that I would like to make is that if this issue, that is, what do you do when a member of the executive branch violates the law, given the fact that the Attorney General is otherwise charged with investigating and prosecuting, what do you do when the Attorney General fails to do so? It seems that is such a fundamental problem that the Founding Fathers should have thought about it at the time they wrote the Constitution, and the fact of the matter is they did. They provided for the solution, and it is a far better solution than this bill offers, because the solution is impeachment and removal.

What is the fundamental difference between impeachment and removal and what a special prosecutor can do? Whoever is convicted by the results of a special prosecutor's prosecution can be pardoned by the President of the United States. Not so with respect to impeachment and removal.

My point is, if we ever find an Attorney General who fails in this regard, our solution constitutionally is impeachment and removal.

□ 1645

Let us also not forget that an Attorney General is subject to the scrutiny of this Congress because the Senate must confirm any Attorney General.

I think that it is more than passingly interesting that every Attorney General that has served, whether they be Democrat or Republican, since this law was put into effect is opposed to it on the constitutional and public policy grounds that I have mentioned.

I urge my colleagues to vote against this conference report.

Mr. SHAW. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I predict that the Supreme Court of the United States will ultimately find the concept of and the legislation encompassing independent counsel unconstitutional.

I predict also that the American public when it discovers to its dismay, when it finally sinks through to them, that this body rejected inclusion of Members of Congress under the very scrutiny of independent counsel that the hue and cry says must occur for public officials that then we will be again barraged with that cynicism that the public already has developed for us in all our actions on this floor.

Whether or not we pass this piece of legislation, I want to reject the argument of those who have already spoken who say that we need this because the integrity of this body is at stake or integrity of the system is at stake.

How can we say that when we voted resoundingly, at least on one side of this aisle, against the inclusion of Members of Congress in the scrutiny of the independent counsel?

If it is not unconstitutional for independent counsel to exist and investigate members of the executive, it cannot be unconstitutional for it also to look at Members of Congress.

For those reasons I continue to oppose this legislation and I will vote against it.

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

Mr. GEKAS. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I am a little puzzled by some of my colleagues who said they would vote for it if it included Members of Congress, but will vote against it because it is unconstitutional, and I am puzzled because that would not cure the constitutionality problem.

Mr. GEKAS. I want it to be unconstitutional as to everybody.

Mr. FRANK. If the gentleman will continue to yield, so that I understand the gentleman, he will not vote for the bill if it is a little unconstitutional, but he will vote for it if it is a lot unconstitutional. He is a distinguished scholar and I admire that.

Mr. GEKAS. Reclaiming my time, it is the only honest way to do it. If I believe it is unconstitutional, I should vote against it.

Mr. FRANK. Yes.

Mr. GEKAS. If it includes Members of Congress, I should vote against it.

But I am saying to you that the American public will find us to be wrong in this duty and that is the only issue.

Mr. FRANK. If the gentleman will continue to yield, I say to the gentleman, if it did not include Members of Congress it would be unconstitutional, so if we eliminated that problem and it then did include Members of Congress we should vote against it, but he would vote for it if it included Members of Congress. How would the gentleman vote?

Mr. GEKAS. I did not understand a word the gentleman said.

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

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

Mr. HUGHES. I just do not want to reargue the question that the amendment would bring Members of Congress within the purview of the statute, but the fact of the matter is that the reason that we created this independent counsel statute is to remove

from the executive branch of the Government the inherent conflict of the executive branch of the Government investigating the executive branch of the Government, such as the Attorney General investigating members of his staff, and members of the executive branch of the Government.

Members of Congress are not members of the executive branch of the Government. The Attorney General, if in fact Members of Congress violate the law, has every right to investigate and prosecute Members of Congress and if he feels he cannot do it, he can bring in a special investigator to do it.

Mr. GEKAS. Mr. Speaker, regaining my time, I do not need the gentleman from New Jersey [Mr. HUGHES] saying to me that Members of Congress are not members of the executive branch.

Whatever tools we give the independent counsel to sort out the things in the executive branch that that inherent conflict brings to their attention, there is no reason they cannot have that special power or something special that happens within the Halls of the Congress that should disable them from looking at Members of Congress as well.

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

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

Mr. HUGHES. Mr. Speaker, the fact of the matter is that today the Attorney General, if he felt there were an inherent conflict in investigating and prosecuting a Member of Congress, could bring in the special prosecutor. That is present law.

In fact, one of our colleagues just recently within the past year requested the Attorney General to do just that and the Attorney General refused to do it on the basis that in fact there was no conflict, that he could do it himself.

I think the Attorney General was right.

Mr. GEKAS. Does not the gentleman agree that if some Member of Congress was alleged to have committed some horrible act that the focus on it then, the duty of investigating it fully in the hand of independent counsel would do a specific job on that uncluttered by the same kind of things that we are talking about for independent counsel, that it would be pinpointed on that and highlighted?

Mr. HUGHES. If the gentleman will continue to yield, the Attorney General has the authority under existing law to do that.

Mr. GEKAS. And the Attorney General would assign someone to do that particular job.

Mr. FRANK. The Attorney General would not assign them. The court would.

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

Mr. GEKAS. I yield to the gentleman from Florida.

Mr. SHAW. I would say in answer to what the gentleman from New Jersey [Mr. HUGHES] pointed out and what he said was absolutely correct. What he did not say is that in this law that we are passing, there are certain trigger mechanisms that require the appointment of a special investigator, that require an investigating board, and that the Members of Congress have said we do not want that to apply to us.

When I offer the amendment to include Members of Congress, the Members of Congress say no way. That is exactly what happened. That is what the gentleman from Pennsylvania [Mr. GEKAS] who is in the well, is talking about.

Mr. GEKAS. That is exactly the point.

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

Mr. GEKAS. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding me this time. I want to congratulate the gentleman for his statement. The real essence of what we are passing here is another of those bills that says we are indeed above the law that we pass for others. We do it all the time around here. This is just one of a series of bills where we have said that we are better than the law, we are above the law.

I think the gentleman from New Jersey [Mr. HUGHES] in making the point of the fact that we are not members of the executive branch makes a very, very crucial point in this debate.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. GEKAS] has expired.

Mr. FRANK. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. I say to the gentleman from Pennsylvania [Mr. WALKER] that that is absolute nonsense. As a matter of fact, in fact the gentleman's amendment would make it more difficult for the Attorney General to investigate and prosecute Members of Congress. If the Attorney General has any reason to believe there is an inherent conflict in prosecuting any Member of Congress, he can bring in special counsel. There is no inherent conflict because Members of Congress are not members of the executive branch of the Government. That is the difference.

I realize my colleague does not have to be told that we are not members of the executive branch of the Government, but that is the reason for the legislation. It is directed at members of the executive branch of the Government, not of Members of Congress or the Supreme Court. The Supreme Court is not part of the executive branch of the Government.

Mr. FRANK. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the tenuous bands of reality that bind some of my colleagues have snapped. I hope temporarily. We have just heard some of the most unrealistic and inaccurate descriptions of this law that I have ever heard.

The gentleman from Pennsylvania [Mr. GEKAS] said that he could not understand me. I will try to speak slowly, I will try to use small words, I will do everything I can to get him to understand me, but I cannot guarantee the results.

The fact is he says the Attorney General will have to assign someone when the gentleman from New Jersey [Mr. HUGHES] said if a Member of Congress were under suspicion the Attorney General could have an independent counsel appointed.

He said then that the Attorney General would have to assign someone.

No, under the law the special court would do that. That would thereby remove the Attorney General if he felt there was a conflict. He would trigger the independent counsel process.

What we have is this, there was nothing in this bill that in any way protects Members of Congress from the full force of the law.

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

Mr. FRANK. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, when I was alluding to the question of the Attorney General appointing someone, that was in answer to the assertion by the gentleman from New Jersey [Mr. HUGHES] that the Attorney General would have the right to pursue an investigation of a Member of Congress. I am saying that—

Mr. FRANK. Mr. Speaker, I take back my time because the gentleman has misstated the point.

The fact is what the gentleman from New Jersey [Mr. HUGHES] was saying was if the Attorney General wants to, he can trigger with respect to Members of Congress the independent counsel process. Where he does not, the Attorney General does not make the selection, but the special court does make the selection. The suggestion that the Attorney General would assign someone was wrong. It would be the special court.

The fact is this, we had a bill which passed in 1978, a Democratic Congress passed it under a Democratic President.

It was reenacted in 1982, President Reagan signed that bill that he now says is unconstitutional.

Every member of the Committee on the Judiciary on the Republican side who is now in Congress and who voted then voted for that bill on a rollcall vote.

Then what happened? A lot of important appointees of President Reagan found themselves in difficulty with the independent counsel.

That fact apparently rose to constitutional significance so Members on the Republican side began to oppose the bill. Now they have come up with this smokescreen about Members of Congress which is not an accurate one because we do not have a conflict of interest in every case. The Justice Department has a vigorous record under the Carter and Reagan administrations of prosecuting Members of Congress. When a Member of Congress asks for an independent counsel to be appointed, in this case the Attorney General said no, that is not a good idea, I will do it myself.

We have got under way an effort here to try to explain why people are against the bill that they were once for, all because of political embarrassment. The gentleman says wait until the American people find out. As the gentleman knows, the propaganda machine of the House Republicans tried to get the American people all indignant about this, but it did not work well.

Everybody who is on the side for the independent counsel, Common Cause, the American Bar Association, and the other organizations, recognized that smokescreen and helped blow it away.

So there is no real unhappiness with this legislation.

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

Mr. FRANK. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Please answer one question. Will the gentleman from Massachusetts answer once and for all, are the Members of Congress equal to, under this legislation, members of the executive branch with respect to the power of the independent counsel to investigate wrongdoing? Yes or no.

Mr. FRANK. The answer is that the gentleman is under a misapprehension.

Mr. GEKAS. Will the gentleman answer the question first?

Mr. FRANK. Mr. Speaker, I take back my time. I will instruct the gentleman first in the rules and then answer the question.

The gentleman is under the misapprehension that he is a prosecutor in a courtroom. He is under a lot of misapprehension about the bill. Now he is under a misapprehension about what he is doing. The fact is we are not automatically covered the way members of the executive branch are because we do not believe there is an automatic conflict of interest, because whenever the Attorney General thinks there is a conflict of interest he has the unchallenged right to invoke the procedure.

Apparently the Attorney General, Mr. Meese, does not agree with the gentleman from Pennsylvania [Mr. GEKAS], does not agree with the others because he has never availed himself of his statutory power under the law in 6½ years of Republican administration. In 6½ years of Republican administration, Republican Attorneys General under this law have never availed themselves of their unchallenged right to invoke an independent counsel for Members of Congress, not until they needed a smoke-screen to cover their embarrassment in opposing this bill which they all had been for before the indictment of Nofziger and Deaver and the others.

Mr. SHAW. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, let me say that I think we are hearing a lot of nonsense here and it is being spouted from the majority side because I bothered to read their report. The report says a couple of interesting things. First of all, it says that this independent counsel does not just cover people in the executive branch. It covers people that are even outside the Government.

For instance, I find a category down here of people including the chairman and treasurer of the principal national campaign committees seeking election or reelection of the President.

Those are people that may have absolutely nothing to do with Government whatsoever.

They are absolutely not people in the executive branch. So therefore we have gone beyond people in the executive branch to whom my colleagues have referred. It is absolutely absurd to suggest that this bill only covers the executive branch. All my colleagues have to do is read their own report.

Then we get down to the requirements of a special prosecutor. The special prosecutor has specific grounds under which he comes into being. What we are suggesting is that those requirements ought to apply to Members of Congress as well. They ought to apply to Members of Congress because there are other conflicts of interest beyond just conflicts of interest that exist within the executive branch of the Government.

For example, an executive officer of Government might well have a fairly cozy relationship with the chairman of the committee that controls his funding on Capitol Hill.

□ 1700

He might find it very difficult to, as Attorney General, ask for the prosecution of someone who he has to come to the next week to get funds from. That could be a very grave potential conflict of interest. Under this bill, that conflict of interest cannot be resolved. If

in fact you had a special prosecutor who was triggered by certain requirements, that conflict of interest would be resolved.

It seems to me that is something we ought to be a little bit concerned about when we exempt Members of Congress from coverage.

I would also suggest that we have had some prosecutions of Members of Congress under this administration and under past administrations, and almost invariably when the prosecuting attorney has brought those charges, politics has been charged. Almost immediately someone runs out and says this is a political witch hunt that is taking place, the administration is coming after me because I am a Member of Congress. It is a political thing that is being done, because it appears as though the charges are simply charges that are based upon the administration coming up with them.

If there are requirements to bring them about, the fact is those requirements then govern the process. It seems to me that having those requirements cover Members of Congress is extremely important in the conduct of Government on a basis of integrity.

What we are doing here is once again we are saying that somehow integrity applies to other people, but when it comes to Members of Congress we do not want to be covered, thank you, and I would submit that by so doing that in this bill that we have lost our ability to suggest that we are any kind of model of integrity.

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

Mr. WALKER. I am very glad to yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I would ask the gentleman, I assume he has presented this analysis to Attorney General Meese or Attorney General Smith. We have had Republican Attorneys General for the last 6½ years who have the unchallenged power under this bill to invoke the independent counsel procedure when a Member of Congress is under suspicion. They have not only not done it on their own, but when asked to do it they have said no, there is no such conflict of interest and we will not do it. Why have they not done it?

Mr. WALKER. Let me reclaim my time and say to the gentleman I think what I am going to do is put together an encapsulation of all the gentleman's comments in this regard to the Attorney General and send them down there because there are a number of Members of Congress who I think ought to be looked at at the present time, and since the gentleman is very anxious for this Attorney General to begin looking at members of his own party who we think have severe ethi-

cal violations, perhaps that is something that should be done.

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

Mr. WALKER. I am glad to yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, the gentleman has misstated my position more egregiously than he usually manages.

Mr. WALKER. I am sorry. I thought what the gentleman was telling me was that he wants the Attorney General, on his own, to begin to look at some of these matters, and I would suggest to the gentleman that his comments in that regard might be very educational to the Attorney General and maybe we ought to have the Attorney General looking into some of these cases.

Mr. FRANK. Will the gentleman yield further?

Mr. WALKER. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK. The gentleman is aware that I said nothing remotely of the kind, and he can look at my words tomorrow and see. What I said was if it was so difficult for the Attorney General, on his own, to prosecute, I do not understand why these past two Attorneys General have not availed themselves of the power to appoint independent counsel. In fact, my view is that they have not been retarded in their prosecutorial zeal, that they have gone after Members. But the gentleman's point was that the Attorney General cannot do an adequate job, and the facts are wrong.

Mr. WALKER. Let me say to the gentleman that is exactly the point I was making, that the gentleman seems to be anxious to have this Attorney General take steps to have special prosecutors look at Members of Congress. Obviously the gentleman recognizes that there are some problems in the Congress. I certainly recognize that and I think it might be very instructional for the Attorney General to know that one of the leading Members of Congress handling this bill thinks that he should begin to pursue that particular course of action.

Mr. SHAW. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, the vote on this bill will come shortly and I am not going to prolong this argument. We have been through this before and everyone has voted on this. But I think just in 1 or 2 minutes I want to make the point that I think has gone over the heads of many of the Members of this body with regard to what this does. The fact is it has been brought up correctly, so that the Attorney General can appoint an independent counsel if he feels that there is a conflict of interest to investigate a Member of Congress. That is absolutely correct.

But what this bill does and where it sets aside Members of Congress as privileged citizens and the executive branch as something else is that this bill requires an investigation to go forward under certain circumstances. There is no requirement that an investigation go forward for Members of Congress because the Members of Congress ought to exclude themselves from inclusion under this bill. That is as simple as I can state it, and that is as correct as it can be. There is no one who can refute that because that is absolutely in the most simplistic form exactly the way the thing is handled.

I would like to also make one closing comment with regard to the fact that the existing law was passed back, I believe, in 1982, as correctly stated by my friend from Massachusetts, and signed into law and voted on for this body and this Member voted in favor of it. The law that is before us is a great expansion of existing law. It is the same framework, it is the same type of law, but it is not the same law. I think that the same law, as a matter of fact, I again proposed existing law as a substitute for this bill and voted in favor of it for a simple extension until such time as the constitutional dust rests on this subject.

I think all of the arguments have been made. I think everybody's mind is made up.

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

Mr. FRANK. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. HUGHES], who has been a very influential member of the committee.

Mr. HUGHES. Mr. Speaker, I thank the chairman of the subcommittee for yielding me this time and commend him and the members of his subcommittee and the chairman of the full committee, the gentleman from New Jersey, Mr. PETER RODINO, for work on this particular legislation.

Mr. Speaker, I rise in support of the conference report on the Independent Counsel Reauthorization Act.

The independent counsel, originally called a special prosecutor, was originally provided for in a 1978 act, passed by a democratically controlled House and a democratically controlled Senate and signed into law by a Democratic President.

Some fine tuning was done in the law in 1983, which was passed by a House controlled by Democrats and a Republican Senate, and signed by a Republican President.

The legislation is not, as this history indicates, politically motivated or politically partisan legislation. Indeed, it is the opposite. The essence of the legislation is a requirement that anytime credible allegations of criminal wrongdoing are leveled against a person appearing on a list of high-ranking exec-

utive branch officials, those allegations must be investigated and evaluated by a person independent of the administration whose official is under scrutiny. Almost all of the enumerated officials covered by the act are political appointees of the President, and thus placing control in an independent counsel is a step which tends to depoliticize the consideration of the charges in question.

In 1983, we made some modest adjustments in the law based on experience as of that date. Today, we are considering a conference report which essentially does the same thing based on subsequent experience.

The resulting bill involves the interaction of all three branches of Government to address difficult situations which test the fairness of our criminal justice processes and the integrity of our political processes.

The law is well balanced from both the point of view of preserving a role for the Department of Justice in evaluating allegations of criminal wrongdoing, and from that of taking ultimate prosecutorial decisions out of the hands of political appointees when other political appointees or political party officials are the subject of the allegations.

At this point, I would like to make a special note about a portion of the conference report which has somewhat been changed from the House-passed version. I sponsored an amendment at the Committee on the Judiciary which was adopted and passed by the House, providing that the Attorney General may not refuse to apply for the appointment of an independent counsel on the grounds that he or she feels that the subject of the allegations did not have the requisite criminal intent. I felt then—and now—that a determination of criminal intent is not an appropriate conclusion to be reached in a preliminary inquiry.

In the Senate version, the Attorney General was prohibited from closing a case, either before or after a preliminary investigation, due to a lack of evidence of the subject's state of mind, unless the Attorney General has "clear and convincing evidence" that the person lacked the state of mind necessary to commit a crime.

The conference agreement combines the House bill and Senate amendment and provides that prior to a preliminary investigation, the Attorney General may not close a case upon his determination of what was the subject's state of mind and after a preliminary investigation, the Attorney General may not close the case based on his determination of the subject's state of mind unless the Attorney General has "clear and convincing evidence" that the necessary criminal state of mind was absent.

The conference report further declares that it will be a very rare case in

which even the latter situation would apply. Although I still prefer the House version and rationale, I accept the conference report action as well as the other fine tuning of the report.

Experience has shown that in situations which involve a politically charged atmosphere and substantial interbranch tensions and conflicts, the processes of this statute can bring us through to effective and fair results. This process which insures an objective analysis of abuse of public office by high-ranking officials is essential for all of us and the failure to pass the bill prior to its January expiration date would make us all losers in the public's eye.

I urge Members to support extension of this important legislation.

Mr. Speaker, I do not have to tell my colleagues in this Chamber and listening to this debate that not a day goes by that we do not read about an abuse of one's public office. The fact of the matter is that we have a major revolving door. Even though we have moved in the last few years to try to close that revolving door, we still have major conflicts that exist, and unfortunately they send the wrong signal to the public.

This statute is an effort to take the perception as well as sometimes the reality of conflicts of interest out of the decisionmaking process and put it in the hands of an independent counsel, nothing more, nothing less.

We have heard a lot today about the fact that Members of Congress are not covered. The law was developed because of the inherent conflicts that exist with the members of the executive branch of Government investigating primarily members of the executive branch of the Government. Members of Congress and Members of the Supreme Court are not members of the executive branch of Government.

This is a good bill and I urge my colleagues to support the legislation. It would be an injustice if we did not pass this legislation now.

Mr. FRANK. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RAY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

Mr. FRANK. 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 322, nays 90, not voting 21, as follows:

[Roll No. 4501]

YEAS—322

Ackerman	Foglietta	Martin (IL)
Akaka	Foley	Martin (NY)
Alexander	Ford (MI)	Martinez
Anderson	Ford (TN)	Matsui
Andrews	Frank	Mavroules
Annunzio	Frost	Mazzoli
Anthony	Gallo	McCloskey
Applegate	Garcia	McCurdy
Aspin	Gaydos	McDade
Atkins	Gejdenson	McGrath
AuCoin	Gibbons	McHugh
Baker	Gilman	McMillan (NC)
Barnard	Glickman	McMillen (MD)
Bartlett	Gonzalez	Meyers
Bates	Gordon	Mfume
Beilenson	Gradison	Mica
Bennett	Grandy	Miller (CA)
Bentley	Grant	Miller (WA)
Bereuter	Gray (IL)	Mineta
Berman	Gray (PA)	Moakley
Bevill	Green	Molinari
Bilbray	Guarini	Mollohan
Bilirakis	Gunderson	Moody
Boehlert	Hall (OH)	Morella
Boggs	Hamilton	Morrison (CT)
Boland	Harris	Morrison (WA)
Bonior	Hastert	Mrazek
Bonker	Hatcher	Murphy
Borski	Hayes (IL)	Nagle
Boucher	Hayes (LA)	Natcher
Boxer	Hefner	Neal
Brennan	Henry	Nelson
Brooks	Hertel	Nichols
Brown (CO)	Hiler	Nowak
Bruce	Hochbrueckner	Oakar
Buechner	Horton	Oberstar
Bustamante	Houghton	Obey
Byron	Howard	Olin
Campbell	Hoyer	Ortiz
Cardin	Hubbard	Owens (NY)
Carper	Huckaby	Owens (UT)
Carr	Hughes	Oxley
Chapman	Hutto	Panetta
Chappell	Hyde	Parris
Clarke	Ireland	Pashayam
Clay	Jacobs	Patterson
Coats	Jeffords	Pease
Coelho	Jenkins	Pelosi
Coleman (MO)	Johnson (CT)	Penny
Coleman (TX)	Johnson (SD)	Pepper
Collins	Jones (NC)	Perkins
Conte	Jones (TN)	Pickett
Conyers	Jontz	Pickle
Cooper	Kanjorski	Porter
Coyne	Kaptur	Price (IL)
Crockett	Kasich	Price (NC)
Darden	Kastenmeier	Rahall
Daub	Kennedy	Ravenel
Davis (MI)	Kennelly	Ray
Defazio	Kildee	Rhodes
Dellums	Kleczka	Richardson
Derrick	Kolbe	Ridge
Dicks	Kostmayer	Rinaldo
Dingell	Kyl	Robinson
DioGuardi	LaFalce	Rodino
Dixon	Lagomarsino	Roe
Donnelly	Lancaster	Rostenkowski
Dorgan (ND)	Lantos	Roukema
Downey	Leach (IA)	Rowland (CT)
Durbin	Leath (TX)	Rowland (GA)
Dwyer	Lehman (CA)	Royal
Dymally	Lehman (FL)	Russo
Dyson	Leland	Sabo
Early	Lent	Saiki
Eckart	Levin (MI)	Savage
Edwards (CA)	Levine (CA)	Sawyer
Emerson	Lewis (FL)	Saxton
English	Lewis (GA)	Scheuer
Erdreich	Lightfoot	Schneider
Espy	Lipinski	Schroeder
Evans	Lloyd	Schuette
Fascell	Lowry (WA)	Schulze
Fawell	Lujan	Schumer
Fazio	Luken, Thomas	Sensenbrenner
Feighan	MacKay	Sharp
Flake	Madigan	Shays
Flippo	Manton	Sikorski
Florio	Markey	Sisisky

Skaggs	Stratton	Walgren
Skelton	Studds	Watkins
Slattery	Swift	Waxman
Slaughter (NY)	Synar	Weber
Smith (FL)	Tallan	Weiss
Smith (IA)	Tauke	Weldon
Smith (NE)	Tauzin	Wheat
Smith (NJ)	Thomas (GA)	Whitten
Smith (TX)	Torres	Williams
Snowe	Torricelli	Wilson
Solarz	Towns	Wise
Solomon	Traficant	Wolf
Spratt	Traxler	Wortley
St Germain	Udall	Wyden
Staggers	Upton	Wylie
Stallings	Valentine	Yates
Stangeland	Vander Jagt	Yatron
Stark	Vento	Young (FL)
Stenholm	Visclosky	
Stokes	Volkmer	

NAYS—90

Archer	Frenzel	Nielson
Armey	Gallegly	Packard
Badham	Gekas	Petri
Ballenger	Gingrich	Quillen
Barton	Goodling	Regula
Bateman	Gregg	Roberts
Biley	Hall (TX)	Rogers
Boulter	Hammerschmidt	Roth
Broomfield	Hansen	Schaefer
Bunning	Hefley	Shaw
Burton	Hher	Shumway
Callahan	Holloway	Shuster
Chandler	Hopkins	Skeen
Cheney	Hunter	Slaughter (VA)
Clinger	Inhofe	Smith, Denny
Coble	Konnyu	(OR)
Combest	Latta	Smith, Robert
Coughlin	Lewis (CA)	(NH)
Courter	Lott	Smith, Robert
Craig	Lukens, Donald	(OR)
Daniel	Lungren	Spence
Dannemeyer	Mack	Stump
Davis (IL)	Marlenee	Sundquist
DeLay	McCandless	Sweeney
DeWine	McCollum	Swindall
Dickinson	McEwen	Taylor
Dornan (CA)	Michel	Thomas (CA)
Dreier	Miller (OH)	Vucanovich
Duncan	Moorhead	Walker
Fields	Murtha	Whittaker
Fish	Myers	Young (AK)

NOT VOTING—21

Biaggi	Edwards (OK)	Montgomery
Bosco	Gephardt	Pursell
Brown (CA)	Hawkins	Rangel
Bryant	Kemp	Ritter
Pickett	Crane	Roemer
Porter	de la Garza	Livingston
Price (IL)	Dowdy	Lowery (CA)

□ 1715

The Clerk announced the following pairs:

On this vote:

Mr. Rangel for, with Mr. Crane against.

Mr. Wolfe for, with Mr. Lowery of California against.

Mr. HALL of Texas changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1730

GENERAL LEAVE

Mr. FRANK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

S. 860—TO DESIGNATE "THE STARS AND STRIPES FOREVER" AS THE NATIONAL MARCH OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. INHOFE] is recognized for 5 minutes.

Mr. INHOFE. Mr. Speaker, for years, millions of Americans have been stirred by the rousing beat and uplifting melody of John Philip Sousa's "The Stars and Stripes Forever." Yesterday, in a well-deserved tribute to the special place this composition has in the hearts of all of us, this House approved legislation designating "The Stars and Stripes Forever" as our national march. As a cosponsor and avid supporter of this effort, I applaud this Chamber's action.

I think it is also important to recognize the efforts of private citizens, who have worked long and hard to see this measure approved by Congress. Tulsa, OK is proud to be the home of of the most dedicated and persistent of these private citizens: Mr. Jimmy Saeid.

Jimmy Saeid has used his uncanny resemblance to John Philip Sousa to promote the kind of music that both Sousa and Saeid—and the American people—love. Jimmy's efforts to promote concert bands and the music of John Philip Sousa are legend in our region. He has travelled from State to State for the last 6 years, dressed as John Philip Sousa and leading bands in the rousing music that leaves its audience tapping its toe, humming a tune, and feeling good.

Jimmy's primary goal was to see "The Stars and Stripes Forever"—Sousa's most widely known and loved march—designated as our national march. With House passage of S. 860, that goal has been all but realized, and I would like to express my appreciation for the important contribution Jimmy Saeid has made to this effort.

INTRODUCTION OF AN ACROSS-THE-BOARD SPENDING FREEZE FOR 1988 TO BALANCE THE BUDGET

Mr. INHOFE. Mr. Speaker, I would like to take a moment of my time to proceed on an unrelated subject.

Mr. Speaker, I am introducing a resolution today to freeze most Government spending for 1988 at the 1987 levels.

We are in a quandary around here about how to balance the Federal budget. Some of us do not support President Reagan's economic summit plan. Others believe Gramm-Rudman is the wrong approach. So what do we do?

I say we find the nearest exit from this budget mad house and catch our collective breath. We do this by freezing appropriations for 1 year. It appeals to those of us who truly believe that a tax increase is not necessary. It appeals to those who want no Gramm-Rudman cuts.

Defense spending, along with some domestic spending, would be frozen in order to give us time to find the best approach to balancing the budget. Yes, we are going to offend some constituencies. But a 1-year freeze is a modest sacrifice for most Americans. It is a sacrifice that would be shared equally by all Americans. If we dismiss this proposal, or any other, because we fear Americans are not willing to make the sacrifice then we underestimate their patriotism.

My bill would freeze all Federal spending for a period of 1 year. This would be an across-the-board freeze to encompass all appropriations accounts. All Federal retirees and other Federal entitlement beneficiaries would receive a 2 percent cost-of-living adjustment. Supplemental Security Income recipients would receive a full COLA.

This amendment is the same as Senate Resolution 329 which was introduced by Senator NANCY KASSEBAUM in the Senate on November 20th. The bill has strong bipartisan support and according to Senator KASSEBAUM "over 23 Senators have already joined as cosponsors of this comprehensive freeze. The bill would also delay tax reductions that individuals and corporations are scheduled to receive until 1989."

Such a freeze should be considered as the minimum acceptable step toward deficit reduction. The 1-year savings from the freeze would total about \$30 billion in fiscal year 1988. It would provide a 3-year total deficit reduction of about \$100 billion.

As my colleague Senator ROTH points out, the Congressional Budget Office predicts that revenues will grow an average of \$70 billion a year over the next 5 years without—and I emphasize without—legislative tax increases. By 1992, \$350 billion will have been added to Federal revenues. If Congress can restrain spending growth, we will be able to achieve our goal of a balanced Federal budget.

Please join me in sponsoring this resolution so that we may be on record as having the integrity to stand up and make the tough choices.

RETIREMENT OF A GREAT PUBLIC SERVANT AND FRIEND—GEORGE THOMAS

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, although it is with great regret, it is also a privilege for me to be able to report to my colleagues on the retirement of one of California's finest public servants, and a good and long-time friend of mine, George Thomas.

George is retiring as manager of the San Benito County Water Conservation and Flood Control District after 16 years of hard work dedicated to one goal: The improvement of his county's water supply and control, and through it a continuing improvement in the lives and livelihoods of his fellow citizens. He has done his job well, very well, and the residents of San Benito County, particularly those involved in agriculture, as well as those who have had the opportunity to work with him over the years, are going to miss him.

George graduated from Gilroy High School and San Benito Junior College. He attended the University of California at Berkeley until 1940, when he volunteered for the Army. He left the Army as a captain, having served for 5½ years.

George has had a long and successful career, and I would like to mention a number of his accomplishments and activities.

Among the professional activities in which he is still involved are the following:

He is a Farm Bureau Director, and has been for 26 years; he is a member of the Wowona Town Planning Council; he serves on the executive committee of the Central Valley Water Project Association; he is an adviser to the Pajaro Valley Water Management Agency; he serves on a special agency committee of the Association of California Water Agencies; and he serves on the executive committee of the San Luis Delta-Mendota Water Users Association.

George's past professional activities include the following:

He served as an adviser to the San Benito Planning Commission; he served on the California Farm Bureau Water Advisory Committee; he served on the Technical Review Committee for a Bureau of Land Management study of Federal land uses for New Idria and Clear Creek; he testified before a number of congressional and State Assembly and Senate committees on water and agricultural issues; he helped rewrite the San Benito County Water Conservation and Flood Control District Act in 1967; he served on the board of directors of the San Benito County Water Conservation and Flood Control District, including 2 years as president; he served on Senator S.I. Hayakawa's Agriculture Advisory Committee; he served as Farm Bureau president; and he served for 4 years as a director of the San Benito Cattlemen's Association.

In addition to these numerous professional and agriculture-related activities, George has been very active in community life. He served for 16 years on the Gavilan College board, including two terms as board president; he served as president of the Hollister Rotary during its Golden Jubilee Anniversary; he was involved in Little League, including 3 years as president; he coached basketball at his church; he served as leader of 4-H, including 2 years as president of the 4-H Council; and he served on fundraising committees of San Benito High School. George is also a member of the Commonwealth Club and a lifetime

member of the University of California Alumni Association.

Mr. Speaker, these activities speak volumes about George Thomas. They show his commitment to improving the lives of his neighbors and community and the integral role he plays in the economic and community life of San Benito County. But I can tell you from my long friendship with George that he is also a dedicated husband, father, grandfather, and friend. His lovely wife, Nevada, is also a dear friend to me and to my own wife, Sylvia. We look forward to many years of continuing friendship with them, and I am sure that San Benito County can look forward to their continuing involvement in community life.

Mr. Speaker, I know my colleagues join me in congratulating George upon his retirement. He can look back on a career of accomplishment at the same time that he looks forward to a fulfilling retirement. We all join together in and wishing him and Nevada the best of luck in the future.

AN ALASKAN SALUTE TO H. NOBLE DICK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska [Mr. YOUNG] is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, recently, a very distinguished Alaskan, Mr. H. Noble Dick, passed away. Noble was a long-time Alaskan, having grown up in Fairbanks and having lived in the State most of his life. He was very active in Alaska Native issues and was serving as the president of the Bristol Bay Native Corp. at the time of his death.

Establishing the for-profit corporation as the prime structure to implement a settlement of aboriginal claims was a new and untried national experiment in 1971. Alaska Natives saw great opportunity, but faced uncertainty and risk when this bold corporate concept became the foundation of the Alaska Native Claims Settlement Act. Noble played a key role in giving the Settlement Act one of its truly great success stories.

Noble was well known throughout Alaska for his honesty and integrity. He was also known as the man who helped turn the Bristol Bay Native Corp. around and ensure its success and financial solvency for the future. Noble worked at the Bristol Bay Native Corp. for many years, first as a controller and then as president.

When he took over the reins of the Bristol Bay Native Corp., the corporation was in some financial difficulty. He presided over a restructuring of the corporation and its business practices. He helped the corporation, many of whose shareholders are commercial fishermen, make the difficult decision to remove itself from the commercial fishing business and expand into other business enterprises.

That decision, for which Noble is best remembered by his shareholders, has been the key to success for the corporation. I am pleased to say that the corporation is now on a sound financial footing and is one of the most successful of the Alaska Native corporations.

Noble, however, was not only known for his business. He was also a kind and gentle individual who was particularly active in his church. A long-time activist in the Lutheran Church, Noble was well known as an individual who worked hard for worthy causes. He will be missed by all who knew him.

A VISIT TO AFGHANISTAN

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

Mr. DORNAN of California. Mr. Speaker, I just want to address my colleagues a little further on the subject that I mentioned this morning before we began official business. I refer to this journey that seven of my colleagues and I took to the Afghanistan border to assess the struggle of the Mujahedin freedom fighters in that far-off corner of the world.

I had thought, from previous visits to Pakistan and a previous trip to Kabul in Afghanistan in 1972, that I had a pretty good feel for the freedom fight in that area. But it gives proof always to the fact that an onsite inspection, with a little "I was there" feeling on the scene, is worth any type of reading that you can possibly do.

□ 1740

To visit with the wounded, to visit with one man who had received a serious wound in the back of his head, had been sent to the United States through the generosity of American doctors and hospitals, had survived and been treated to the tune of \$400,000 and was then sent home to Afghanistan to die, this is one of the commanders, to see him slightly recovering, doing well, and not sorry at all that he had received this terrible wound to the back of his head that will not heal, in the fight for freedom for his country, it was a remarkable thing to talk to this man through a translator right there on the border.

The children that we saw, the fighters that gathered into a large group at one of the refugee camps, over 600 people, to listen to the remarks of one of our senior colleagues on the majority side of the aisle, Representative CHARLES WILSON of Texas, to see the children being trained in a school, these are Afghan children being trained at the expense of Pakistan at one of the refugee camps, to meet with their fighters, to go up to the Khyber Pass and have a Thanksgiving dinner with the Khyber Rifles, to visit with the military people of Afghanistan, to look at all sorts of parts of a program that is top secret, that cannot be discussed on this House floor, thoughts that we cannot share with the great free American, European, and Japanese press, to see the success of an operation for freedom there and then to think about the pathetic shoe-

string that the young men and women who are fighting for freedom right here on the continent of North America must get by on, the limited supplies, how they would dearly love to have Stinger missiles, the Contra freedom fighters, when they see one of the Soviet-made Cuban-flown HIND helicopters boring in on them in Central America, I for the life of me, with all the liberal disassembling and descriptions of why it is different in Afghanistan, different from Angola, different from Central America, let me try in a brief minute here to run a comparison.

The bordering country that helps the freedom fighters in Central America is Honduras. It has a duly elected President, Jose Azcona. The government that helps the freedom fighters in Afghanistan on the border, Pakistan has a military government.

The freedom fighters in Central America have no military tradition. They are not described as fierce, Bataan fighters, who rise to fight fiercely for their independence and freedom. You know the old cliche, "Latins are lovers, not fighters," but the young boys and girls who die in the jungles of Nicaragua, Nicaraguan young men and women on Nicaraguan soil, fighting against a Communist government aligned with the Soviet Union, they do not have this tradition of fighting, so they learn as they go, but they fight with the same stout heart as the Mujahedin.

Here is a country, Nicaragua, closer to my district in California than this far-off trip that it took up to reach the border of Pakistan and Afghanistan. These people are fellow Americans, fellow North Americans, and yet we will not give them the Stinger. We give them older type missiles so that when the HIND helicopter is coming at them, they cannot fight. They have to hope that they are not murdered, they are not killed. Then they get a shot at the heat exhaust of the departing HIND helicopter; but in Afghanistan, we have given them the state of the art so they can stand up face to face and fight the killing helicopters and Mig's as they are coming at them. Over a period of this summer, they were shooting down an average of one per day, one per day. They have shot down over 670 aircraft, helicopters and bombers, that have been rippling up the countryside in Afghanistan.

We have given Stingers to Angola. It is no longer classified. It is in Time magazine, Newsweek, and U.S. News & World Report, but there they call Jonas Savimbi a Marxist. We rip him up. We have debates on this House floor to support the Communist government in Rwanda, and yet who is Jonas Savimbi and his UNITA forces up against? Soviet commanders at the brigade regiment, and in some cases

the battalion level, fighting the same tanks, the same aircraft, the same armored personnel carriers that the Mujahedin are fighting in Afghanistan.

My heart goes out to the Mujahedin, but I say to them, how lucky you are that you are far away, that you have this fierce, fierce gun running tradition, fierce fighting tradition, and that it is the Soviet troops that are directly involved with killing you, because if you were in Africa, or worse yet, if you were closer to my district than where I stand in Washington, DC, if you were a fellow North American young man or woman, you do not get the help. You have to be in the foothills of the Himalayas. It does not make sense to this Member, not at all.

HUMAN RIGHTS IN RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. MRAZEK] is recognized for 60 minutes.

GENERAL LEAVE

Mr. MRAZEK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

Mr. MRAZEK. Mr. Speaker, today on the east steps of the U.S. Capitol, steps that through the last century and more the words of freedom have rung out through the voices of great American leaders like Abraham Lincoln in two inaugural addresses, many other Presidents and many other extraordinary men and women who have spoken of freedom and what it means to them as citizens of the United States of America.

Well, today it was our sad duty as Members of Congress to join together in a prayer vigil in support of millions of people in the Soviet Union who are chained to a nation that they have no freedom to leave.

One of the basic and most fundamental human rights that we enjoy is the opportunity to live wherever we wish. That is not true for so many hundreds of thousands of families who have asked to leave the Soviet Union and who are separated by political barriers and intolerance from their families and their loved ones.

I think it is fair to say that one of the most simple and exquisite pleasures that all of us maybe too often take for granted as parents is the opportunity to watch our children grow up. I have an 8-year-old daughter and a 6-year-old son and the most exquisite joy I know is bathing in the reflection of their love, and I guess it is for that reason so many of us in America who enjoy that wonderful freedom can

appreciate and understand the agony of so many tens of thousands of families who have not seen one another in many cases for decades, simply because they are not allowed to leave the Soviet Union.

We have seen certain progress made in the relationship between the United States and the Soviet Union and it is fair to say that the State Department in our relationship with the Soviet Union is practicing what some have called quiet diplomacy when it comes to questions like human rights. I think it is important to continue quiet diplomacy if in fact that was responsible for the release of great heroes like Anatoly Shcharansky and great heroines in the world of the free stage like Ida Nudel.

By the same token, I think it is critically important that we send a continuing message to Mr. Gorbachev, General Secretary Gorbachev, as well as to all those families behind the Iron Curtain that they are not forgotten, that we will continue to speak out, that we will continue to pray for their release from the endless night of oppression that they face in the Soviet Union.

At this point, Mr. Speaker, I would like to call on my colleague from New York. No one has a greater or more positive record in the field of human rights across this globe than my distinguished colleague from New York.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding and I thank the gentleman for his kind words.

Mr. Speaker, I am pleased to join with our colleague from New York [Mr. MRAZEK] and thank him for sponsoring this opportunity to bring our colleagues up to date on this vital issue of human rights in the Soviet Union.

This is certainly appropriate to do so. On Monday, December 7, the President will be meeting with Premier Gorbachev at the summit. Despite the blandishments of the White House not to become too overly optimistic, the western world is looking forward to significant breakthroughs on the path to international peace and stability.

Accordingly, this is a most appropriate time to remind the American people that a true, lasting peace is not possible without justice. As the late Dr. Martin Luther King, Jr., so eloquently stated: "Injustice anywhere is a threat to justice everywhere."

The continued pleas of Soviet Jews and other religious minorities to be allowed to emigrate out of the Soviet Union, to reunite with family and loved ones, and to live in a nonoppressive society allowing them to worship and pray as they choose is today one of the great injustices on the face of the Earth.

This is why so many of us committed ourselves to the cause of Soviet Jewry on the steps of the Capitol earlier today, along with the gentleman from New York [Mr. MRAZEK], and this is why thousands upon thousands of interested Americans are traveling to Washington this weekend; to demonstrate outside of the White House and let Mr. Gorbachev know that we have not forgotten.

Under the new wave of "glasnost," much publicity has been given to the new "openness" of the Kremlin regime. It is true that emigration figures for Soviet Jewry in 1987 has surpassed that for 1986. It is also true that most of the famous prisoners of conscience have been freed.

But how much of glasnost is genuine openness, and how much is mere window dressing? The facts speak for themselves:

Although we are grateful that Iosef Begun and Iosef Berenshtein and Ida Nudel and many of the other prisoners of conscience have been released and allowed to emigrate, what of the hundreds of thousands of others that we know have begun the process to apply for exit visas?

Why have so many courageous men and women been arrested and tried on unfounded charges in the first place? Although we are grateful for their eventual release, why did the Soviets violate and continue to violate the Helsinki accords originally?

Why does the interruption of international mail addressed to minorities and dissidents inside the Soviet Union continue? Why have the Soviets decreed that, as of this year, parcels sent into the U.S.S.R. must be required to have a customs declaration only in Russian or French language, despite the fact that English previously had been acceptable?

Why did the Soviet Union recently implement new emigration restrictions, allowing only a first-degree relative permission to emigrate? In the past, a cousin or a grandparent was sufficient.

Mr. Speaker, I submit that glasnost will continue to have only a hollow ring in the ears of all American unless and until all the Soviet Jews who wish to emigrate are allowed to do so. Until that day arrives, Secretary Gorbachev's cry for openness will remain hollow.

So far this year, 7,250 Soviet Jews were allowed to emigrate. We all agree that this is certainly an improvement over the 1986 total of 914. But it does not compare with the 51,320 who emigrated in the peak year of 1979. Nor does it compare with the hundreds of thousands who are still awaiting word on their visa applications.

Mr. Speaker, I hope the American people will rise with one voice in reminding Mikhail Gorbachev: "If you are sincere, then let those who wish to

emigrate, to go 'freely'—to the lands of their choice."

Mr. MRAZEK. Mr. Speaker, I want to thank my colleague, the gentleman from New York [Mr. GILMAN] for an eloquent statement.

Mr. Speaker, today I was joined, as I have been for the last 4 years, with the very strong support of my colleague, the gentleman from Illinois, Mr. EDWARD PORTER, who is the co-chairman of the Human Rights Caucus and an ardent and committed advocate for human rights all around the world.

□ 1755

The gentleman from Illinois [Mr. PORTER] could not be here this evening to participate in this special order, but will submit for the RECORD a statement that supports our efforts to continue the struggle to make sure that all of those families that wish to leave the Soviet Union will someday be allowed to do that.

Mr. Speaker, I want to call on someone who joined Congressman PORTER and I as principal sponsors this year of the fifth annual vigil, and although a freshman Member of Congress, someone who already has developed an outstanding record when it comes to human rights questions. I want to commend my colleague, the gentlewoman from Maryland [Mrs. MORELLA], and call on her now to make a statement.

Mrs. MORELLA. Mr. Speaker, I certainly want to thank the gentleman from New York [Mr. MRAZEK] for the fifth consecutive year of having this special vigil and special order. I want to commend also his colleague, the gentleman from Illinois [Mr. PORTER], who was also involved with this and to tell them that I am very happy to take a small part in this special order.

Mr. Speaker, in just a few days Mikhail Gorbachev will arrive in this city, the first Soviet Head of State to do so since Leonid Brezhnev 14 years ago.

A coalition of American Jewish groups will hold a big rally, which I will be attending, on the Ellipse this Sunday. President Reagan will give human rights an important place on the agenda of his meetings with Secretary Gorbachev. This special order, and the prayer vigil held earlier today, are important opportunities for Congress to communicate its concern for Soviet abuses of human rights. I would like to commend Congressman PORTER and Congressman MRAZEK for their fine work in organizing the prayer vigil which is now in its fifth year, and for organizing with me this special order.

I am pleased to be here, but also disappointed to be here. I am pleased to be here because we may never have a better opportunity to demonstrate to the Soviets our commitment to human

rights and to free emigration. I am disappointed because, despite the encouraging words of glasnost, there is still a very pressing need to be here.

Make no mistake—things are better this year than they were last year; 910 refuseniks were allowed out last month alone, only 4 less than were allowed out during all of 1986.

But 910 is still only one-fourth of the number of refuseniks allowed out every month during 1979. At the height of détente in 1979, some 51,000 Soviet Jews were granted exit visas. I call on Secretary Gorbachev to show that he is serious about glasnost by matching that figure. But even that, four times the present rate, is still a far, far cry from what the Soviets are bound to by the U.N.'s Universal Declaration of Human Rights. The declaration states that, "Everyone has the right to leave any country, including their own." That means free emigration, free, and we will not rest until the Soviets allow that for:

Every 1 of the 380,000 Soviet Jews who have indicated a desire to leave.

For Lev and Marina Furman, whose daughter's name, Aliyah, means "the ascent to Israel."

For Leonid and Judit Ratner-Bialy, denied visas on the basis of "secrecy" though Leonid hasn't had access to secrets since 1972.

For Vladimir Tufeld and his wife Isolde, who suffers from a brain tumor that can be treated properly only in the West.

For Isaac Tsitverblit, a refusenik for 14 years who recently had to divorce his wife so that she and their son could leave for the West.

For Valery Aronov, who has suffered for 8 years because he desires to exercise his basic human right to live in freedom.

If glasnost means openness, then why are the gates of the Soviet Union still closed to these people? And why are the gates to Soviet prisons still closed to so many Ukrainian, Estonian, Lithuanian, Latvian, and other prisoners of conscience?

Fifty-five-year-old Yuriy Shukhevych is spending the 36th out of his last 40 years in prison because he refuses to denounce his father, a prominent Ukrainian nationalist.

Estonian Mart Niklus has been imprisoned since 1981 because of his peaceful opposition to the Soviet occupation of the Baltic.

Vladimir Slepak, a refusenik for 17 years, has said to us, his friends in America, "If you turn your eyes, even for a moment, we will cease to exist." Mr. Slepak was recently allowed to leave the Soviet Union, but we must continue to focus on those who remain.

I know that my colleagues share my determination to press on with the fight for justice. I yield the floor to

them now so that they may join me in making heard the voice of freedom.

Mr. MRAZEK. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for her superb statement.

I, too, met with Vladimir Slepak and his wife in Moscow several years ago and found them to be most remarkable human beings, with indomitable courage and optimism, and that after 18 years of waiting for the chance to leave the Soviet Union and being denied, but they were still convinced and committed that someday they would leave the Soviet Union and live again with his children and his family in Philadelphia.

Now he has that opportunity and, I suppose, to a certain extent, all of those who continue to speak out on behalf of human rights around this globe can take a certain amount of credit for the fact that the Soviets do listen and eventually do make changes in their policy.

Mr. Speaker, I now call on my distinguished colleague, the gentleman from California [Mr. DYMALLY], who is also a committed advocate for human rights.

Mr. DYMALLY. Mr. Speaker, I appreciate very much this opportunity and I thank the gentleman from New York [Mr. MRAZEK] very much for yielding me this time.

Mr. Speaker, some 3 years ago, approximately 3 years ago, I visited Moscow with my wife and had the very unique experience of visiting with the refuseniks. It was a most moving experience to meet with these people who are denied the right to earn a decent living, not to mention denied the right to leave the Soviet Union to visit with or to join their families in Israel or in the United States or any other part of the world. What I found very disturbing was that immediately upon application for an exit visa, these good people would lose their jobs, they lose their status, and some of them are relegated to doing very menial tasks, their children are denied opportunities in school, and it is really a life of misery.

In one instance, one of the refuseniks had in his possession a United States passport and I said to him, "If you have a United States passport, why do you not leave?"

He said, "I have left, but I had to come back because they would not permit my family to leave."

So here we had an American citizen in Russia unable to leave to come to the United States because his family was not given permission to join him. They certainly had no state secrets, which is the favorite excuse that the Soviets use for not granting a visa. But I lived to see this gentleman and his family subsequently migrate to the United States, but he was just one of several cases who have been denied

permission to visit Israel or the United States or any other country.

So I am very pleased that the gentleman from New York [Mr. MRAZEK] has seen fit to bring attention to this very critical issue, and I will join my friends on Sunday in showing a sense of solidarity between Americans and Soviet Jewry for those who wish to migrate to any part of the world.

Mr. MRAZEK. Mr. Speaker, it is my privilege to call on my extraordinary colleague, the gentleman from Maryland [Mr. HOYER], the chairman of the Helsinki Commission, which has the very important responsibility of monitoring human rights violations and who has traveled to some of the most uninviting places in the world to fulfill his commitment on behalf of those who enjoy no freedom today.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding. I would like to take this opportunity to once again thank the gentleman from New York and the gentleman from Illinois [Mr. PORTER], cochairs of the Congressional Human Rights Caucus. Both the gentleman from New York [Mr. MRAZEK] and the gentleman from Illinois [Mr. PORTER] have worked unstintingly to make sure that we do not forget that all of the peoples of the world do not enjoy the rights that we are so privileged to enjoy under the Constitution, whose birthday we celebrate this year.

I also thank and congratulate the gentlewoman from Maryland [Mrs. MORELLA], for cosponsoring today's congressional prayer and fast vigil.

In less than 1 week the leaders of the United States and the Soviet Union will begin their summit meeting and finalize, it appears almost certain, an INF treaty.

It is a time of hope, of expectation, and accomplishment.

Mr. Speaker, we must measure that hope not only by the number of the accords that we sign but how those accords are subsequently observed. As chairman of the Helsinki Commission, I know firsthand the hopes and expectations that have been shattered by the Soviet Government's nonobservance of international documents that they have signed, most specifically the Helsinki Final Act and by reference of that act, the Universal Declaration on Human Rights of the United Nations.

Mr. Speaker, the signing of the Helsinki accords in 1975 raised the expectation of many Soviet citizens who desired the right to leave and indeed the right to return to their country. The Helsinki accords also gave hope to those citizens who wanted to freely practice the religion and culture of their choice. For some, Mr. Speaker, these dreams have never been realized.

Vladimir and Maria Slepak, Lev and Inna Elbert, Ida Nudel, and Yuli Edelshtein, all at long last and after

long struggles have realized the dream of living in an open and free country.

Yet, Mr. Speaker, the dreams, hope, and expectations remain for countless others:

Ira Dashevsky pleads with Members of Congress and Soviet authorities to grant her ill and aging father permission to emigrate, to come to be with his daughter in the United States.

Judith Ratner Bialy and her husband, Leonid, need medical attention yet their pleas go unheard in seeking that attention.

Mark Terlitsky is denied permission to emigrate and not even told when to reapply.

Ira and Lev Furman, with their young child, are unable to emigrate to Israel for alleged knowledge of state secrets. Ira and Lev have been waiting for more than 16 years, longer, indeed, than the existence of the Helsinki accords.

Benjamin Charny—of whom we hear almost every time we rise to speak—Benjamin Charny is suffering from cancer. Benjamin Charny, desiring to come to this country to seek medical, perhaps life-saving, care. Benjamin Charny, who desires to come and visit his brother Leon and to be with his daughter Anna. His only dream shattered by the Soviets' refusal to let Benjamin Charny go.

Mr. Speaker, on the eve of this historic summit, the U.S. Congress in one united voice urges the General Secretary to give substance to the hopes, dreams, and expectations of his own citizens.

□ 1710

Those hopes, those dreams, those expectations are mirrored in the Helsinki Final Act.

Again I thank the gentleman from New York, BOB MRAZEK, and the gentleman from Illinois, JOHN PORTER, and all of the others in this body who stand on a daily basis to make sure that we do not forget. As privileged as we are in this country, there are thousands, yea millions who do not enjoy the promises made to them in international documents, a moral undertaking of 35 nations that said we believe that there is an absolute minimum standard that we ought to accord to human beings. Those minimum standards are not being observed in some of those nations, and most specifically the Soviet Union.

All of us join the gentleman from New York, BOB MRAZEK, and the gentleman from Illinois, JOHN PORTER, in hoping that this next week we will see a dramatic change and acceptance of human rights obligations.

Again I congratulate my colleague for his leadership and commitment.

I would again like to take this opportunity to thank Congressman BOB MRAZEK, Congressman JOHN PORTER, the co-chair of the Congressional Human Rights Caucus, and my col-

league from Maryland, CONNIE MORELLA, for sponsoring today's prayer and fast vigil for Soviet Jews and this special order.

In less than 1 week the leaders of the United States and the Soviet Union will begin their summit meeting and finalize an INF treaty. It is a time of hope, expectation, and accomplishment. But, Mr. Speaker, we must measure that hope not only by the number of accords we sign, but by how those accords are observed.

As chairman of the Helsinki Commission, I know first-hand the hopes and expectations that have been shattered by the Soviet Government's nonobservance of international documents that they have signed—most specifically the Helsinki Final Act.

The signing of the Helsinki accords in 1975 raised the expectations of many Soviet citizens who desired the right to leave and return to their country. The Helsinki accords also gave hope to those citizens who wanted to freely practice the religion and culture of their choice.

To some, Mr. Speaker, these dreams have been realized. Vladimir and Maria Slepak, Lev and Inna Elbert, Ida Nudel, and Yuli Edelstein, all at long last and after long struggles have realized the dream of living in an open and free country.

Yet, Mr. Speaker, the dreams, hopes and expectations remain for countless others:

Ira Dashevsky pleads with members of Congress and Soviet authorities to grant her ill and aging father permission to emigrate.

Judith Ratner Bialy and her husband, Leonid, need medical attention yet their pleas go unheard in seeking that attention.

Mark Terlitsky is denied permission to emigrate and not even told when to reapply.

Ira and Lev Furman, with their young child, are unable to emigrate to Israel for alleged knowledge of state secrets. Ira and Lev have been waiting for more than 16 years, longer, than the existence of the Helsinki accords.

And Benjamin Charny is dying from cancer. His only dream is to be with his family members in his final days. Shattered hopes and shattered dreams, Mr. Speaker.

Mr. Speaker, on the eve of this historic summit, the U.S. Congress in one united voice urges General Secretary Gorbachev to give substance to the hopes, dreams, and expectations of his own citizens. Those hopes, dreams, and expectations are mirrored in the Helsinki Final Act.

I again thank my colleagues for the opportunity to participate in this special order.

Mr. MRAZEK. Mr. Speaker, I thank the gentleman for those sensitive and caring words about people who again are treated with humiliation and ostracism simply for requesting the opportunity to leave the nation where they are forced to live.

I find it remarkable that General Secretary Gorbachev, who had an opportunity to deliver a very candid presentation on national television within recent days, when asked about the question of human rights and people who want to leave suggested that there are so very few who in fact really want to leave, and that those

others who cannot leave represent state security risks.

He also talked about a brain drain from the Soviet Union. It is remarkable because the people we are talking about, although once they may have been lawyers or doctors or teachers, are people who when they indicate an interest in leaving the Soviet Union find that they immediately lose their occupation, they find themselves unemployed or sweeping floors or cleaning public toilets. We are talking about people who remake the word bravery and courage every day when in fact they recognize exactly what is going to happen to them when they ask for the simple right to leave the Soviet Union.

It is not a brain drain that General Secretary Gorbachev is talking about, and he well recognizes that. It is simply the fact that in their society there are all too many people who would like to leave, and if they opened up the doors of the Soviet Union millions of people would come flooding out.

It is hard when one claims, of course, that they are living in God's paradise on Earth, even though they do not accept the reality of a God in heaven, nevertheless fully appreciate what would happen if those doors would open.

Mr. Speaker, I yield to the gentleman from California [Mr. BERMAN] for a brief statement.

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me this time and would first like to commend him and his colleague, the gentleman from Illinois, JOHN PORTER, for once again taking their valuable time and adding their important voices to the cause of Soviet Jewry and of others who are denied human rights and the freedom to emigrate in the Soviet Union, and to add my voice to this special order on Soviet Jewry.

Mr. Speaker, I rise today to welcome General Secretary Gorbachev to Washington and to add my voice to this special order on Soviet Jewry. This summit is a momentous occasion for both the United States and the Soviet Union. The leaders of the world's two most powerful nations will convene to sign an agreement on nuclear weapons reduction that will benefit all the Earth's inhabitants.

I am, however, concerned that the positive nature of this important accomplishment might be allowed to overshadow the great difficulties still to be resolved between our countries. I am referring to the issues of human rights in, and emigration from, the Soviet Union.

Congress and the American people have been closely monitoring the progress of reforms in the Soviet Union under General Secretary Gorbachev's policy of glasnost. While we are encouraged by much of what we have seen, there are still many contradictions and unfulfilled promises.

Glasnost has sent conflicting and ambiguous signals to both Soviet Jews and the West. While the increase in numbers of Soviet Jews

granted permission to emigrate comes as a welcome sign, we are distressed by increasing denials for reasons of secrecy even though many of those persons have not been privy to secret information for 10 years or more. Equally distressing was the January 1, 1987, OVIR declaration limiting emigration to only those with first degree relatives outside of the Soviet Union.

We are hopeful that the number of Soviet Jews and others who are granted permission to leave continues to rise. The new Soviet willingness to discuss and recognize the validity of Western concerns is encouraging. Yet promises and numbers well below those of 1979 are not enough. The ultimate test of General Secretary Gorbachev's intentions and resolve lies in the successful enactment of a regularized application procedure which leads to substantial and sustained emigration. Without a standardized emigration procedure their lives, tragically, will continue to be manipulated by the political vagaries of the Soviet Government.

The time has come for the Soviet Union to stop treating Jews and others who wish to emigrate as so much foreign policy currency. These refuseniks should be allowed to leave because it is immoral to keep them there against their will, not because it gains the U.S.S.R. trading preferences. That is the problem with people speaking prematurely about new economic arrangements with the Soviet Union. Let the Soviet Union first present its credentials as a nation worthy of equal treatment.

This much said, I believe a note of caution is due here to those of us who feel strongly on these issues. There are those who believe that the ratification of an arms control agreement with the Soviet Union should be tied to an improvement in the human rights policy of the Soviet Union. I disagree. Issues of our very survival must not be superseded by other—even the most morally compelling—issues. Survival must take precedence, if only to leave us in a position from which to improve the quality of life.

Our survival does not, however, depend on the continuance or improvement of commerce with the Soviet Union. I anticipate, Mr. Speaker, the President Reagan and General Secretary Gorbachev will use the summit to discuss the issue of human rights violations at length. While we must not give up on the possibilities of large scale verifiable reductions of offensive nuclear weapons for any reason, there is no reason why we should not fully exploit our economic hand.

Trade remains a carrot the Soviets openly and earnestly desire. It is not unreasonable then, for the United States to withhold the benefits of commerce—membership in the IMF, participation in the GATT, the provision of commercial credit, and freedom from the restrictions of the Jackson-Vanik amendments—in response to the immorality of the Soviet Union's domestic policies.

Glasnost presents a bold challenge for the President, Congress and the American people. We must successfully interpret the pressing needs of Soviet Jewry amidst the profound changes that are presently occurring in the Soviet Union. While our anxiousness to improve superpower ties is understandable, we

must not let it interfere with the pursuit of a political strategy which gives the Kremlin a genuine stake in improving its record on Soviet Jewry.

Mr. MRAZEK. Mr. Speaker, I thank the gentleman from California for those remarks.

Mr. Speaker, it is now my privilege to yield to my distinguished colleague, the gentleman from New York, Mr. TED WEISS, who has spoken out on so many human rights questions, not only in the Soviet Union but in our hemisphere, and in some cases right here at home in the United States when that was called for.

Mr. WEISS. Mr. Speaker, I thank the gentleman very much for yielding this time to me and want to compliment him and commend the gentleman for not only this special order but for the special prayer and fast vigil for Soviet Jewry.

Mr. Speaker, I am honored to participate in this special order today, in the fifth annual fast and prayer vigil for Soviet Jewry. I want to thank my distinguished colleague from New York for sponsoring this special order.

Secretary Gorbachev's visit to Washington next week presents us with an historic opportunity to achieve substantial progress on the issue of Soviet Jewry. Beyond the important step of signing of a treaty to eliminate an entire class of nuclear weapons, the summit will present a chance for progress on other issues, including the right of all Jews in the Soviet Union to practice their religion freely, and to emigrate if they wish.

The introduction of the glasnost policy by General Secretary Gorbachev has resulted in heartening changes within the Soviet Union. Issues previously considered off-limits are now openly being debated. Countless prisoners of conscience have been released, and a number of prominent refuseniks have received permission to emigrate.

While these steps taken by the Soviet Government are indeed encouraging, they are not enough. The Soviet Government has yet to fulfill its obligations to preserve the basic human rights of its citizens—obligations which it voluntarily accepted when it signed the 1948 Universal Declaration of Human Rights and the 1975 Helsinki Final Act. The Soviet Government continues to unjustly detain too many of its citizens. Soviet Jews are still subject to religious discrimination. Although the rate of emigration has increased in comparison to the last 2 years, it is not nearly what it should be.

At the current rate, a total of 10,000 Jews will be given permission to leave the Soviet Union in 1987. But there are almost 400,000 Jews in the Soviet Union who have indicated that they want to emigrate. In 1979, approximately 51,000 Jews were allowed to

leave. A return to such levels would be a significant sign that the Soviet Government is committed to improving its treatment of Soviet Jews.

After much fanfare about a new, supposedly more liberal policy of emigration, the Soviet Union enacted a new highly restrictive emigration decree, in effect since January 1, 1987. The decree limits letters of invitation to emigrate to individuals who have close relatives in other nations. It thus effectively excludes thousands of Jews wanting to leave the Soviet Union.

One of those individuals who have been denied the right to emigrate is Sergei Fishel, the son of one of my constituents. Like so many others, Sergei's family was displaced and divided by the effects of World War II. A native of Poland, his mother had fled East when the Nazis invaded her country. Soon after Sergei's birth in 1943, his father was killed at the front. Although they were eligible for repatriation to Poland after the war, bureaucratic rigidity and delay prevented their return to Mrs. Fishel's native land.

In 1977, Sergei's mother emigrated to the United States. In 1979, after the obligatory 5-year wait that followed his military service, Sergei and his family requested permission to emigrate and were denied. Their application has since been denied three times, without explanation. Because of his attempts to emigrate, both he and his wife were unable to find employment. He is currently serving a 9-year sentence in a Soviet labor camp.

This summer, I wrote to Secretary Gorbachev, along with 115 of my colleagues, urging him to grant clemency to Sergei Fishel, and allow him and his family to emigrate. Today, I repeat that request. In the spirit of cooperation between our two countries, let this family be reunited.

Mr. Speaker, on December 6, the eve of Secretary Gorbachev's summit with President Reagan, tens of thousands of people will march and rally in the largest show of support for Soviet Jewry ever in Washington, DC. I urge my colleagues to join us in marching on Sunday to show Secretary Gorbachev that we will not cease in our demands that the Soviet Government take further steps toward the fulfillment of its obligations to protect human rights. We must make Secretary Gorbachev realize that further improvements in United States-Soviet relations—improvements which are desired by the peoples of both our countries—cannot be divorced from a fundamental commitment to human rights.

As Anatoly Shcharansky recently said: "Our fight must go on * * * every Jew in the Soviet Union who wishes to leave must be given that right." Let us declare strongly our belief that human

beings have a right to think and speak freely, to live with dignity and to observe their religious beliefs without interference by the state.

Mr. MRAZEK. Mr. Speaker, I thank the gentleman from New York for his remarks.

Mr. Speaker, it is now my pleasure to yield to my colleague, the gentleman from Houston, TX, Mr. TOM DELAY.

Mr. DELAY. Mr. Speaker, I thank the gentleman from New York for yielding and also add my congratulations for taking this special order.

Before I start my remarks I want to associate myself with the remarks of the other gentleman from New York [Mr. WEISS], but also point out that not only are there thousands of Jews who want to leave the Soviet Union, there are thousands of Christians who also are trying to leave the Soviet Union.

But, Mr. Speaker, I must say I was outraged by Secretary Gorbachev's dishonest and manipulative performance on American TV the other night. Specifically, I take exception to Mr. Gorbachev's statement that the most important problem facing our two nations is the issue of arms control. The fundamental difference between our two countries is the Soviet Government's systematic denial of its citizens' innate human rights. The upcoming summit will be successful only if Mr. Gorbachev leaves Washington with a better understanding of basic human rights. Certain liberties are inherent aspects of human life. As every human being can speak, think, and move; freedom of speech, expression, and movement are innate, inalienable, human rights. Governments do not grant these rights; good governments protect them, abhorrent governments try to repress them.

In the absence of a representative government, a human being can move freely and choose the country in which he wants to live. But, Mr. Gorbachev has no qualms about indicating that his paranoia of a brain drain on the Soviet Union is sufficient cause to forcibly imprison people within his borders. He conveniently neglects the fact that his government has signed the universal declaration of human rights and the Helsinki accords, both of which affirm the basic human rights to free emigration.

Just what is a Soviet signature worth anyway?

Mr. PORTER. Mr. Speaker, I rise to commend my colleague BOB MRAZEK for his tireless efforts on behalf of Soviet Jews. For 5 years, BOB has taken the lead in organizing the congressional fast and prayer vigil. The outpouring of support for this event—today we had 50 Representatives and Senators join us on the steps of the Capitol—is testimony to Congress' continuing concern for the plight of Soviet Jews.

The past year has seen some gratifying developments in the Soviet Union: The release of many high-profile refuseniks, emigration levels above the previous year, and hints of possible liberalization of the treatment of Jews by the Soviet Government. However, we must not forget the hundreds of thousands of Soviet Jews still suffering solely for their desire to emigrate.

The Soviet Government continues to suppress all emigration and maintains the fiction that Jews are only kept in the Soviet Union for reasons of state security.

In today's world, secrecy is an unfortunate reality. All nations must guard from potentially corrosive information leaks. But, how can the Soviets justify the number of secrets they claim to possess? How do they expect us to believe that Benjamin Charney's 16-year-old scientific findings are still national security secrets?

Today, 5 days before the superpower summit during which we will sign the INF agreement, a question posed by my colleague STENY HOYER at the last "Capitol to Capitol" broadcast is very timely. Representative HOYER asked the Soviet panelist how we could expect them to carry out the terms of an INF agreement, when the U.S.S.R. does not honor their commitments under the Helsinki Final Act and other international documents.

Although we cannot ignore the progress made this year, we know of 11,000 refuseniks still being denied exist visas, and as many as 400,000 Soviet Jews who have begun the emigration process. In this context, the current emigration levels are merely a drop in the bucket. Ironically, a recent poll conducted jointly by Soviet and French sociological institutions shows a substantial majority of Soviet citizens believe individuals desiring to emigrate should be allowed to do so.

Little is known about the faceless thousands—the hundreds of thousands of Soviet Jews who do not speak English, live in remote regions, or do not have close relatives abroad. It is very difficult for these people to draw attention to their plight or for us to offer them sufficient support. Nonetheless, we must not forget them. We must continue to remind the Soviets that, in addition to Benjamin Charney, Alexander Yampolsky, Roald Zelichonok, Abe Stolar, Judith Ratner-Bialy and family, Alexander Zonis, Vladimir Dashevsky, and Evgeny Lein, there are hundreds of thousands of Soviet Jews also waiting.

I challenge Secretary Gorbachev to let these individuals emigrate before the end of 1987, and to develop a systematic and fair emigration process. Mr. Gorbachev claimed during his recent NBC interview that they consider all specific, individual emigration cases in a very attentive and thorough manner according to Soviet laws.

If that is true, then maybe the Soviets need to reevaluate their laws. Maybe they need to reread Basket Three of the Helsinki Final Act of the Commission on Security and Cooperation in Europe, which their country has signed.

The importance of time in the consideration of Soviet emigration and human rights policies cannot be overstated. When we speak of refuseniks, religious prisoners of conscience, and the use of punitive psychiatry for political

purposes, we are speaking of individuals who cannot wait forever.

I look forward to the day, Mr. Speaker, when glasnost means real freedom.

Mr. FASCELL. Mr. Speaker, I am pleased to join our colleagues today in commemorating the fifth annual congressional fast and prayer vigil for Soviet Jewry which took place earlier today. I commend the sponsors of this event, our distinguished colleagues, Representatives MRAZEK and PORTER, for their leadership on this vitally important issue.

It is quite appropriate that we draw attention to the plight of Soviet Jews just days before the historic visit of Soviet General Secretary Gorbachev to Washington. While we all welcome the arms reduction agreement that President Reagan and General Secretary Gorbachev will sign next week and look forward to agreements in other areas of mutual interest, we cannot forget—and we must not let the Soviet leader forget—our concern for and our commitment to Soviet Jews and others struggling to exercise their fundamental human rights.

The recent resolution of longstanding divided family and refusenik cases and the increase in emigration rates, although very positive and welcome developments, should not overshadow the fact that at least 10 Americans are still forcibly separated from their Soviet spouses, thousands of Soviet Jews have been, and continue to be, denied the right to emigrate, and, under repressive legislation enacted earlier this year, many thousands of others are prohibited from even applying to emigrate.

Next week's summit offers an unique opportunity for the administration, the Congress, and the American people to send the Soviet leadership a strong signal of our unwavering and unequivocal support for the promotion and protection of internationally recognized human rights. It also provides the Soviet Union with the opportunity to make dramatic progress in this area by announcing their intention to release all political prisoners, resolve favorably all outstanding emigration cases and increase significantly the rate of emigration from the Soviet Union by adopting a permanent policy of liberalized emigration. These actions would be in compliance with the Soviet Union's international human rights commitments, would remove, once and for all, a contentious issue from the bilateral agenda between our two countries, and would improve the Soviet Union's standing in the community of nations.

I hope that this opportunity will not be lost. For if it is, the Soviet Union can be sure of one thing: Neither the Congress nor the American people will retreat from the commitment to freedom for Soviet Jews and all those who seek to emigrate, practice their religion, express their political beliefs, or exercise other internationally recognized human rights. We will redouble our efforts to ensure that the Soviet Union abides by the obligations it freely undertook at Helsinki in 1975 and at Madrid in 1983 to respect human rights and fundamental freedoms. And we will not cease until these promises become reality.

Mr. FAZIO. Mr. Speaker, two nights ago this Nation viewed Secretary General Gorbachev

during an hour interview with NBC news correspondent Tom Brokaw. This interview took place exactly 1 week prior to the Soviet leader's arrival in Washington for a summit with President Reagan. Secretary General Gorbachev appealed for a resumption of our wartime status as allies in confronting the problems of the modern world. He said, "Can't we join our efforts, * * * pool the enormous might of our countries' economies, intellectual capacities to resolve these problems?" I say yes we can confront the problems of this modern world together. However, one of the very first steps is to confront the issue of human rights including the right of all people to emigrate from their homeland. It is time for the Soviet Government to honestly confront this issue. It is time to stop using state security as the excuse to deny its Jewish population the right to emigrate.

The entire world looks with great anticipation to the upcoming United States-Soviet Union summit. It is anticipated that this meeting will result in a historic step in nuclear arms reduction and will lead to further reductions in nuclear arms, however, there are many other issues such as human rights, adherence to the Helsinki accords, and emigration that must be discussed.

The right of a person to emigrate from their homeland is a basic human right. The right of a Soviet Jew to emigrate from the Soviet Union is further supported by three international documents: Universal Declaration of Human Rights (1947); International Convention on Civil and Political Rights (1966); and Helsinki Agreement (1975).

The Soviet Union has committed itself to all three of these agreements. It is a travesty that the Soviet Union cannot adhere to the promises contained in these documents. The Soviet policy towards its Jewish citizens and their right to emigrate has changed little since the signing of the Helsinki Agreement in 1975. Jewish emigration is at an extremely low-level while harassment of Soviet Jews seeking exit visas continues. It appears that the rise to power of Secretary Gorbachev, in March 1985, has done little to alleviate the pain and suffering of Soviet Jews.

If glasnost is real and is to be believed by the West, then now is the time for the Soviet Government and the new Soviet leadership to distinguish itself. By addressing the right of emigration by its citizens at the upcoming summit, Secretary Gorbachev and the Soviet leadership can show the world that they are committed to addressing the problems of the modern world.

The Soviet Union and its leaders must understand that this Nation and its leaders, whether Democratic or Republican, will continue to fight for basic human rights. They must understand that human rights will always be an integral part of our foreign policy and that it will be impossible to improve our relations and return to the status of allies as long as they persist in harassing and oppressing their Jewish citizens. They must understand that the issue of Soviet Jewry and their right to emigrate is one issue in Congress that has overwhelming bipartisan support. Until they accept this basic right, it will be impossible to break down the barriers that have separated our countries for the past 40 years.

Mr. DWYER of New Jersey. Mr. Speaker, I rise today for the purpose of bringing the plight of the Soviet Jewry to the attention of the Congress. I wish to thank my colleagues, Congressmen MRAZEK and PORTER who have arranged this special order to coincide with the Congressional Fast and Prayer Vigil for Soviet Jewry. By participating in these events, we make it clear that the treatment of Jews inside the Soviet Union does not go unnoticed by the United States.

In this era of glasnost our hopes have been raised that real reforms will take place in the Soviet Union. However, despite the release of some well-known dissidents and refuseniks, thousands of others, people who are not perhaps as well known or not as publicized by the media, still languish in the Soviet Union. We must continue to focus on the individual cases in order to keep the flame of hope alive for all those who are denied the right to emigrate.

I would like to take this opportunity to bring to the attention of my colleagues the case of the Tsimberov family of Leningrad. Pavel and Victoria Tsimberov, their 21-year-old daughter Una, their 24-year-old son Dmitri, Dmitri's wife Tania and their 6-month-old baby Leah have applied for permission to leave Soviet Union for the United States. While Pavel and Victoria Tsimberov have been issued exit visas, their children and spouses have not. The elder Tsimberovs are hesitant to leave the Soviet Union for fear that their family will be divided never to be reunited.

It is a shame that these people and others like them are not allowed to emigrate and begin more productive lives. I have been endeavoring to obtain the entire Tsimberov family's freedom, but we all know it will be a long and difficult effort.

It is my fervent wish that the new hopes lighted in the hearts of Soviet refuseniks and divided families by the release of several well-known refuseniks and dissidents will not be extinguished. By participating in the Congressional Fast and Prayer Vigil for Soviet Jewry today, we continue to spotlight the individual cases which so perfectly illuminate the problems faced by these families. We must not allow these problems to slip from public view.

Mr. MANTON. Mr. Speaker, I am honored to join my colleagues today in participating in the Fifth Annual Congressional Fast and Prayer Vigil for Soviet Jewry. I would like to commend my colleagues, Mr. MRAZEK and Mr. PORTER, for organizing today's special order. This year's vigil takes place at a particularly appropriate time. The Reagan-Gorbachev summit will take place next week, and the American Soviet Jewry community is mobilizing for the "summit rally for Soviet Jews." We are all hopeful that during the summit President Reagan will be able to convince General Secretary Gorbachev to make a change in Soviet policy to allow free emigration and to end the harassment of Soviet Jews.

We are pleased that some progress has been made in the Soviet Union's emigration policies. In 1981-86, less than an average of 1,000 Jews a year were allowed to emigrate. During 1987, 7,000 Jews have left the Soviet Union. However, many of the recent emigrants have been well-known cases. Approximately 400,000 Jews still wish to leave the Soviet

Union. Many are afraid to apply for an exit visa because they fear demotion or dismissal from their jobs, the loss of academic degrees, and other acts of harassment. Furthermore, it is still extremely dangerous for the Jewish people of the Soviet Union to learn Hebrew and to practice their religion.

Secretary General Gorbachev recently stated in an interview with Tom Brokaw that the Jews who have been denied exit visas were denied permission because they possessed state secrets. Earlier this year, Secretary General Gorbachev told a congressional delegation that denying an exit visa on the basis the applicant has been in possession of state secrets should be a relevant concern for only 5 or 10 years. Many Soviet refuseniks have been refused on the basis of their supposed possession of state secrets. Yet, most of these individuals have not had contact with their supposed secrets for more than 5 or 10 years. By General Secretary Gorbachev's own criteria, they should be allowed to emigrate.

Mr. Speaker, many of these cases are not well known and therefore do not guarantee the Soviet Union and thus do not provide an opportunity to receive favorable press attention. For example, in 1977, one of my constituents was forced to divorce her husband so that she and her son could emigrate. Her husband, Gregory Solomonsvich Gimpelson, was not allowed to emigrate because of his supposed access to sensitive information. Although his employment and supposed access ended 14 years ago, his requests for an exit visa has been repeatedly denied.

Mr. Speaker, I sincerely hope that the upcoming summit will result in a change in the basic Soviet human rights policies that will grant the Gregory Gimpelsons of the Soviet Union their freedom. Today's vigil sends a strong signal to the Soviet Union that the United States will continue to press for emigration reform in the Soviet Union. Today, we reaffirm our commitment to the cause of Soviet Jewry and leave no doubt that we will continue to be the voice for these people who are allowed no voice.

Mr. LEWIS of Georgia. Mr. Speaker, on the eve of the Reagan-Gorbachev summit, we must send a message to both President Reagan and General Secretary Gorbachev. That message is plain and simple—Let the Soviet Jews out.

There must be a direct link between the future of Sino-American relations and the relaxation of Soviet immigration restrictions. In the present climate, with both the Soviets and our administration pushing for arms and trade agreements before the end of the Reagan Presidency, the pressures are great to accept less than proper human rights performance and less than acceptable numbers of emigration visas for Jews in the Soviet Union.

The Soviet Government has admitted that at least 15 percent of Soviet Jews currently would seek to emigrate. Natan Shcharansky has estimated that some 400,000 Soviet Jews would leave if they could.

As we continue to evaluate the promise of glasnost, the Kremlin's treatment of Jews must serve as an indicator of its future policy toward the West. Not only must we work to pressure the Soviets to open the gates to

Jewish emigration, we must pressure the Soviets to allow Jews who wish to stay in the Soviet Union to receive a fair chance for university admission, to provide unhindered opportunities to study their heritage, and to learn and speak Hebrew.

All of us, black and white, Jew and gentile, must work together to help our brothers in the Soviet Union. Many times we as Americans take our freedoms for granted. But freedom carries obligations. If we fail to help those seeking freedom, we are squandering the rights which we claim to cherish. Let us join together to urge this administration to put the issues of Soviet Jewish immigration and civil liberties on the table when President Reagan and General Secretary Gorbachev meet in the coming days.

Mr. COUGHLIN. Mr. Speaker, I rise today to call attention once again to the plight of Soviet Jewry, in conjunction with the Fifth Annual Congressional Fast and Prayer Vigil for Soviet Jewry. I would like to congratulate my colleagues JOHN PORTER and ROBERT MRAZEK for their involvement in this year's vigil and this special order. As a former chairman of the Congressional Call to Conscience Vigil, I know how important efforts such as the Congressional Fast and Prayer Vigil are.

Mr. Speaker, this is, of course, an especially propitious time to be discussing the issue of Soviet Jewry, given the impending visit of Soviet leader Mikhail Gorbachev. The signing of an agreement eliminating intermediate-range nuclear forces by President Reagan and General Secretary Gorbachev will hopefully lead to a reduction of tensions, more responsible Soviet foreign policies, and a more productive superpower relationship in the future, and that is to be applauded.

With all the hoopla about the summit and the INF agreement and the resultant optimism about more positive United States-Soviet relations, however, it is imperative that we not allow Soviet human rights violations to be placed on the back burner.

Despite some positive actions in recent months by the Soviet authorities—some limited intellectual freedoms under glasnost, the release of several of the most prominent refuseniks, and a small increase in the overall number of Soviet Jews allowed to emigrate this year, compared to recent past years—Soviet practices remain inadequate. While we should welcome any positive change, no matter how small, we must continue to push for much more far-reaching reform on Soviet human rights policies.

The numbers on Jewish emigration are a good indicator of just how limited the change going on in the U.S.S.R. has been. In the first 10 months of 1987, 6,340 Soviet Jews were reportedly allowed to emigrate. While this compares quite favorably to recent years—in fact, it exceeds the total for 1983, 1984, 1985, and 1986 combined—it is still far less than the total for 1979, when Soviet Jewish emigration topped 51,300, the Soviets are clearly capable of providing for much higher levels of emigration. We must encourage them to do so, for we know that hundreds of thousands of Soviet Jews have indicated their interest in leaving.

Numbers, of course, cannot tell the whole story. Each Member here has taken a special interest in certain compelling cases, of which

there are, sadly, so many. I would like to draw my colleagues' attention to two that I am personally interested in.

David Gusak and Clara Dudnik are retired Soviet Jews now living in Moscow. Their daughters, Marina Grim and Lilia Kazansky, currently reside in my congressional district. David and Clara were first refused in 1985, on the grounds of David's alleged previous access to classified information. It is imperative to note, however, that David retired from his job as an engineer—where he supposedly had access to these secrets—12 years ago. As my colleagues know, the Soviet General Secretary himself has stated that only 5, or at most, 10 years had to elapse before such security considerations would be invalidated. In fact, the General Secretary reiterated this exact policy when I met with him in April, 1987, as a member of House Speaker WRIGHT's delegation to the U.S.S.R.

I am especially concerned about this case because David and Clara are now in their seventies and have a history of health problems. Most recently, David has been diagnosed as having cancer of the lip, and his daughters are obviously concerned about his ability to withstand the necessary medical treatment, which would be difficult even with the immediate family support he would receive here. There is no reason why the Soviets cannot resolve this case by allowing David Gusak and Clara Dudnik to emigrate.

Likewise, Zunya and Rosa Sklar of Leningrad have found themselves in refusal. Zunya, who was trained to be an electrical engineer but who now works as a telephone repairman, and Rosa, who is now retired, have been seeking to leave since 1979. They have two sons, Jeffrey and Elliott Sklar, who emigrated in 1978 and 1979, respectively, and who now live in the Philadelphia area. Elliott came to the United States with his mother's parents, and together the sons and grandparents hoped that the family would be reunited soon. The years dragged by, though, due to Soviet inaction on this case. In 1986, the family's hopes were shattered when Rosa's mother passed away in Philadelphia. While nothing can be done to bring Rosa's mother back, it is not too late to allow the Sklars to emigrate.

Mr. Speaker, there is no reason why these and thousands of other cases—including those of my personal friends Eric Khasin and Yelena Dubienskaya, and Leonid and Ludmila Volovsky—cannot be resolved forthwith. Until the Soviet authorities provide Soviet citizens with the right to emigrate and other basic human rights, we must continue our efforts to highlight such unacceptable Soviet human rights practices.

Mr. SAXON. Mr. Speaker, I would like to thank my colleagues for holding this special order today. This demonstration and the vigil for Soviet Jewry in which I was also pleased to participate, occur at a good time.

In a few days, Soviet General Secretary Gorbachev will be in town to discuss serious arms control issues with President Reagan. As the summit approaches, it is important that we make sure that Mr. Gorbachev gets this message: Despite his public relations efforts, the American people realize the true nature of the Soviet system with regard to human rights. Furthermore, we will continue to press Mr.

Gorbachev for improvements, particularly in emigration policies for Soviet Jewry.

While the number of Soviet Jews allowed to leave the Soviet Union has increased to over 6,000 thus far in 1987, we should rejoice for those who got out, but should not congratulate the Soviet Government.

After all, emigration is a basic human right. There are still 11,000 refuseniks and almost 400,000 Jews who have expressed a desire to leave. And, we all know of the repression that the Jewish faith and culture comes under, as well as the difficult life for refuseniks inside the Soviet Union.

Moreover, while the growth in emigration figures is encouraging, this growth must be sustained. We must not settle for improvement which is merely part of presummit publicity. A sincere goodwill gesture on the part of the Soviet Government would be sustained, ever-improving emigration figures.

We know that during the summit President Reagan will raise human rights issues, particularly the plight of Soviet Jewry. Unfortunately, we do not know how receptive Mr. Gorbachev will be to demands that the Soviet Government abide by the Helsinki accords, a document which they have signed.

Nevertheless, our administration and Congress must assure Mr. Gorbachev that the granting of, at least, the basic human right of emigration to Soviet Jewry is essential to long-term improvements in United States-Soviet relations.

Mr. CARDIN. Mr. Speaker, as we approach the historic summit between the leaders of two of the greatest countries of the world, we must also realize that now is an equally critical period in the era of human rights and the future of Soviet Jews. During my 11 months here in Congress, no issue has brought forth more personal outpouring than that involving human rights—or, perhaps better phrased—the lack of human rights in the Soviet Union.

Certainly, we all rejoice with news that many of those who've long desired to leave the Soviet Union have been able to do so. But, as Elena Balovlenkov pointed out just Monday when she was reunited with husband Yuri, even as Yuri left the Soviet Union many others who've asked for permission to settle in the country of their choosing were sent notices of rejection. Let me briefly talk about just a few individuals who have met with me over the past months in an effort to win the release of their family members.

Just yesterday, I succeeded in getting a call through to Moscow to talk with Vladimir Dashedevsky who has been refused permission to emigrate to Israel for the past 11 years. With me during that call was Vladimir's daughter Irena who herself only left the Soviet Union with her husband and 4 children 6 months ago to resettle in Israel. Vladimir is an astrophysicist, who, because of his expressed desire to leave the Soviet Union, has now been forced to make his living tutoring students. His denial is based on bureaucratic red tape which requires his in-laws to sign a document saying they are not dependent on him financially. So far, his in-laws have refused to comply. As Irena pointed out, here is a 50-year-old man, the father of six and the grandfather of four who is allegedly being denied

the opportunity to emigrate because his in-laws refuse to grant him permission. Clearly, this is a denial of Vladimir's basic human rights to be reunified with his family in Israel. When I spoke with Vladimir yesterday, he told me he was thrilled that so many people in the United States had taken his case to heart. He also said that knowing there were so many working for him gave him the strength to continue his fight.

Also yesterday, Igor Tufeld came to my office to discuss the unfortunate case involving his parents, Vladimir and Isolde Tufeld of Moscow. Both of Igor's parents suffer from serious physical problems and both are in need of surgery. In fact, Isolde has had a recurrence of an earlier brain tumor but the Soviets are moving at a snail's pace in getting her the treatment she needs. Both Isolde and Vladimir have been certified as Invalids of the First Group which indicates they are in need of outside nursing care. Despite the fact that the Soviets have told them their case would be handled quickly, nothing has been done and the days are growing shorter for them. Again, this is a case that cries out for a quick resolution on humanitarian grounds but the Soviets have turned a deaf ear.

A little more than a month ago I met with the son and husband of Eugenia Kalendarev. After 14 years of being denied a visa, Mikhail was told he could leave the Soviet Union but Eugenia was informed that she would have to stay behind because of "state secrets." The last job Eugenia held was designing boxes for electronic devices and that was more than 10 years ago. Even General Secretary Gorbachev has said in recent days that the period of denial for those allegedly having "state secrets" was 10 years. It is obvious that the words of even the Soviet's supreme leader have little meaning.

Certainly, we all know that the number of people who have been permitted to leave the Soviet Union is up greatly over last year. But, that is little consolation when we know there are thousands more who desire no more than the right to live together with their family in the country of their choosing. The Helsinki agreement is clear on the issue of human rights and family reunification. By signing that agreement, the Soviet Union said it would live up to those conditions. Unfortunately, that has proven not to be the case.

Five days from now, Soviet General Secretary Gorbachev will sit down with President Reagan. Five days from now, we could have word that the Soviets do intend to make the Helsinki agreement a little more than a document filled with empty and unfulfilled words. I implore United States officials to do everything within their power during these critical next days to raise the issue of human rights in every discussion with the Soviets. Hopefully, the impact of our rally on Sunday and the private meetings that will follow will bring about a significant change in current Soviet policy. And, just maybe, we will be able to say that the era of glasnost brought about not just a new openness but a new enlightenment as well.

Mr. YATRON. Mr. Speaker, Mr. Gorbachev is coming to the United States in a few days. I joined millions of Americans who watched NBC last Monday to see this Soviet leader.

There is a curiosity about this man who talks about openness, democratization, and arms control. After all, this terminology has not been tossed around lightly by Soviet power figures, and certainly not by anyone as charismatic as Mr. Gorbachev.

As I listened to this interview, I wanted to be encouraged by some of what was being said. Certainly, all of us who value peace and human life want to believe that perhaps there is a solution to the pervasive threat of nuclear war. We also would like to believe that finally we have a nice guy at the helm in the Soviet Union who is willing to work with us. But even though I longed to be appeased by Mr. Gorbachev, there are many reasons why I am not satisfied.

I am concerned about the human rights situation in the Soviet Union, in particular, the plight of Soviet Jews. The prisons and psychiatric hospitals still house Jews who are robbed of their freedom for expressing their political or religious beliefs. The new policy of openness should begin with the doors of these institutions so those who have been unjustly sentenced can be free. This policy should also ban the continued harassment of Jewish activists.

Although the number of Jews emigrating from the Soviet Union is increasing and anti-Semitism is not as evident in current official policy, the issue of Jewish emigration has yet to be resolved. While our attention is focused on the high-profile refusenik cases, there are still thousands of people trapped in this Communist country, some separated from their families and others separated from a country they long to call home.

Glasnost can have positive effects on Soviet Jewry if it is fully implemented, but international pressure must continue so this goal can be realized. If Mr. Gorbachev is sincere in his desire to correct the internal problems in the Soviet Union, and if he is sincere about seeking a solution to the arms race, then I will certainly applaud his efforts. In the interim, the issue of human rights must not get lost in the glasnost shuffle.

I would like to commend the gentleman from New York [Mr. MRAZEK] for work on behalf of Soviet Jews.

Mr. KEMP. Mr. Speaker, I regret that I cannot be here with you in person today, but I know that the banner of freedom for Soviet Jewry will be carried staunchly by my good friends and colleagues who have sponsored today's annual Fast and Prayer Vigil for Soviet Jewry, Congressman JOHN PORTER of Illinois and Congressman BOB MRAZEK of New York. We will all be here to carry this banner on Sunday, December 6, when hundreds of thousands of people from all over the country will gather at the Ellipse here in Washington to demonstrate our commitment to this cause, to hear former refuseniks who prove that Mikhail Gorbachev's statements on his country's purported human rights and economics reforms remain bold-faced propaganda.

No Soviet unemployment? Only possession of state secrets a bar to emigration? Let's hear from Natan Shcharansky, Ida Nudel, the Slepaks, among others, and hear how gainfully they were employed after they applied to emigrate. Unless, of course, Mr. Gorbachev considers work in the gulag's labor camps as

employment. If we could, we could ask Dr. Naum Meiman about his possession of state secrets, when his last work in his academic and scientific area was published over 30 years ago, and nothing since. But Dr. Meiman has been refused permission time and again and languishes alone in Moscow.

I've heard about Soviet unemployment from Vladimir Feltsman, who was prohibited from concertizing for 8 years and would not even have been able to practice the piano in his apartment had it not been for the goodwill gesture of the Long Island Committee for Soviet Jewry in soundproofing his room with cork, who, but for the efforts of the National Conference on Soviet Jewry and Norman Gladney, would still not be performing anywhere today. Through the good efforts of these organizations and individuals, Volodya is now performing in the Americas, still unaware that his skill at the piano may have been the state secret which denied him permission all these years.

Or let us hear directly now from Dr. Vladimir Dashevsky. His daughter, Ira, and her husband are seeking help from Washington for permission for Dr. Dashevsky and the rest of his family to join them in Israel. Ira brought me an open letter from her father, and I am including parts of the text as follows:

To: Everyone who believes that freedom is an inherent right of man.

I appeal for your support and help. My name is Dr. Vladimir Dashevsky. I am a 50 year-old physicist, living in Moscow, USSR. Three of my children and my four grandchildren live in Israel. I am an observant Jew, and for eleven years have been denied permission to emigrate to Israel.

For the last seven years I have taught Judaism to young Jews conscious of their religious identity. On many occasions I have been harassed by the KGB, which demanded that I stop all my religious activities.

The Soviet authorities' latest pretext for denying an exist visa for me, my wife and our three children still in Moscow is lack of "permission" from my wife's parents, a document required by the USSR Visa Department. Such an absurd requirement would be unthinkable in any country other than Russia. Here I am, 50 years old, a father of six children and a grandfather of four, and to leave the country I have to ask for permission from my communist parents-in-law.

My daughter Irina demonstrated at the Soviet Mission to the United Nations in New York, and as a result met with Vladimir Petrovsky, Deputy Foreign Minister of the USSR, who was in the city. He told her that my case would be "considered in a very short time". That was in September. I have yet to receive word from the Visa Department.

I dread the day when my little children who are religious will have to go to Soviet schools and be harassed by their teachers and classmates. Please help us leave the country before this time comes.

Mr. Speaker, until the Soviet Union has opened its doors to let out the Soviet Jews who wish to emigrate, as required by the Helsinki Treaty they signed, I say, "Mr. Gorbachev, your P.R. machine will not pull the wool over our eyes. Let our people go."

Mr. COLEMAN of Texas. Mr. Speaker, the visit of Mikhail Gorbachev to the United States can give us an unparalleled opportunity to

press one of the world's most important human rights issues. Through our voices and actions, the General Secretary of the Communist Party must be shown that the United States House of Representatives stands firm with the thousands who have been denied permission to emigrate from the Soviet Union to Israel, the United States, and other countries.

Incredibly, the General Secretary told Tom Brokaw in a national broadcast interview two nights ago that permission to leave the Soviet Union is denied only on security grounds, and that all others are free to come and go as they wish.

Now the world knows that such statements are patently false. Thousands upon thousands of people whose only desire is to leave that oppressive system and emigrate to Israel are routinely denied permission. Perhaps, in the land of doublespeak, the General Secretary is correct; anyone who desires to emigrate to Israel is thus regarded as a security risk, and is refused permission to leave.

Now, more than ever, is the time to redouble our efforts. We must not be mesmerized by Gorbachev's practiced, telegenic style. He has cleverly allowed a handful of the more prominent refuseniks to leave in the hope that public pressure from the West would subside. We are, of course, gratified for the individuals and their families, but we must not be fooled into thinking that the Soviet Union has done us any favors. There are thousands and thousands of other people, unheralded but equally oppressed, who still languish and still endure suffering, discrimination and retribution for daring to attempt to emigrate.

As a member of the Congressional Coalition for Soviet Jews, I have participated in the Congressional "Refusenik Roll Call," in which the names of over 10,000 refuseniks were recited and honored. This most urgent human rights issue will not go away despite the earnest efforts of the Soviet propaganda apparatus, and the United States Congress will not let it disappear. We must continue to insist that human rights be in the forefront of United States relations, and we must continue to pressure the Soviet leadership at every opportunity.

Mr. Speaker, President Reagan will soon meet the General Secretary face to face. Although we all support the efforts to reduce and eventually eliminate nuclear weapons from the face of the world, our Nation's moral commitment to individual freedom and human rights must never waver, especially in the rarified air of a summit meeting. President Reagan must get results from General Secretary Gorbachev on the issue of Jewish emigration from the Soviet Union, and he ought to tell the General Secretary in no uncertain terms: "Next year in Jerusalem."

Mr. GARCIA. Mr. Speaker, next week the United States-Soviet summit will be held here in Washington. President Reagan and First Secretary General Gorbachev will be discussing several issues of mutual interest, and they are also scheduled to sign an INF treaty. While INF is certainly important in terms of national security, another important issue that should be discussed is the plight of Soviet Jews. We should endeavor to continually remind the Soviet Union that their human

rights policies need to change. Members of Congress, by writing letters on behalf of families who have been separated, create pressure on the Soviet Union to rethink its policies. Sometimes families are reunited, but there are many more individuals who remain separated from their families, suffering from illness and deprivation. They may be helpless, but we are not, and the summit affords a good opportunity for us to apply still more pressure for a policy change. Perhaps we can provide renewed hope to those who have given up.

I, therefore, urge President Reagan to make this most important subject part of his agenda with Mr. Gorbachev. Glasnost has no meaning if there is even one refusenik left in the Soviet Union. If Mr. Gorbachev really wants change, let him show it by opening up his emigration policy. That is the kind of openness that has real meaning.

Mr. MATSUI. Mr. Speaker, I wish to bring to the attention of my colleagues a matter of great importance in United States-Soviet relations. Today many members of this body joined in the Fifth Annual Congressional Fast and Prayer Vigil for Soviet Jewry. They are expressing their support of Soviet Jews and their desire to see human rights improvements in the Soviet Union.

Although General Secretary Gorbachev made several promising assurances on these issues in his recently televised interview, there is still reason for concern. According to Gorbachev, the only Soviet Jews who are being denied permission to emigrate are "those who cannot leave because of state security reasons." He went on to say that "there are no other reasons" for the denial of exit visas.

Unfortunately, these statements are not supported by the Soviet record on emigration. According to the U.S. Council on Soviet Jewry and the Israeli Embassy, nearly 400,000 Soviet Jews have shown interest in emigration. While the Soviet government permitted 51,000 Jews to emigrate as recently as 1979, the level fell dramatically to 1,140 in 1985 and 914 in 1987. There is no evidence that this change was due to a sudden decrease in either the number of applicants for emigration or a miraculous increase in the percentage of applicants who would be security risks.

Recently, Jewish emigration has climbed to a level of 800 to 900 per month, but this level is still far below 1979 levels. If General Secretary Gorbachev wants to be taken seriously by the American people and their elected representatives, he must back up his words with actions. There is no reason why Jewish emigration should not again rise above 50,000 per year.

The issue is one of human dignity and basic human rights. Soviet emigration policy has needlessly divided families, often until death. In addition Soviet restrictions on teaching Yiddish and Hebrew, as well as the absence of rabbinical instruction, threaten to permanently divide Soviet Jews from their cultural heritage.

Mr. Speaker, seldom in the history of relations between our country and the Soviet Union has there been so much cause for hope and optimism as there is at the present. Nevertheless, we must continue to work diligently to improve human rights in the Soviet Union and around the world.

Mr. LENT. Mr. Speaker, I'd like to thank my distinguished colleague from New York, Congressman BOB MRAZEK, for chairing this year's Call to Conscience Vigil for Soviet Jews. I share his hope that this year's vigil will be particularly effective, timed as it is to coincide with General Secretary Gorbachev's upcoming visit to the United States to complete an arms control agreement between our two nations.

Today, we face a different challenge than in the past. For over the past year, many of the prominent leaders of the Soviet Jewry movement have been freed, among them Lev Elbert, Vladimir Slepak, and my own fourth district's adopted prisoner of conscience, Ida Nudel. Known as the "Guardian Angel" for her work on behalf of the prisoners of conscience, Ida has waited 16 long years to rejoin her sister in Israel. I deeply appreciate my colleagues' support in that endeavor for I know many of you have cosigned letters to Soviet officials on her behalf over the years. I hope that you will take some measure of satisfaction, as I do, in knowing that you have helped win Ida Nudel her freedom.

But we must not become complacent in light of these victories. We may have won the battle, but we haven't won the war. The Soviets are masters in the game of public relations, and it's no coincidence that Ida Nudel and other principals in the Soviet Jewry movement have been freed on the eve of important negotiations between the Soviet Union and the United States. For every "star" who sees the light of freedom, there are hundreds more who have been left behind in the darkness.

That's why our participation in today's vigil is so vital: to let these courageous men and women know that they are not forgotten and that we haven't given up the struggle. When my first adoptee, Hillel Butman, was released after 9 years in prison, I adopted Ida Nudel. Now that Ida is reunited with her family in Israel, I have adopted a new refusenik, Yakov Rabinovich of Leningrad, who has been separated from his family since 1978.

There are hundreds of thousands of people like Yakov Rabinovich who are still denied the right to live in the land of their choice, to practice their religion without fear of persecution, to be reunited with their families. Our vigil will send a message to the Soviets that we have not been "bought off" with the release of a chosen few. We demand free emigration for all those who seek it. For 211 years, we Americans have lived and governed by the basic principle that all men have a right to choose their own destiny. And as long as there are people anywhere in the world who are denied their human rights, Americans and freedom-loving people everywhere in the world must join in the fight to defend them.

Mr. ANDREWS. Mr. Speaker, the Reagan-Gorbachev summit is a chance to achieve results for Jews wishing to leave the Soviet Union. The agenda for the summit is impressive: the INF Treaty, the war in Afghanistan, and plans for further arms reductions. But the groundwork is already in place for discussions of political freedom for Soviet Jews.

I urge President Reagan to take this opportunity to press for greater Jewish emigration. Glasnost has made a promise to Soviet Jews

that we need to make sure the Soviets keep. The additional emigration that we have seen this year is nowhere near previous levels or where it should be.

An interesting fact has been revealed by the recent emigration numbers. Twenty percent of this year's emigrants have not been previously known to us as refuseniks. This fact indicates that far more Soviet Jews than were ever known before wish to leave the Soviet Union.

Even on the eve of a victory for peace in the world, we hold this vigil for Soviet Jews to reunite families, to end religious discrimination, and to fight for political freedom. Surely, peace without these things would not be a true peace.

Mr. MOODY. Mr. Speaker, Vladimir Dashevsky's life has been filled with achievements. He is a prominent astrophysicist and one of only three Soviet scientists elected a member of the American Astronomical Society. He has published numerous articles in scientific journals. After teaching himself Hebrew, he began studying classical Hebrew and Aramaic texts in the original. He has translated into Russian five books by the Jewish philosopher Martin Buber.

Today, Dr. Dashevsky faces a challenge of a different nature. He is struggling to bring his wife and three small children to Israel. His three older children wait for him there.

Dr. Dashevsky first applied for a visa to Israel in 1976 after his oldest daughter finished at the university. At that time, he lost his position of 16 years at the Institute for Terrestrial Magnetism. In 1979 his application was denied for "security" reasons.

Since being fired from his position, Dr. Dashevsky has tried to earn a living tutoring high school students in physics. In addition, he became a central figure in an active and growing Jewish studies seminar for young Soviet Jews. While not illegal, the activities of this group have been repeatedly disrupted by the KGB.

In 1986, Dr. Dashevsky was called before the State Committee on Religious Affairs, threatened with arrest, and warned to stop these activities. Instead, he took over full leadership of the group as other seminar leaders departed.

Dr. Dashevsky's application was originally refused on security grounds. But he has not been exposed to sensitive material for the past 11 years. How can that be a valid basis for rejecting his application today?

In his televised interview this week, Secretary Gorbachev assured Americans that all immigration cases are being handled fairly and expeditiously. He stated that the sole basis for refusing immigration requests was on security grounds and that the Soviet Union had a right to protect itself from some conspiratorial "brain drain." All of us familiar with the plight of Soviet Jews know that both of those statements are untrue.

Dr. Dashevsky's case and that of thousands of other refuseniks are not being fairly considered. And, in Dr. Dashevsky's case, the Soviet government has invented a bureaucratic hurdle—aside from security reasons—to prevent him from even completing a new application. Last May, Dr. Dashevsky was summoned to OVIR, the Soviet Visa Authority, and told

that permission to leave the U.S.S.R. was being withheld because his wife's parents have refused to sign a statement that the Dashevskys have no outstanding financial obligations to them. In fact, the Dashevskys have no such obligations. But because—for whatever reason—the parents have refused to sign this form, the application will not be approved. The irony is that Soviet law does not even require such a statement but Soviet authorities have decided in effect, to give "veto authority" to the relatives over emigration from the Soviet Union.

Dr. Dashevsky's oldest daughter, Ida, was allowed to emigrate to Israel with her husband in May of this year. Many of us have had the privilege of meeting Ida. She has traveled from Israel to gather support for her father's case. Dr. Dashevsky has two other children, aged 15 and 10, waiting in Israel. In September, 108 Members joined me in signing a letter to Secretary Gorbachev calling for permission for Dr. Dashevsky and the rest of his family to emigrate to Israel. This week, Representative MOLINARI is collecting signers for a telegram to Ambassador Dubinin demanding that the Dashevsky case be considered favorably. I thank my colleagues for their assistance and hope that all of them will join us in this effort. Dr. Dashevsky has not wavered in his commitment to live and observe his religion; we must not waver in our efforts to help his family in any way we can.

Mr. GREEN. Mr. Speaker, I am happy to join with my distinguished colleagues in observing this the Fifth Annual Congressional Fast and Prayer Vigil for Soviet Jewry.

While I have participated in many, many previous special orders on behalf of Soviet Jewry, I have never done so with more hope and fear than I do today. For this is a historic time which will either mark a great passage for Soviet Jewry or alternatively a great opportunity lost.

Next week Mr. Gorbachev comes to the United States to sign a treaty between the United States and the Soviet Union and to take part in a summit which will surely have as a prime agenda item human rights. On Sunday, December 6 a massive rally will take place in Washington and hundreds of thousands of Americans are expected to gather here to make sure that Soviet Jewry is a part of that agenda.

There are those who say that this is a time for great optimism. Ida Nudel, the Slepaks, and many other well-known refuseniks have been given their freedom. I, too, rejoice at this freedom. But at the same time I remember that Alexei Magarik, whose father I met with a few weeks ago, and Semyon Gluzman, who has been my "adopted refusenik" for five Congresses, are still not free. So I am inserting in the RECORD an op ed piece by Natan Shcharansky which appeared in the November 30 New York Times, and I say to my colleagues be joyful for those who are free but be mindful of the limits of glasnost. Our vigilance must continue.

JEWS' SUMMIT MESSAGE TO GORBACHEV

(By Natan Shcharansky)

JERUSALEM.—One of my first Gulag cell mates was a professional swindler. After a career of enterprising scams, Leonid had exhausted his opportunities for "work" in the

Soviet Union. As he served his sentence, he was studying English with the hope of living in the United States.

"What will you do in America?" I asked. He replied: "Some of my colleagues are already there. They write that America is the best place in the world for those in our profession. The Americans are good businessmen, but otherwise they're as naive as children."

Next month, for the first time in 14 years, a Soviet leader will visit the United States. After a succession of drab, unappealing bureaucrats, Mikhail S. Gorbachev represents a stunning contrast. With his warm smile, charisma and charming wife, he has so captivated the American public that an uninformed visitor from abroad might conclude that of all the candidates running for the Presidency, he was the front-runner.

There is no question that Mr. Gorbachev is a new type of leader. Unlike his predecessor, he is a realist about the economic problems facing the Soviet Union. He understands how badly it has lagged behind the West and how urgently it must begin to close the technological gap. He understands that the only way to do this is to build closer ties with America.

That is why Mr. Gorbachev is working strenuously to improve his country's image. Human rights is a major part of that image, but so far, at least, the situation has not changed significantly. True, the public-relations campaign has been excellent, and there have been favorable developments for prominent dissidents. The best-known names have been attended to.

But all along, the struggle for Soviet Jews has been for the release of all of our people who want to leave. Emigration figures are once more on the rise, but compared with emigration in the 70's, today's numbers are tiny. In a society where 400,000 Jews have taken the first step in the emigration process, the release of 5,000 or 10,000 a year is insufficient.

Moreover, Mr. Gorbachev has actually made the emigration process more difficult. New laws are even more restrictive than those of Leonid I. Brezhnev, for now only Jews with invitations from immediate family members can even apply for visas—a restriction that eliminates more than 90 percent of the 400,000 who have already made their decision. And for all the talk of glasnost, many of my fellow prisoners in the Gulag, including a number of human rights activists, still languish in prisons, camps and psychiatric hospitals.

For the Soviet Union, human rights are important not for their own sake but as a factor in superpower relations. For the West, they are a moral issue and the ultimate measure of real change in the Soviet Union.

That is why American Jews from all over the country, and other Americans who value human rights and who know that peace and freedom are inseparable, will gather in Washington next weekend on the eve of the Reagan-Gorbachev summit meeting. There are those who say that this is the wrong time for an appeal on behalf of Soviet Jews, that a demonstration may undermine the prospects for peace, that it could encourage Mr. Gorbachev's opponents, that it might lead to the squandering of a historic opportunity.

Yes, there really is a historic opportunity. This is precisely why Jews are coming to Washington. We have had historic opportunities before and have been bitterly disappointed. The summit meetings of the early

70's were followed by new arms races and Cuban troops in Angola. The Helsinki Act of 1975 was followed by massive repressions against human rights activists in the Soviet Union. The summit meeting of 1979 was followed by the invasion of Afghanistan.

Mr. Gorbachev's visit represents a historic opportunity to move in the direction of a real peace, a peace built on mutual trust. But if his visit is greeted only by our naïveté, then Leonid the swindler will turn out to be right. It would be an ironic tragedy if glasnost were greeted with self-censorship in the United States.

During my imprisonment, the K.G.B. often tried to convince me that my life, like the lives of other prisoners of Zion, was in its hands and not in the hands of "students and housewives," as it contemptuously referred to our supporters in the free world. But an army of "students and housewives" was able to prove the K.G.B. wrong. Today, the Soviet leaders may again believe that the fate of Soviet Jews is entirely in their hands. Let us again prove them wrong.

Mr. BIAGGI. Mr. Speaker, I am very proud to join so many of my colleagues today as we commemorate the Fifth Annual Congressional Fast and Prayer Vigil for Soviet Jewry. The timing of this vigil could not be any more appropriate. We are on the eve of the first United States-Soviet summit we have hosted here in 15 years. In just a few days, Soviet leader Mikhail Gorbachev will come to Washington to meet with President Reagan, thus setting the stage for historic discussions on the most critical issues facing our two nations. One of those critical issues is the plight of Soviet Jews.

Since my first days in Congress some 20 years ago, I have joined an overwhelming majority of Members of this august body in working to secure basic human rights for the estimated 3.5 million Jews who reside in the Soviet Union. The Soviet Union has a horrendous record of denying those courageous individuals of basic human rights, including the right to practice their religious and cultural beliefs, and the right to emigrate. More than 400,000 Soviet Jews have applied to leave the Soviet Union, and some 20,000 Soviet Jews have been refused the right to emigrate at least once.

Just recently, we passed a resolution calling upon the Soviet Union to immediately grant permission to emigrate to all of those persons in the Soviet Union who desire to join their spouses in the United States. The fact is, we have identified at least 15 cases where the Soviet Union has refused to grant exit visas or marriage permits to Soviets who have a spouse in the United States, in direct contradiction of the Helsinki accords, to which the Soviet Union is a signatory.

Just prior to that action, a number of us raised our voices against reports that Soviet authorities were threatening to impose criminal penalties against the proud people of Latvia who would dare to celebrate their short-lived independence of long ago.

But, even with the Soviet's long history of human rights atrocities and their recent demonstrations of the same, we have been given some hopeful glimpses of change. For example, some 6,340 Soviet Jews were allowed to emigrate during the first 10 months of this year, compared to about 900 who were allowed to leave during all of 1986. Just 2

weeks ago, I was proud to stand in the Capitol and greet Vladimir and Maria Slepak, two long-time Soviet refuseniks, who had finally been allowed to emigrate after a 17-year struggle. And, before that I was proud to issue a formal welcome that appeared in the pages of our CONGRESSIONAL RECORD to another Soviet Jew who was finally granted freedom after enduring seemingly endless physical and mental suffering. Her name is Ida Nudel, and her struggle and the courage she demonstrated throughout will never be forgotten. It was an inspiration to us all, and it's also because of the Slepaks and the Ida Nudels that we will never be able to rest until every Jew who wants to leave the Soviet Union is allowed to do so, and until those who wish to stay are permitted to practice their religious and cultural beliefs free of persecution.

So, while we continue to hope that glasnost is more than mere words and short-term improvements, we are constantly reminded that the Soviets have a long way to go. They could start by revamping their emigration law, which still restricts this right to those persons who have a first degree relative living in another country.

Mr. Speaker, let's use this opportunity today to send a strong and clear message to Soviet leader Gorbachev that the mixed signals being sent from the Soviet Union on human rights, particularly the treatment of Soviet Jews, are unacceptable. I join my many colleagues today, and the thousands of persons who will be marching in Washington on December 6, in saying that the basic rights of Soviet Jews must never be compromised. Anything less is simply an intolerable situation that will continue to meet our strongest possible resistance.

Mr. BUSTAMANTE. Mr. Speaker, I want to thank the gentleman from New York [Mr. MRAZEK] for organizing this special order on behalf of thousands of Soviet Jews who are being denied permission to emigrate.

I want to take this opportunity to highlight the case of Vladimir Dashevsky who is one of the many separated families which still await permission to join their loved ones. His daughter Ira Dashevsky has eloquently stated her father's case. I would, therefore, request to include in the RECORD her letter on behalf of her father.

Mr. Speaker, I hope we will not need any more special orders to call on the Soviets to respect human rights.

ON BEHALF OF VLADIMIR DASHEVSKY

I solicit your support in our efforts to allow my father Vladimir Dashevsky the right to get out of the USSR as soon as possible. He and his family (wife and three children) has been unable to get a permission to leave for Israel in the course of eleven years without any reason.

V. Dashevsky born 1937, is a Ph.D. in physics, a member of American Astronomical society. He had worked for many years at Institute for Terrestrial Magnetism, but after having applied for a visa to Israel, had to leave his job and make a living by giving private tutoring in physics.

Dashevsky's broad intellectual interests brought him to an investigation of general philosophy. Through his study of the Jewish existential philosopher, Martin Buber (five of whose books he translated into Russian), Dr. Dashevsky came to an in-

terest in his own Jewish background. He taught himself, Hebrew, and began studying classical Hebrew Aramaic texts in the original. He became an observant Jew and helped a large group of young Jews to study their language and heritage. He has been frequently harrassed by the KGB for these activities. In May 1986 Dr. Dashevsky was summoned to the State Committee on Religious Affairs and accused of organizing religious seminars and meeting foreigners. He was warned of possible arrest and criminal proceedings.

Lately a number of his students have been allowed to leave the USSR and come to Israel.

Inspite of the widely publicized changes in the Soviet policy, my father's case is still unsolved. M. Gorbachev in his speech on September 20, 1987, published in the Soviet newspaper "Pravda", again declares that the only reason for a refusal to leave the USSR can be access to the secret documents. However, my father was officially informed by the authorities of UVIR that he is clear of any secrecy. In spite of this he has been refused to leave the country.

In September 1987 my husband and I went to the USA where we demonstrated on behalf of my father in front of the Soviet Mission in New York. We were received after that by the Deputy Minister of the Foreign Affairs V. Petrovsky, who assured us that Dashevsky's case would be treated in the nearest future. About two months have passed since this conversation, but there have been no changes in my father's fate.

The long years of refusal have absolutely ruined by father's health. All his family is in constant psychological strain, which is very hard for the adults and really dangerous for the children. Like many other refuseniks have the same situation, he awaits your humane support and help. Please help us to reunite our families.—IRINA DASHEVSKY.

Mr. JEFFORDS. Mr. Speaker, I would like to thank the sponsors of this special order for providing a forum for congressional attention to the plight of Soviet Jews. While I was unable to attend today's Fast and Prayer Vigil for Soviet Jewry, I would like to offer my own words of support for the thousands of Soviet Jews who desire to emigrate from a nation that refuses to fully recognize not only their religious beliefs, but also their very way of life. With the arrival of General Secretary Gorbachev in Washington next week, the issue of Soviet Jewry must not go unnoticed.

Although the synagogue is a legally and officially acknowledged institution in the Soviet Union, there are in fact only 91 official synagogues, some of which exist only on paper. Attendance at synagogues is extremely poor, with an estimated 0.7 percent of all eligible Jewish males participating in communal prayers on the Sabbath. The decline in prestige of this religious institution is the result of a number of factors. In overwhelming majorities of cities and towns, it is impossible to study the Hebrew language. The number of qualified rabbis is rapidly dwindling, and in many cases the Jewish community is on the brink of financial collapse. With such discouraging religious circumstances, not to mention the abhorrent treatment that the Jews receive from the government, many Jews choose to leave their

homeland to practice their religion in their spiritual homeland, Israel.

Most Jews who apply to emigrate are not allowed to leave. Since 1979, when a record 51,000 Jews emigrated from the Soviet Union, the number of Jews permitted to leave has been drastically reduced, with only 914 leaving last year. While I am encouraged by the sharp increase in emigration permissions this year, the number 6,000 pales in comparison to the estimated 380,000 Jews who would like to leave the Soviet Union. The Soviet Government has erected numerous barriers to emigration, including the stipulation of family reunification as a requirement for emigration. In addition, many applicants are refused on the basis of alleged secret work that they have done for the government, regardless of the fact that in many cases the work was conducted far in the past and was long since obsolete. Many people refused for this reason have never even had access to classified information. Refuseniks now number over 10,000 people.

In Congress, we often hear of Soviet Jews seeking emigration permission—Benjamin Charney, whose family resides in the United States, suffers from malignant cancer and heart disease that can only be treated in the West; Dr. Semyon Gluzman, sentenced to 7 years of hard labor and 3 years internal exile in Siberia because he refused to brand human rights activists and political dissidents as mentally ill; Dr. Naum Meiman, founding member of the Moscow Helsinki Monitoring Committee; Alexander Lerner, a computer scientist who has been kept from holding any academic or research post since he applied for emigration 15 years ago; Abe Stolar, raised in Chicago, who followed his parents to Russia in 1931 but now wants to return with his family to the land of his birth—these are just a handful of the thousands who seek to live their lives in freedom and be reunited with their families.

In our Nation, where religious freedom is taken for granted, it is easy to turn our backs on the problems of a nation that we often consider our adversary. But we can't turn our backs on the suffering of fellow human beings. I ask you all to take a few minutes today and think of those who so desperately want to join their families and practice their religion without persecution.

Mr. LAGOMARSINO. Mr. Speaker, I am honored to be a part of this special order focusing on the tragic plight and continued oppression of Soviet Jews. With the summit meeting between President Reagan and Soviet leader Gorbachev just around the corner, I believe this attention to the status of Soviet Jews and their right to emigrate is very timely and important.

The Government of the Soviet Union, the same government that is wooing the West with its proclaimed policy of "glasnost" suppresses religion, encourages anti-Semitism, and ignores its obligations under the Helsinki Human Rights Treaty to allow for freedom of emigration. The Soviet Government has targeted innocent Jews by withholding emigration visas thereby forcing Jews who want to leave to remain prisoner in a country that despises them. Should any of these Jews protest their treatment or question the Soviet authorities, they face the serious consequences

of unemployment, restrictions on their already guarded lives, imprisonment or banishment to a psychiatric hospital or hard-labor gulag.

Because of the deplorable living conditions and discrimination, over 350,000 Soviet Jews have begun the application process to leave. Twenty thousand are listed as refuseniks—those who have made application to be rejoined with their families abroad and have been refused. One of those refusenik cases I would like to bring to the attention of my colleagues is the plight of Vladimir and Maria Slepak. The Slepak's case may be familiar to you because their son, Alexander, held a 17-day hunger strike here in Washington to protest the lifetime refusal given to his parents. Vladimir Slepak has been targeted by the Soviets because he is one of the founders of the Soviet Jewry emigration movement and, largely, because of his effort, over 260,000 Jews have been permitted to leave the Soviet Union.

Since he began his humanitarian activism in the 1960's, his home has been repeatedly raided and searched. Many of his belongings have been confiscated, his telephone disconnected and electronic bugs installed in his walls. He has been the subject of public condemnation through the Soviet Government controlled media. Moscow television has listed him in their "Traders of Souls" television show and have labeled him as a "soldier of Zionism inside the Soviet Union" and as part of an anti-Soviet conspiracy. In 1977, Izvestia maliciously accused him and other Jews of espionage and treason. Vladimir has been interrogated and imprisoned twice on unknown, obviously false, charges. In June 1978, Vladimir and his wife Maria were arrested for displaying a banner from their window saying, "Let Us Go To Our Son in Israel." Vladimir was sentenced to 5 years of internal exile in Siberia for the bogus charge of "malicious hooliganism." Maria voluntarily share this intolerable fate with her husband after her 3-year sentence was suspended. Siberia is no vacation land—the land is barren and the climate very harsh. Despite his ill health, Vladimir worked at odd jobs, often in subzero weather. In 1982, Vladimir was allowed to return to Moscow. But, knowing of the Soviet authorities' ability to ship their citizens off to the gulag on a whim, I am concerned about just how long the Slepaks can remain in the relative safety of Moscow.

If the Soviets are serious about the rhetoric they often produce regarding the need to uphold human rights, then they will back their words with actions—positive actions like allowing the Slepaks to rejoin their family abroad. I urge my colleagues to remember the Slepaks and other subjugated Soviet Jews when considering other matters pertaining to our relations with the U.S.S.R., like arms control. Trust the Soviets? Ask the Soviet Jews.

I know that this tragic situation will be part of President Reagan's agenda during his meetings with General Secretary Gorbachev. I urge my colleagues to join me in supporting the President in this worthy, humanitarian effort. As Elie Wiesel said, "What hurts the victim most is not the cruelty of the oppressor, but the silence of the bystander." Please do not be a silent bystander.

Mr. SCHEUER. Mr. Speaker, despite Mr. Gorbachev's smooth talking, sophisticated style, the Soviet Union continues its gross violations of human rights against Jews and other minorities.

I am saddened that the Secretary General, in his recent NBC-TV interview, accused the United States of fabricating human rights issues in the Soviet Union for the purpose of draining Soviet talent.

In the words of Mr. Gorbachev, we have organized a "brain drain" from the Soviet Union, and only those Soviets who hold "state secrets" are denied permission to emigrate.

How can Mr. Gorbachev make these absurd, contemptible charges when most of the Soviet Jews who request exit visas are stripped of their professional positions and forced to work at menial tasks?

The United States continues to lead the free world in upholding human rights across the globe, and we cannot allow the Soviet Union to continue to deny, to undermine and to lie systematically about issues of human rights.

Mr. Gorbachev had offered us hope for improved human rights in the Soviet Union under glasnost.

I spoke with Mr. Gorbachev last April when I traveled to Moscow with Speaker WRIGHT and other Members of Congress.

At that time, the General Secretary reiterated a point he made on French television 2 years before—that the "security risk" label used to deny emigration to Soviet Jews was valid for 5 years and at the most 10 years, except in the most aggravating circumstances.

So far, we have seen the release of some prominent refuseniks—mainly to influence public opinion on the eve of the summit—but there are an estimated 400,000 Jews remaining in the Soviet Union who have expressed a desire to emigrate.

The leaders of the free world dedicated to upholding basic human rights have remained very patient.

The recent political infighting in the Soviet Union has demonstrated that the West will need to maintain a hard line on human rights issues if we hope to bring about any fundamental reform in Soviet human rights or emigration policy.

Jewish emigration from the Soviet Union has risen this year, but if the rate of emigration remains constant, fewer than 10,000 Jews will emigrate from the Soviet Union in 1987. This number pales in comparison to the 1979 figures of close to 50,000.

How can we establish trust with the Soviets if they continue to violate their obligations under the Helsinki accords which they signed under their own free will?

How can we trust the Soviets to uphold bilateral arms agreements when they blatantly use their own emigration laws under the rubric of "state security" to punish and intimidate their people.

President Reagan and Secretary of State Shultz deserve praise for their persistence in making human rights an priority agenda item in the summit and other meetings with the Soviets.

We must continue to press the Soviets through all diplomatic channels if we hope to

see leadership by Mr. Gorbachev and movement in the Soviet bureaucracy to improve the abysmal plight of Jews and other persecuted minorities in the Soviet Union.

Mr. LANTOS. Mr. Speaker, I would like to commend my distinguished colleague, Mr. MRAZEK for calling this special order to focus attention on the treatment of Jews in the Soviet Union.

Next week President Reagan and Secretary Gorbachev will meet in Washington to open talks that could lead to significant improvements in arms control. We welcome this prospect. At the same time President Reagan has stated that he will raise the issue of human rights conditions in the Soviet Union with Mr. Gorbachev. We look forward to this exchange and hope that it will lead to significant improvements in the ability of Soviet Jews to exercise their human right to emigrate from the Soviet Union.

Earlier this week, Secretary Gorbachev spoke of the effects of glasnost on human rights in the Soviet Union and the prospect of providing more opportunities for Soviet citizens to exercise their personal freedoms. He said that improvements had been made in the human rights conditions, and that a case-by-case review of the individual applications for permission to emigrate would ensue.

He stated that the only reason that many applicants are refused permission to emigrate is because they have had previous access to state secrets. If that is the case, the entire Soviet Union economy must operate on the basis of state secrets because almost every refusenik is denied permission to emigrate because of access to state secrets.

Mr. Speaker, with many of our colleagues in the Congress and many of our fellow Americans, I am concerned that flagrant violations of human rights continue in the Soviet Union. These violations continue despite glasnost, despite rhetoric about increased attention to human rights.

Let me cite just a few examples that I have given special attention. Judith Ratner and her husband, Leonid Bialy, have consistently been refused permission to leave the Soviet Union. Judith and Leonid are both physically disabled and have been unable to continue working in their profession for over 14 years. Leonid has suffered three heart attacks in the last 10 years and was recently diagnosed in need of immediate coronary bypass surgery. Such treatment is not available to him in the Soviet Union. Their case has been reviewed and they have been instructed not to even reapply until the year 1992. Furthermore, Leonid's son was refused permission to emigrate—the reason was that his father at one time had access to state secrets.

Let me cite another example, Mr. Speaker, denial of the right to emigrate to George Karakasheva. George served as a builder in the Soviet Army over 28 years ago. At the age of 57 he wishes only to be reunited with his family in the West. His case has been reviewed and he has been denied permission to leave eight times.

A third case, Mr. Speaker, is that of Isaac Tsitserbit. All his relatives, except one brother who presently resides in Israel, were killed by the Nazis during World War II in that most infamous massacre at Babi. Isaac is now 68

years old and suffers from heart disease. He was told in 1973 that the state secrets to which he had been exposed would be outdated in 3 years. He is still denied permission to leave the Soviet Union, although his wife and son live in Israel. He desires only to be reunited with his family in Israel.

Mr. Speaker, we are receiving mixed signals about Soviet policy toward refuseniks. In 1985, Secretary Gorbachev stated that generally after 5 years and at most after 10 years individuals involved in classified work would be permitted to emigrate. The cases I have raised today all run counter to that assertion.

The Universal Declaration of Human Rights, to which the Soviet Union is a signatory party, states: "Everyone has the right to leave any country, including his own, and to return to his own country." (Article 13, section 2.)

At a time when the whole world wonders whether glasnost really means a change in Soviet human rights policy, it is essential that we make clear to Secretary Gorbachev that the observance of human rights is a central concern of the American people and of the American Congress.

In November, 912 Jews left the Soviet Union, the highest number of Jewish emigrants this year. Nevertheless, these figures are far below the peak year of emigration in 1979 when 51,000 Jews were allowed to emigrate. It is imperative that Soviet Jews and people of all religions be entitled to their right to emigrate if they wish or freely to worship and observe their cultural traditions if they chose to remain in the Soviet Union.

We in the Congress must continue our efforts on behalf of refuseniks in the Soviet Union. This remains one of the principal areas of emphasis of the Congressional Human Rights Caucus. Our continued efforts can make a difference in securing the release of individuals, we must continue to raise this issue.

Mr. Speaker, it is my sincere hope that Secretary Gorbachev will come to understand the crucial importance of the observance of human rights—including the right of Soviet Jews freely to emigrate. Soviet observance of human rights will establish the foundation of trust that is essential if we are to have good relations between our two nations.

Mr. Speaker, all of us wish Mr. Reagan and Mr. Gorbachev well in their upcoming talks. All of us welcome progress in arms control. All of us look forward to concrete progress in the area of human rights.

□ 1825

WORLD FOOD DAY AWARD TO DR. SWAMINATHAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GILMAN. Mr. Speaker, I requested this special order in order to honor a man who has saved millions of lives from the effects of drought and famine. A man, who through his tireless commitment to the improvement of the quality, quantity, and availability of food, has brought new life and hope to the underdeveloped nations of the world.

On October 6, Dr. M.S. Swaminathan, director general of the International Rice Institute in the Philippines and best known as the architect of India's "Green Revolution," was awarded the first General Foods World Food Prize. Dr. Swaminathan was selected as the first recipient of this \$200,000 prize because of his long and distinguished record of accomplishments in helping feed the world—including the introduction of Mexican semi-dwarf wheat plants in India, which led to greatly improved productivity in a nation ravaged by agricultural disasters and hunger.

A former Secretary of Agriculture and member of the planning commission of the Indian Government, Dr. Swaminathan has received countless honors for his work as a wheat and rice geneticist. In 1986, he was the recipient of the Albert Einstein World Science Award.

In addition he has served as honorary vice president of the World Wildlife Fund, president of the International Union for the Conservation of Nature and Natural Resources, independent chairman of the Food and Agriculture Organization Council, and board member of the Better World Society. The laureate has received honorary doctorates from 23 institutions of higher learning.

Accordingly, because of his outstanding record of humanitarian service, I believe that it is appropriate that this body honor Dr. Swaminathan by sharing his achievements so soon after thanksgiving and before our other special holidays.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 395, FURTHER CONTINUING APPROPRIATIONS, 1988

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 100-466) on the resolution (H. Res. 321) providing for the consideration of the joint resolution (H.J. Res. 395) making further continuing appropriations for the fiscal year 1988, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IMPACT OF H.R. 162 ON AMERICAN BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, my colleagues and I have heard a lot recently about how businesses would be affected by final enactment of H.R. 162, the High Risk Occupational Disease Notification and Prevention Act of 1987, which this House recently passed.

Since it was first introduced 2½ years ago, many businessmen have testified before the Subcommittee on Health and Safety and met with me informally concerning H.R. 162, and I've paid careful attention to what they had to say. Suggestions for im-

proving the bill have come from business people who support it, as well as those who oppose it, and I've listened to both sides.

In fact, during the floor consideration of the bill, I supported an amendment to exempt small businesses from the medical removal provisions of the bill. I appreciate those businesses that have taken the time to study the high risk bill and to learn if or how it affects them.

I especially appreciate those businesses that have analyzed the bill and recognized its value. They understand how the bill will work and they're now working for its passage in the Senate.

Many of the business groups that support the bill are also the same ones that will be most affected by its passage, such as the Chemical Manufacturers Association, the American Electronics Association, and the National Paint and Coatings Association.

On the other hand, there are a few national business organizations that have confused the issues which the bill addresses and have misrepresented the way the program works. I think it's shameful that these business groups are misleading their members.

Just recently, in fact, I got a letter which claimed the bill would require employers "to notify former workers back 30 years of a possible exposure to hazardous substances," and "require that the employers offer medical monitoring to those former employees."

Now, anyone familiar with H.R. 162 knows that employers are not required to notify anyone. All of the notification will be done by the Federal Government, unless the company decides to request permission to do the notification itself.

Employers also will not be required to contact former employees nor to provide medical monitoring for them. These claims are completely false, and they are indicative of the kinds of rumors being circulated.

The letter goes on to say that in addition to chemical manufacturers, even restaurants and grocery stores would be affected by the bill's passage.

This is an outrageous statement.

First of all, workers will be notified only after the risk assessment board has determined that scientific studies indicate that workers exposed to the same degree or for the same length of time have shown a significantly greater risk of developing a specific disease.

I doubt that restaurant and grocery store workers have even been studied, and it's very doubtful whether they're exposed to any hazardous substances for periods long enough, and at concentrations high enough, to cause occupational diseases.

The third point the letter makes is that H.R. 162 puts businesses "in great liability jeopardy."

Again, this claim is not based on fact. The high risk bill is liability neu-

tral—it neither adds to nor detracts from workers' rights under existing law, and it excludes the use of both the notification letter and the notification process as a basis for, or as evidence in, any kind of suit.

The facts on liability and H.R. 162 were presented in recent testimony before the Small Business Committee by Mr. Lester Cheek, a representative of Crum and Forster Insurance Cos., the Nation's second largest writer of general liability insurance, and one of the Nation's top 10 workmen's compensation carriers. Mr. Cheek said that private notification and medical monitoring programs have not affected workmen's compensation or tort claim frequency, and he went on to say that the bill holds out the promise of significant long-term reductions in the frequency and severity of occupational disease, with concomitant savings for employers and product manufacturers.

So, the writers of this letter are dead wrong when they conclude that the high risk bill will "drive people out of business and cause lost jobs, lost tax revenues, and lost sanity."

Mr. Speaker, all of these claims are false. These misleading attacks by national organizations are simply unbelievable and outrageous.

The truth is that H.R. 162 sets up a program to identify workers at risk of disease, to notify those workers of their risk, and to prevent death and disability resulting from occupational diseases by encouraging employers to reduce hazardous exposures by using safer manufacturing techniques or by substituting less toxic substances.

I invite all of my colleagues to study the high risk bill, as it was passed by the House on October 15. You will see for yourselves that the high risk bill is a very sensible measure carefully crafted with the help of business, labor, and public health groups.

The quality of the bill speaks for itself, and I urge you all to continue to support the bill as we work towards its ultimate final enactment into law. I wish to refer to various provisions of the bill which justify such continued support.

The letter referred to is as follows:

SHERATON INN GREENSBURG,
Greensburg, PA, October 8, 1987.
Senator ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: What in the world could Representative Gaydos from Pennsylvania and Senator Metzenbaum from Ohio have on their minds regarding the High Risk Occupational Disease Notification and Prevention Act? Sometimes we constituents at home begin to wonder if Capitol Hill's air causes our representatives to lose sight of practical every day business.

Surely, no sensible person who wants to encourage all businesses, small or large, to stay in operation, provide jobs for the public, (and, incidentally, taxes for public works), would vote for legislation that re-

quired employers to notify former employees back 30 years of a "possible exposure to hazardous substances". Personally, many businesses don't even have the records of those former employees. In addition, to require that the employers offer medical monitoring to those former employees and present employees regarding exposure is absolutely ludicrous!

This hotel, now in business 9 years, and its owners, in the construction and coal business for over 40 years, has in good faith tried to provide jobs in the safest way available at the time. Maybe the Congress thinks only of chemical manufacturers or rubber manufacturers as businesses affected by this legislation. Not so! Restaurants, grocery stores, and other businesses would also be impacted.

This legislation puts us in great liability jeopardy, asks us to perform an impossible feat in finding former employees, and provides sure fire financial ruin to have to provide medical monitoring to former and present employees. Surely it will drive people out of business and cause lost jobs, lost tax revenues, and lost sanity.

Can we please return to some common sense and some common trust? Please consider these remarks and do not vote positively for H.R. 162 and S. 79.

Sincerely,

Wilmer P. Eidemiller, President, Adam Eidemiller, Inc.; Anna Mary MacPhail, Secretary/Treasurer, Adam Eidemiller, Inc.; Margaret C. Kuhnmund, Marketing Director, Sheraton Inn Greensburg; Elizabeth E. Battistella, Vice President, Adam Eidemiller, Inc.; Louis R. Battistella, General Manager, Sheraton Inn Greensburg.

Mr. HAYES of Illinois. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Illinois.

□ 1840

Mr. HAYES of Illinois. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Pennsylvania [Mr. GAYDOS] for his taking the initiative to sponsor H.R. 162 and also for taking an initiative to further explain and answer the negative positions that have been taken by some employers which have now been put in the RECORD.

I think there is nothing wrong with notification of hazardous materials with which people have to work. Notification should be provided in order to preserve life and prevent permanent injury or damage to their bodies.

Mr. Speaker, I want the gentleman to know that I completely support H.R. 162 and also the Senate bill.

Mr. GAYDOS. Mr. Speaker, I thank my colleague, the gentleman from Illinois.

Mr. OWENS of New York. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to my colleague on the Education and Labor Committee, who I know has an intense personal interest in this bill.

Mr. OWENS of New York.

Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as a member of the committee, I certainly know of the tremendous amount of hard work that has gone into this bill. The gentleman has coordinated his efforts over a long period of time. The bill has certainly been subject to a number of compromises and amendments, and every effort has been made to accommodate business interests. Personally, I think this is a good beginning. It is not as strong as it was when it first started. I would like to see it strengthened.

Mr. Speaker, I want to congratulate the gentleman from Pennsylvania for at least arriving at a point where we have across-the-board support and for bringing the bill to the point where it has been passed by the House of Representatives.

I do not think that any employer would knowingly want to subject his workers to conditions that threaten their lives or their health. Certainly there are large numbers of employers who would not want to do that, and certainly those employers ought to welcome the opportunity to have everybody brought into some kind of a system where things are equalized. If they have to spend money to make sure conditions are safe, their competitors would also have to spend money to make sure conditions are safe, and they should welcome a bill of this kind, which, I think, is minimal. I think most free world nations have regulations which are a bit stronger than this.

Mr. Speaker, this is a good beginning, and I congratulate the gentleman on his long effort to make this bill a reality.

Mr. GAYDOS. Mr. Speaker, I want to thank my colleague, the gentleman from New York, for those remarks. He does bring up a point that I think is quite important.

We are talking about weakening the bill, and I do admit that on the floor of the House, in order to gain passage, I did introduce some amendments and also accepted some amendments along those lines. I, too, share the thoughts the gentleman expressed here so vividly today that maybe the bill should be a lot stronger, but we are talking about the practicalities of getting something in place and started. As the Chinese have said, a journey starts with the first step. This is it. And I think my good friend and colleague refers, for instance, to my amendment No. 1. That amendment provides an exemption from notification requirements for companies that show by a preponderance of the evidence that they have operated exceptionally effective health and safety programs. That is a little bit of a weakening, but I think it is one that is justified under the circumstances.

I also put in a second amendment at the time that prohibits employee requests for medical removal benefits

without physiological evidence that the covered disease was about to manifest itself. That was in response to a lot of critics; by putting that amendment in we thought we would make it very clear that there would not be a lot of sub rosa or fictitious requests for removal. So that takes care of that problem.

The third amendment that I put in provides that employers would not be required to duplicate medical monitoring already required by a specific health and safety standard. I think that is a good amendment, and there is no problem there.

But another amendment I had suggested and which I had included permits at risk assessment boards to limit the notification to the period of latency associated with the disease. We did not want to have any limitation, but I put it in with the encouragement of some of my colleagues who said they would support the bill with the amendment. We only passed the bill by 40 votes. I thought we should have passed it by 240 votes, but we only passed it by 40 votes. So I made some concessions and some compromises, and that is one of them.

Let me give another example. If a class of workers were identified as at risk for bladder cancer in one of the areas of employment because of exposure to some kind of chemical dye, for example, the latency period for that cancer in most medical circles is 10 years. Then the notification would only go back for 10 years. Others who support the bill wanted to have an unlimited period going back 30 years. There are some conceivable cases where an exposure could have occurred and 30 years could pass and it would still be an authentic case. We compromised. We said, let us take a look at the latency period, and at least that will get us started on the right path.

We did make some changes, defining OSHA's standard and changes on the procedures of the risk assessment board.

I want to mention one thing here. Our colleague, the gentleman from California [Mr. DANNEMEYER], did put in an AIDS amendment, and the gentleman from Vermont [Mr. JEFFORDS] directed the board to give priority consideration to designating workers exposed to dioxin as an admitted at-risk group. We accepted that amendment, too.

Let me conclude by saying this: I will take a special order at another time to enlarge on this. I want to go into every particular detail of the bill. I want to do that until next year, until we come back with a conference report. I think everybody should know what this bill provides. I think it is so basically and fundamentally essential that we have a full and complete understanding that when we pass that conference

report, we are going to be talking about passing it by a couple of hundred votes.

That is why I am going to cut my remarks short at this time, because we have others here who are going to pick up an item that is very close to my heart, and one that, when spread upon the record, is going to affect a lot of people, and I think it is one that is of a worthy nature.

Let me finally conclude by saying that I would admonish and greatly encourage at the same time our lobbyists here on the Hill to be careful of their facts when they lobby a particular bill. I was exposed to so much misinformation and complete fabrication and outright lies. I am not accusing our lobbyists of manufacturing them, but looking at the evidence, let me say that we find so many people saying these things that we conclude they have to originate at some place and in most places a lot of our business people and entities as such look toward their lobbying representatives here in Washington. So if they are misquoting facts, I would say they are maybe being supplied half truths or information, or maybe they could interpret it that way. I am going to give that concession to our lobbying groups, because our lobbyists up here do, I think, perform an admirable task. I think we need lobbyists. I think they do supplement our employees that we have and our personnel. I think the expert decorum that they have and the technical knowledge they have all goes together and helps us to better understand and support our legislation.

But, on the other hand, having experienced this exposure that we have seen of half truths and misinformation that caused so many problems, I had to go around personally explaining time after time that this is not fact and that is not true, that this bill does not pertain to past employees, things like that. These things are so fundamentally basic, and yet much misinformation has been made available.

So under these circumstances I again reiterate that I would want to admonish and encourage our lobbyists to be more accurate in their information, to tell those around them that they lobby for and those who employ them that they are not going to do this, because, if not, what is going to happen is that we are going to have legislation governing lobbying, and I think that is bad, because our Constitution does provide for a good determined and hopefully accurate lobbying effort. A lobbyist should be an asset rather than a detriment. I say that as a legislator, and I think I say that on behalf of my colleagues.

Finally, in conclusion, let me say that lobbyists are important, but I think they ought to watch their decorum. They should clean up their act if

they have to and they should make sure they are more accurate in some of their observations.

Mr. Speaker, I yield back the balance of my time.

□ 1850

TRIBUTE TO THE LATE HONORABLE HAROLD WASHINGTON, MAYOR OF CHICAGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DYMALLY] is recognized for 60 minutes.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have leave to revise and extend their remarks on the subject of my special order tonight.

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

There was no objection.

Mr. DYMALLY. Mr. Speaker, we take this moment in history to build a monument in tribute to a fallen leader, our former colleague in this august body and mayor of the city of Chicago. The Honorable Harold Washington. He was a man who stood tall, and cast an enormous shadow of goodwill. Blow as they might—the winds of political turmoil and upheaval and injustice—this giant would not bend, nor bow, nor break. There was a quiet dignity about the man, Harold Washington; yet there was no more formidable opponent when challenged. He was purposeful and constantly focused, for his battle did not begin and end with the rollcall, but extended into a crusade to heal the cancerous lesions of race hatred and generations of divisive political warfare. He was a slayer of giants, yet a gentle person who stooped to lift up the downtrodden.

Chicago laid to rest on November 30, one of its favorite sons. Yet, he belonged to us all. We, in the Congressional Black Caucus are grieved at this loss, for Harold Washington was our brother as well as an eloquent statesman, a champion of justice, and a politician without contemporary peer. A former Secretary of the Caucus, in 1983 he returned to keynote the 13th Annual CBC Legislative Weekend Awards Dinner with a stirring address which captured the unrelenting struggle of black America's quest for economic and political empowerment. It was a very special occasion, for that evening he was awarded the highest honor conferred by the CBC for political achievement named the Adam Clayton Powell Award.

Harold Washington was elected from the First Congressional District of Illinois to serve in the U.S. House of Representatives in 1980. As a freshman, he was a member of the Committee on Education and Labor, the Judiciary

Committee and the Committee on Government Operations, while serving on the Subcommittee on Civil and Constitutional Rights, which had initial jurisdiction over legislation to reauthorize the Voting Rights Act of 1965. Harold played a crucial role in the successful extension of the act which was signed into law on June 29, 1982.

His was a career of distinction and honor. After graduating from Northwestern University School of Law in 1952, he practiced law until his appointment in 1954 as assistant city prosecutor for Chicago. He served for 5 years as arbitrator for the Illinois Industrial Commission, and in 1965 was elected to the Illinois House of Representatives where he served Chicago's 26th District until his election to the Illinois Senate in 1977.

In one of his last interviews, which appears by extraordinary coincidence in the December 1987 issue of Ebony magazine—Harold Washington challenged that we not abandon our cities and that the Congress make a clear commitment to the rejuvenation of our urban centers. I can think of no greater testimony to his memory than for us to pledge to move forward on this battlefield to make our cities vibrant, healthy and productive environments to bring this Nation into a competitive position as we look to the year 2000. Harold Washington was a dreamer—and a doer. He shall surely be missed.

Mr. Speaker, I yield the balance of my time, because I think it is appropriate, to my friend from Chicago, Congressman HAYES.

Mr. HAYES of Illinois. Mr. Speaker, I thank the gentleman from California for yielding this time.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GAYDOS].

Mr. GAYDOS. Mr. Speaker, I just want to spill upon the RECORD a sincere tribute to our former colleague, Harold Washington. He was a member of my committee. He attended the hearings we had faithfully and regularly. He lent so much to the hearings. Of course, everybody knows of his ability as a great orator. His questions were driving questions, yet fair. I missed his presence and I do miss his presence on the committee. I think my colleague, the gentleman from Chicago, will verify that he gave our committee class, in a nutshell. After he was through asking questions, I think I even felt much more informed, better informed.

As I mentioned before, the questions were driving questions. Some were very difficult, but the end result is that we got better legislation, better witnesses.

I just wanted to thank my colleague for yielding and I wanted to take this part of this special order at this particular point in the RECORD and let the

RECORD show that I was in a position to observe him in his activities here in his short stay as our colleague here in Washington before he went on to better and more important things and that we miss him. He was a most effective member.

Mr. HAYES of Illinois. Mr. Speaker, it is with a note of sadness that we pause at least for an hour and a half or so to reflect on the life of one of the greatest friends that I have ever had and one of the greatest mayors that the city of Chicago has ever had, who was born on April 15, 1922, at the Cook County Hospital in Chicago, IL.

Harold Washington was one of 11 children, son of Roy L. and Bertha Jones Washington.

He was graduated from DuSable High School, in the heart of my district in Chicago. He also attended school at Roosevelt University and Northwestern University School of Law.

When his father died in 1954, Harold took his first step toward official political empowerment and assumed his father's position as local precinct captain of his home third district. From precinct captain he rose through Chicago's political ranks, and that is not easy to do, serving in numerous appointed and elected capabilities, including assistant corporation counsel from 1954 to 1958, as state representative for the State of Illinois from 1965 to 1977. He was a state senator from 1977 to 1981, and an Illinois Congressman from the First Congressional District from 1980 to 1983.

He first ran for mayor of the city of Chicago in 1977, but was elected mayor on April 12, 1983, as a reform Democrat, and reelected on April 7, 1987.

He ran a government based on the principal theme, "Chicago works together." All races, black, brown and yellow, and all ethnic groups.

Although he had only 4 years and 7 months to govern, he left a record of leadership and accomplishment that will benefit Chicagoans for many, many years to come.

On Wednesday, November 25, 1987, at 1:36 p.m., he died physically of a massive heart attack. Although physically gone, his spirit lives on and his legacy will live for generations.

As evidence of his popularity, it is estimated that over 2 million people either came to the city hall to pay their respects or lined the streets to bid him farewell. Never before in my lifetime have I seen such an outpouring of people to pay their last respects to any person in Chicago.

Harold Washington was a catalyst. He awakened in all of us the realization that hopes and dreams in fact can be turned into reality. He was many things to many people. It was said he was the Mayor that everyone knew.

In that light, Mr. Chairman, I will include at this point in the RECORD an article which just recently appeared this month, in fact, in Ebony magazine, written by Charles Whitaker, which clearly delineates and points out the mayor that everybody knows, Harold Washington. I include the article, as follows:

[From Ebony magazine, December 1987]

THE MAYOR EVERYBODY KNOWS

(By Charles Whitaker)

It is a phenomenon that Chicagoans who venture much beyond the city limits know well. It doesn't matter where they go—Cairo, Illinois, or Cairo, Egypt; London or Los Angeles; New York or New Delhi. Once a hint of their Windy City origins is revealed, the reaction invariably is the same: "You're from Chicago? How's Harold?"

"Harold," of course, is the city's chief executive, Mayor Harold Washington. And the answer to the often asked question, according to many Chicagoans, is "Harold's doing fine!"

More than six months into his second term, Washington, 65, now sits securely at the top of Chicago politics. Last spring, he turned back the three White challengers who sought to unseat him in the mayoral elections. His foes on the City Council have been vanquished, freeing his administration of the handcuffs that hampered it for much of the first term.

Though he faces a myriad of problems, such as patching up an aging network of streets and sewers and staving off attempts by the Reagan Administration to gain control of the city's massive and financially strapped public housing system, the concerns are no greater than those confronting most big-city mayors. Yet, Washington has captured the attention of the world in a manner that few of his mayoral peers have.

Observers of the Chicago political scene attribute Washington's wide recognition to the fact that he is so vastly different from Chicago's previous mayors; not merely because he is the first Black to hold the post, but because he is, some say, the most intelligent, compassionate and colorful leader the city has ever had. "Harold Washington is certainly the best mayor Chicago has had in my lifetime," says Leon Despres, a White former alderman and outspoken leader among Chicago's "lakefront liberals." "He has a remarkable intellect and he is deeply and truly interested in the city. No other mayor has been as interested in the city as he is."

Washington, however, modestly says that it was an unusual set of circumstances that catapulted him to the mayor's office and made him one of the world's best known mayors. "The reason my face and my name are known all over is because of the history of the Chicago political machine and the movement that brought it down," he says. "I just happened to be there at the right time to capitalize on it."

It was indeed a historic movement that carried Harold Washington to the mayor's office in 1983. After decades of serving as foot soldiers in Chicago's tightly controlled political system, Blacks, who compose approximately 40 percent of the city's population of three million, finally realized that their collective voting strength could enable them to elect a Black mayor.

The fact that any individual or group would take on Chicago's political machine was enough to attract attention. Washing-

ton says. "Chicago had a reputation as being the last bastion of Democratic machine politics," he says. "And it was assumed by many people that the machine was impregnable."

Washington's 1983 mayoral bid proved that the machine could be overthrown. The campaign captured national attention largely because of the open displays of racism that punctuated it. Still, Washington triumphed over Republican Bernard Epton by building a coalition of Blacks, Hispanics and a smattering of liberal Whites. But his first term was hamstrung by "Council Wars," the name given by the press to the attacks on the administration by 29 White aldermen. Using their numerical advantage, the opposition bloc stalled the mayor's appointments and generally interfered with the running of the city.

A court-ordered redrawing of the city's ward boundaries late last year boosted the number of Blacks and Hispanics on the City Council and cleared the way for the demolition of the last traces of machine politics.

It is both fitting and ironic that Harold Washington should preside over the movement that crushed the machine. He got his political schooling within Chicago's old Democratic organization. His father, a lawyer and Methodist minister, was a precinct captain and one of the city's first Black Democrats. Washington got his start in politics at age 16, working with his father. He has served as a state representative (1969 to 1977), a state senator (1977 to 1981), and a U.S. representative (1981 to 1983).

Longtime friends say that Washington, who has lived in Chicago all of his life, has always had the look of a leader. "Even as a kid, he was always reading something," says real estate tycoon and author Dempsey Travis, who grew up with Washington on Chicago's South Side. "When we played baseball, he'd have a book in his hip pocket and whenever he wasn't on the field or at bat, he'd be reading."

At Chicago's Roosevelt University, where he was one of 20 Blacks in a class of 400, Washington was elected senior class president and president of the student senate. He graduated from Roosevelt in 1949 with a degree in political science, then headed for law school at Northwestern University, from which he was graduated in 1952.

Admirers describe Washington as a warm and gregarious man who is at home in virtually every stratum of his multi-faceted city. "He's extremely bright and articulate, but he's also very compassionate," says the Rev. Willie Barrow executive director of Operation PUSH. "He cares about all of the people of this city, from the lakefront to the ghettos. He doesn't talk down to anyone."

Chicago media, with whom Washington has frequently clashed, paint a slightly different picture, branding the mayor as irascible and combative. Washington says the reputation developed during his protracted struggle with his opponents on the city council. "I'm not combative," he says. "I just don't like being pushed around. But I don't think the press is that used to seeing Black men who stand up for their rights. That's because they don't know that many Black men. But Black people don't call me combative. They call me strong, which lets me know I'm on the right track."

Washington lives alone in a modest art-filled apartment in Chicago's fashionable Hyde Park neighborhood. His den is crammed with books that chronicle the ca-

reers of some of the world's best-known leaders, including late Mayor Richard Daley. Since assuming the wood-paneled office on the fifth floor of Chicago's City Hall, Washington has not had much time for extracurricular reading.

Up at 5 a.m. for a quick glance at the morning papers and a spot of tea, he is in constant motion until 7 p.m., when his day begins to wind down. His calendar is packed with briefings with department heads, meetings with other government officials and a host of ceremonial duties and public appearances. Single with no children, when time permits him to attend social functions, he is usually in the company of his fiancée, Chicago teacher Ella Smith.

Much of Washington's first term was consumed by the business of dismantling Chicago's entrenched system of patronage which had long left Blacks, Hispanics and women in the cold. "We're just about where we want to be in terms of real, structural reform," he now says. "That means fair hiring, an equal distribution of services, freedom of information. I'm no goody-goody, but to me, that's the way government is supposed to work."

At the same time, Washington has forged an agenda for social reform. "We have to focus on reform in areas like hunger, providing for the homeless, combatting youth crime and unemployment," he says. "These are not just problems in Chicago, but on a national scale. So we have to go to Washington, work with Congress, try to get these areas addressed."

He has taken the lead among big-city mayors in attacking the federal government for what he calls its "abandonment of our cities." His sharp criticism of the Reagan Administration has led many to speculate that he is jockeying for a position in national politics. He quickly dismisses the notion. "No, it's not my desire to be a national leader," he says. "But it is my desire to be part of a national movement that is trying to turn Congress around and trying to help rejuvenate our cities. It's a commitment that every mayor of every medium to major-sized city has made."

Washington has reached out to the White ethnic communities where resistance to his initial campaign for mayor was strongest. Though his reception at the city's popular ethnic festivals has been warm, the thaw in relations has not been demonstrated at the ballot box. His White support still remains along the traditionally liberal and relatively affluent lakefront.

Washington says that such voting patterns reflect the reluctance of White Americans to vote for Black candidates. "Look at most of the major cities that have Black mayors and you'll find the same thing," he says. "So what can we do about it? We can talk about it, not in an acrimonious way, but in a clinical way. And maybe by talking about it, we can get a few of those borderline White people who have never consciously thought about racism or prejudice to think about it and maybe want to do something about it."

Yet, he has seen some changes over the course of his first term, and he continues to extend himself, attempting to break down the barriers and demonstrate that he is not the mayor of just Black Chicago, but of all Chicago. "It's a big job," he says, "but we're tackling it, breaking down stereotypes and warped impressions of Black leadership."

It's a challenging job, and it's a job that Washington loves. "You can't solve every problem," he says, "but if you can affect

just a few of the areas, like ending discrimination. . . . The satisfaction you get out of things like that is enough inducement to make me want this job.

One of the most highly sought-after speakers in Chicago, Washington routinely breaks up audiences when he tells them that he is embarking on the second of his five terms as mayor of Chicago. Insiders say that he is only joking and has no intention of remaining in office for 20 years. But there are indications that he has laid the foundation for a political dynasty that could rival that of Richard Daley. In fact, some Chicagoans, in response to questions about Washington's political staying-power, are predicting that his reign will mark a critical turn in the city's political history. A turn so critical, some say, that Chicago history will be divided into two eras: Before Harold Washington and After Harold Washington.

Mr. HAYES of Illinois. Mr. Speaker, I yield to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, a week ago today the city of Chicago and this Nation, in fact, suffered the sudden loss of a public official of considerable stature, our former colleague, Mayor Harold Washington. Mayor Washington left a legacy that will long endure. He was a man of vision. When he first decided to run for mayor, he had the foresight to believe that Chicago could overcome its racial and ethnic divisions to work together. Indeed, in his 4 years and 7 months in office, he set in motion a number of programs to make Chicago a model city, proof that any urban center could achieve harmony among its many diverse communities.

He was a man of resolve. He left this body to become mayor. He worked tirelessly to develop policies that could improve the quality of life for all Chicagoans; better schools, better housing, better transportation; above all, a new sense of hope.

He was a man of courage. When he assumed office, he broadened the opportunities for government contracting processes so that all could be assured a fair chance to participate.

He met with the business community to convince them that Chicago was a city that was going to continue to grow, continue to prosper, and that they in fact should invest their moneys, time and energies into a city like Chicago, so that we could have not only a wonderful business climate, but job opportunities for those who were much in need. This has enhanced Chicago's economic base considerably.

Because of these personal qualities and others, Mayor Washington was a political leader for all Chicago residents and he applied his leadership skills to accomplish a number of objectives. He opened the doors to City Hall and made local government accessible to every resident of the city. He insured that municipal services were distributed on a more equitable basis and

he raised the bond rating, in fact, of our city from a meager B to something like a triple-A. This was the greatest input into financial affairs that had been seen for decades in our city.

He placed minorities and women in positions of great authority. These are people who had been left out of the governmental process in the city of Chicago.

Mayor Washington's influence was also felt at other levels of government. As a State legislator and a Member of this Congress, he introduced set-aside programs in government contracting that have significantly increased the development of small businesses by minorities and women.

He also proposed to provide businesses with financial incentives to come not only to Chicago, but to most urban areas in his role as a member of the coalition on mayors.

In addition, he worked to establish programs that would assure the young and the elderly to have no fear of being fed, clothed, or housed.

Perhaps most important, Mayor Washington was recognized as a national leader on urban policy.

At the time of his death, he was soliciting support among Presidential candidates for his national urban agenda, which is in fact a comprehensive housing and urban development program intended to improve the quality and availability of public housing and other essential services for low income persons.

Harold Washington has left a host of accomplishments that stand in tribute to him.

Mayor Washington believed that the Government ought to be a government for the people. In fact, many of us have seen him in Washington many times since he became mayor, coming here in pursuit of Government funds and programs that would have greatly enhanced the stature of the city of Chicago, not only for the city, but for the people who lived there.

In fact, I was to have met with Mayor Washington on the day of his death for the purpose—he had asked me to come and sit down and discuss with him some local issues and some matters relating to Washington, DC, that he was vitally interested in.

He opened the door for all people to participate in government.

The people of Chicago and this Nation have in fact suffered an irreparable loss in Mayor Washington. Our Nation is indeed weeping as we mourn his great loss.

Mr. HAYES of Tennessee. Mr. Speaker, I thank the gentlewoman from Illinois.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I thank the gentleman very much for yielding to me.

When I think of Harold Washington, it goes back to my days in the Illinois State Senate. I knew Harold from those days, long before he was mayor of the city of Chicago and before he was a Member of Congress.

I must confess that I have not kept up with him as he has moved on in the world, but my first contacts with him were back I think in the early seventies. I would like to just share a little story. When Harold was a member of the Illinois House and I think a relatively new member at that time and I was in the Illinois Senate at that time. I was chairman of the Illinois Senate Public Health Committee and I was very interested in trying to find a member of the House who would be interested in sponsoring in the Illinois House a bill which attempted to reform or pose what we felt were some reforms in the Chicago Department of Public Health.

□ 1905

It was a touchy matter understandably because it was reliably reported that there were a number of patronage workers there and all was not going well. True or false, that was not an issue at the time. I had trouble finding a Chicago-based Democrat, I wanted to be impartial, I wanted to be fair, because the facts justified a partisan effort and that brought me to Harold Washington, then relatively new, as I said, in the Illinois House.

I sat down next to him one day in the House, and he listened carefully as I explained the bill and then he scooped up various reports and investigations made by medical personnel in the Chicagoland area and he left and said, "I'll be getting in touch with you."

I was not sure how he felt about it but when he found some evidence apparently of the failure of the Department of Public Health to have a measles immunization program in the Chicagoland area, so that many pregnant women came down with measles and thereupon accounting for the birth of numerous retarded children, one day he bounded into the Senate and sat next to me and said, "Harris, this is a nonpartisan area one thousand percent."

Thereafter though, we ultimately lost that bill in the last day of the session as oftentimes I think we have seen in the Illinois Legislature, but Harold kept on working in regard to that area and I think with all the knowledge that he gathered up, and he certainly worked so hard on that issue, eventually his forcefulness and I think his insight on the issues brought about some badly needed reform in that area.

From time to time we would meet thereafter, we working quite a number of bills together, and I grew to respect

his honesty, his articulate ability to get up on the House floor and make things happen.

In 1976 I chose not to run for the Senate again and I began practicing law back in Naperville. We only met one time thereafter and we were both at Comiskey Park on opening day of the baseball season. He looked at me, and he had become mayor by that time, and he had more white hair, and he said, "Fawell, you got an awful lot of white hair."

But I watched from my perch in Naperville in the western suburbs and saw him go into Congress, and then I saw him give up a safe seat in Congress and this was, I think, typically Harold Washington, gave up a safe seat in Washington for a not-so-safe run and maybe that is an understatement of the day, for mayor of the city of Chicago.

Of course the rest is history. His first term was tumultuous, one would have to say, marked by the fact that he had to operate without full control of the majority of that city council, but he persevered, he never stopped, he knew exactly what he wanted to do and of course he was reelected, obtained the majority support he needed and then certainly in the very prime of the tremendous services that he could render to all the people of Chicago, the people of Chicago lost him. More than just the people of Chicago lost him, the people of the State of Illinois, indeed the Nation. Harold Washington knew as he once told me that politics is the science of government, of man's relationship to man, of all men and of Harold Washington I know we can say regardless of race, religion or creed, and again the real understatement, I guess, he will be really sorely missed in not only the city of Chicago but all of Chicagoland.

I am happy to have had this opportunity to say these words on behalf of a great friend of mine, Harold Washington.

Mr. HAYES of Illinois. Mr. Speaker, I certainly want to thank the gentleman from Illinois [Mr. FAWELL] for sharing with us his knowledge and experiences with our deceased colleague.

Yes, the gentleman is absolutely right, he told me, for I succeeded him as the Congressman of the First Congressional District, that he gave up a safe seat in the Congress to take the challenge of becoming mayor of the city of Chicago.

Mr. FAWELL. If the gentleman will yield, we know a man has courage when he does that.

Mr. HAYES of Illinois. I never saw a human being that could stand the storm of public pressure in the field of politics as well as Harold Washington did.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Louisiana [Mrs. BOGGS].

Mrs. BOGGS. Mr. Speaker, I thank the gentleman from Illinois very much for yielding, and I thank him so much for this opportunity to be able to pay our respects to our former colleague Harold Washington.

When Chicago poured out its love and its people and its very, very strong admiration for Harold Washington in the past few days, it was a very natural situation because Harold Washington was a true child of Chicago. He was born in Chicago. He was graduated from Forestville School. He went on to be graduated from Roosevelt University, and he took his law degree at Northwestern University.

He was a true Chicago child who gave his life literally to Chicago and its people. He was assistant city prosecutor, then he represented the people in the House in Illinois, and then in the Senate in Illinois, and always he had this tremendous interest in education, health, and civil liberties. He knew the only way to uplift all of the people so that they could enjoy the great blessings of this country and of their magnificent city was to make certain that their health and their education and their civil liberties were intact.

He served so beautifully in the legislature, in the House and in the Senate in Illinois, that he received every conceivable award as the best legislator, the 10 best legislators, awards from bar associations, and awards from civil rights groups. Then he came here to Washington to represent the people of Chicago in the Congress of the United States, and he brought that same dedication to the same objects of his devotion to this House and he served as he had in the Illinois Legislature, on the Committee on Education and Labor, and on the Committee on the Judiciary which he chaired in both the House and the Senate in the Illinois Legislature.

I think it is very fitting that this evening when we meet here in the House that a tribute to Harold Washington is following a tribute and a begging for civil rights and civil liberties of the people of the Soviet Union because if anybody fits the description of someone who has stood for the civil rights of all people, the constitutional rights of all Americans, it was Harold Washington.

This Nation is going to miss him but we will remember him very much and we will recognize that his heart was so full, it was so full of love and mercy and understanding and of wanting to do so much for his people that it literally burst in the effort.

We are very pleased to have had an opportunity to serve with him here, and we wish him through all eternity the blessings of the God that he loved so well.

Mr. HAYES of Illinois. Mr. Speaker, I thank the gentlewoman from Louisiana for her remarks.

At this time I would like to recognize for such time as he may consume, the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, at the last meeting of our Illinois group of Illinois business interests, on June 4, our former colleague, Congressman Bob McClory, of Illinois, introduced our late mayor and former Congressman Harold Washington. Bob's introduction is such a fitting tribute of love and respect that I would like to include it in the RECORD, following my remarks.

Mr. Speaker, let me just point out that Harold and I have had an association going back some 38 years. We both got our feet wet in electoral politics running for the student council as classmates at Roosevelt University, and we were longtime friends and also political allies, and finally, of course he became our political leader.

I also miss the private occasions, the Thanksgiving dinners, the dinners that he had at my home and the Friday fish fries that I enjoyed often at his home, but nothing so much as our very serious opposition to each other on the chessboard.

He leaves as his legacy having defeated patronage politics in Chicago. He opened up municipal government for public examination, and he provided a fairer participation for blacks and Hispanics and women. Would it not be the case that how he died he was doing what he enjoyed doing most, which was working at his desk governing the people's business. He died suddenly in the twinkling of an eye, and in the autopsy it was discovered that his heart was three times oversize. Not too surprising, of course, considering the strain and the stress of battling for decades the antiquated, vicious, and insensitive political machine that so long ruled in Chicago; not surprising the stress and strain considering that he also had to fight racism perhaps more deeply embedded in Chicago than in any other large northern city, and of course the stress and strain of just being a strong black man in America. But however enlarged physically that heart, larger still was his concern and his commitment and his courage. Even in a way it seems the death angel respected this rare man by being so careful in coming so that he did not suffer any debilitation or hospitalization.

I want to just announce that we will be submitting tomorrow a bill to rename the Great Lakes Social Security Program Service Center in Chicago, IL at 600 West Madison, a building constructed in 1975 with some 521,000 square feet and four stories high hous-

ing some 2,600 employees and recognized by the unusual and huge sculpture of a baseball bat that towers before it on the plaza, to rename that building the Harold Washington Social Security Center.

□ 1920

This is particularly appropriate at a time when our senior citizens are among our most needy and our most helpless, for Harold Washington, if he had any great preference, it was for the needy and for the most helpless.

Mr. Speaker, we are going to try to introduce a bill and put that bill on a fast track and try to run it through the subcommittee on December 9 and through the full committee on December 10 and come before the body and ask unanimous consent for its special consideration. Hopefully we may even get it out and approved before we adjourn and have the name posted in the first part of next year.

If I might end my statement just by recognizing the relevance here of Apostle Paul's first epistle to the Corinthians, even though it was written in 56 A.D., and I think it was the 15th chapter of the 54th though the 56th verses when he said that when this corruptible puts on incorruption, and this mortal puts on immortality, God swallows up death in victory and washes tears away from all faces, and then, O death, where is thy sting and O grave, where is thy victory.

INTRODUCTION OF THE HONORABLE HAROLD WASHINGTON, MAYOR OF THE CITY OF CHICAGO BY ROBERT McCLORY FORMER MEMBER OF CONGRESS (1963-1983) JUNE 4, 1987

While it is somewhat awkward for me to appear today in the Democratic Club, I am nevertheless happy to have this opportunity to see this structure from the inside and to get a firsthand view of the location which was easily identified when I learned from Mike Dineen that the Club was located where the Old Rotunda used to be. Of course, introducing the distinguished Mayor of Chicago, Harold Washington, is one of the easiest and most welcome assignments that I've had as a part of the Illinois Group.

Until recently, Harold Washington appeared to be patterning his career after my own. I was once a Member of the Illinois House of Representatives back in the year when Harold Washington was graduated from the Northwestern University School of Law. He served a somewhat longer period in the Illinois House of Representatives and then a somewhat shorter term in the Illinois State Senate than I did before I came to the Congress in 1963.

Upon his election to the Congress in 1980, Harold Washington exercised very good judgment by earning appointment to the House Judiciary Committee. I was the Ranking Republican at that time, but let me state quite frankly that Harold Washington and I worked closely and cooperatively together during the 97th Congress when we were both members of the Judiciary Committee. A racially minority member of the Committee, Harold Washington's interests extended far beyond the limited civil rights issues with which the House Judiciary Committee has primary jurisdiction.

Indeed, I found that he and I were frequently working shoulder-to-shoulder on anti-crime, anti-trust and immigration legislation and numerous other issues with which the House Judiciary Committee has primary jurisdiction. As a longtime delegate to Inter-parliamentary Union meetings, I recall the Interparliamentary Union meeting in Lagos, Nigeria, in 1981. Congressman Harold Washington came along as one of our U.S. delegates and contributed substantially to the debates—particularly on issues which were denominated as anticolonialist—meaning specifically the problems of apartheid in South Africa. Congressman Washington took a firm U.S. position describing appropriately our policies and contributing his particular knowledge of the subject of our relations with South Africa.

Just incidentally, I recall one particular episode when our delegation was being escorted on a brief sightseeing tour of Lagos. Unfortunately, our vehicle broke down and we were stalled on a busy highway and attracted a substantial crowd. Let me observe that the Nigerians are, in my view, not the friendliest type people and several of them got quite disturbed when I persisted in taking photographs of various elements in the native population. When the atmosphere appeared to be threatening as far as I was concerned, I was relieved to have Congressman Harold Washington appear and calm the situation as he uniquely could do under circumstances such as that.

As Mayor of Chicago and reelected recently for a second four-year term, it seems most appropriate to observe that Harold Washington has measured up to the broad responsibilities of Mayor of a great metropolitan community and my favorite city—the city of Chicago.

I'm not endorsing anybody for a third term for Mayor of Chicago—you understand. But I am proud to be here with my longtime friend, my former colleague in the House of Representatives and a most distinguished public official—the Honorable Harold Washington, Mayor of the City of Chicago.

Mr. HAYES of Illinois. Mr. Speaker, I thank the gentleman from Illinois. I thought he had become a minister at the windup of his remarks.

Mr. Speaker, I yield such time as she might consume to the gentlewoman from the State of Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I thank the gentleman from Illinois who was such a close personal friend of Mayor Washington for yielding.

Mr. Speaker, I will abbreviate my remarks because I know there are others who want to pay tribute to this wonderful man. I am pleased to submit my statement for the RECORD which details some of my feelings about Harold.

I just simply want to say that I am proud to have served with Harold in the Congress of the United States. He was not in the Congress for a lengthy period because his heart was really in Chicago. "Tip" O'Neill said all politics is local, and I think Harold had that feeling about his hometown, born and raised in that town.

He began his really prestigious career by breaking new barriers. He was the class president, as I understand, at Roosevelt University. When

he was elected senior class president his class was only 5 percent black, so he broke that barrier.

He certainly broke a barrier in terms of Illinois politics and national politics really by being elected mayor with great odds against him. He forged a grassroots campaign, the best kind of campaign really. He went right to the people, and he had a charismatic way.

Even though he was only here in the House for a brief period, one could not say no to Harold because he just really mesmerized I think the House of Representatives whenever he brought anything to us asking our support.

I know a little bit about breaking barriers. I know in my own case, being the first woman in Democratic politics in my State to be elected, frankly, we do not say this very often, but it is not easy when people are not used to appreciating something they do not know. It is just that simple.

My own city of Cleveland is proud of the fact that we elected the first black mayor in the history of this country in a major city by electing Mayor Carl Stokes, and of course we are all privileged especially to serve with the dean of the Ohio delegation, LOUIS STOKES. So we know a little bit in my hometown about breaking barriers. We sometimes call Cleveland Little Chicago, so there is an awful lot that we have in common. They just do things in a bigger way in Chicago than we do in Cleveland.

But the fact is there was something very poignant, moving, and exciting about Harold's victory in what was then the second-largest city in the country. The fact is he was a reform candidate and he promised the people a new access to politics. That is really what he promised the people, that there would not be favoritism, that people would be judged on the basis of what they were and what they had to offer. I think that is really so important, and I think we saw what the Washington Post said. It said that Harold Washington led his last great political rally yesterday, and they talked about all of the limousines and so on. I think they also mentioned that Harold would probably not have wanted that kind of a tribute.

The fact is that Harold Washington is very much alive because the legacy of his actions will have a dramatic impact not only on the great city of Chicago but I think our country and all people who believe in freedom and equality and have a humanistic approach to government really throughout the world. I think the tribute we can best pay Harold is to try to emulate his values in terms of civil and human rights, thinking of the needy and the poor, especially at a time when it is not particularly voguish. It is not particularly discussed that somewhere along the line we ought to

be thinking of those less fortunate than ourselves. They are the ones who really need our support the most in terms of what government can and should do.

I think we really have an obligation to live up to the legacy of Harold Washington. So I simply want to join my friends in mourning his sudden and unexpected death, but at the same time rejoicing that that kind of individual served our country as a public servant with such distinction.

Mr. Speaker, my friends here in this House, we have lost a great statesman and a friend.

As the Washington Post put it, "Harold Washington led his last great political rally" yesterday. Dozens of limousines bearing Senators, Members of this House, mayors, aldermen, and working men and women followed in an hour-long procession through Chicago's South Side. One million Chicagoans paid their respects. Tens of thousands gathered for the last procession to mark our loss.

They say Harold Washington wouldn't have cared for all that fuss. But as a man who fought for what we believe in, and as the heroic symbol of the political movement that has succeeded the civil rights struggles of decades past, Mayor Harold Washington deserved our tribute.

In his 65 years, Harold Washington held fast to his principles. He stood up for those in need.

As 1 of 11 children, Harold made his own way. His father was a Methodist minister, a lawyer, and a Democratic precinct captain on Chicago's South Side. Harold Washington served his country under arms. And after the war, Washington attended Roosevelt University in Chicago, and Northwestern to earn his law degree.

At Roosevelt, Mayor Washington presaged what was to come in winning election to the office of senior class president in 1949, despite the fact that his class was only 5 percent black.

Harold Washington's election in April 1983 as the first black mayor of Chicago, then the second largest city in the United States, was a major political event for that city and for our country.

Sixteen years in the Illinois Legislature and 2 years in the U.S. House of Representatives sharpened Harold's skill in fighting for his convictions, especially on civil rights.

As a Member of this House, Harold Washington demonstrated to us what he had shown so effectively in Illinois. He was an innovative legislator and an eloquent orator. He drafted bills to strengthen Illinois' Fair Employment Practices Commission, to make Martin Luther King, Jr.'s birthday a State holiday, to protect witnesses to crimes, and to help poor and elderly consumers. In 1980, he guided through both State chambers a bill establishing a department of human rights. On 11 occasions his colleagues voted him 1 of the 10 best State legislators.

In this, the most impoverished district in all of Illinois, Washington was a consistent opponent of social service cuts and increases in military spending. He helped put together the coalition that preserved the key features of the 1965 Voting Rights Act.

But it was in his triumphant return to Chicago politics that our Nation came to appreciate Harold Washington, the national leader. The mayor's 1983 campaign opened the opportunity for leadership to all.

The Washington for mayor campaign worked the old-fashioned way: with grassroots voter registration that added 100,000 to the voting rolls, the stage was set.

With Harold Washington's forceful and charismatic style, the battle was joined.

When Harold set his sights on one of the toughest jobs in America, he did so characteristically, without compromising his commitment to correcting injustice. He promised equal economic opportunity. And he promised and delivered jobs.

He issued an executive order giving the public greater access to city records. He transferred funds from city hall salaries to neighborhood projects. He nominated Fred Rice as Chicago's first black police commissioner, and no objection was heard.

Mr. Speaker, on this sad occasion of his passing, I ask our Nation to pause and mark the struggles of Harold Washington, the man. He fought for what was right. And we will miss him.

Mr. HAYES of Illinois. Mr. Speaker, I thank the gentlewoman from Ohio for joining with us.

Mr. Speaker, I yield to the gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Speaker, I would like to thank the gentleman from Illinois for allowing us this time this afternoon to come in the well of the House of Representatives so that we might pay fitting tribute to a friend, to a colleague, to a mentor, a role model, a leader and a humanitarian, to a man who changed the face of politics in this country, our dearly departed former colleague, Mayor Harold Washington, of Chicago.

As mayor of Chicago, Harold Washington stirred the emotions of people everywhere, making them feel that they could be an important part of the political and social and economic fabric that covers this great Nation, and motivating them to improve their lives and to push for progress.

Mr. Speaker, I am of course a new Member of Congress, and I did not have the opportunity to serve in this body with Mayor Washington. But as much as anything else, and as much as anyone else, Mayor Washington is responsible for my being here in Congress, you see, because as a young lawyer in Mississippi I watched with great pride and with great emotion the events of the mayoral election there in Chicago the time he first ran for mayor. We all remember that campaign, those of us who followed the daily traces and tracks of that campaign. We know how vigorous it was and we know of course how spirited it was. I just sat there watching on television and watching the news accounts and seeing that great victory. I recall that it filled me with pride and it filled me with hope, and it said to me that if

Harold did it perhaps I could do it. Mr. Speaker, it caused me to believe that perhaps I could run and perhaps I could win.

So I will be forever grateful to him for that because he helped to make it possible for Mississippi to elect me to Congress. And being the first black Congressman since Reconstruction, his leadership, his compassion, and his dynamic personality inspired all Mississippians, I should say, to work for the future and gave them the hope for a better tomorrow.

Harold's words and deeds helped not only to elect me, but certainly other mayors all across this Nation, and supervisors and city councilpersons and school board members in Mississippi and all across this great land of ours. So he will be missed as a political leader, as a statesman and as a former Member of Congress, and certainly as the ultimate mayor. But more importantly, he will be missed as a human being who cared for all people regardless of color.

The gentlewoman from Ohio [Ms. OAKAR] said that Cleveland is fondly called Little Chicago. Mr. Speaker, in my area we know Chicago to be fondly called as northern Mississippi, so many of Harold's constituents were my constituents and are my constituents and many of his are mine because, as my colleagues know, Chicago and Mississippi will be forever linked in this country by a long history of travel of people going back and forth in the 1940's and in the early 1950's searching for a better life and for better jobs and for more opportunities and searching for something better. Mayor Harold Washington made things better for all people. He took a city torn by strife and in a very short period of time, Mr. Speaker, he healed the wounds. As others have said so eloquently, Mayor Washington was the glue that held the coalition together in Chicago. This coalition is the kind of coalition that we all hope for in every city and every town and every State in this Nation, a coalition of whites and blacks and Hispanics all working together.

So I am just here to say thank you, Mayor Washington, for setting the example for me and for so many others, showing us what must be done and how it can be done and what we must do. We know that it will be difficult, but we will try to follow in your footsteps.

It certainly has been said before that the dreamer can die but the dream will live on. I would like to say to Harold that we will not let you down, we will not let your work go unheeded, we will not allow the force of your spirit to die.

Mr. Speaker, I thank the gentleman from Illinois for making this opportunity available to me.

Mr. HAYES of Illinois. Mr. Speaker, I thank the gentleman from Mississippi for joining us.

Mr. Speaker, I yield to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I want to thank my distinguished colleague from Illinois for yielding to me and for taking out this special order along with the gentleman from California [Mr. DYMALLY], so we could pay our last respects and appreciation to our dearly departed friend and colleague, Harold Washington.

Mr. Speaker, the Congress, the city of Chicago and our Nation are diminished with the passing of Harold Washington.

Those of us who had the honor of serving in Congress with Harold Washington knew him as an outstanding legislator and a good friend. I had the privilege of serving with him on both the Education and Labor Committee and the Committee on Government Operations. The early years of the Reagan administration were trying ones for us, but Harold Washington proved himself as a committed advocate for the unemployed, the poor, and the disenfranchised. He is well remembered in this body, among other legislative achievements, for the critical role he played in the successful effort to extend the Voting Rights Act of 1965, which President Reagan signed into law in June 1982.

In my capacity the national president of Americans for Democratic Action, I know how generous he was in sharing himself with the organized liberal community. In 1986 he was the keynote speaker at the annual dinner of the New York City chapter of ADA. At the time of his death Harold was serving as cochair of the 40th anniversary dinner of the national ADA to be held in January.

A great test of courage for Harold Washington came in 1982 when he decided to give up a safe congressional seat and run for mayor of Chicago. His narrow victory, showed little promise in 1983 for achieving unity in tumultuous Chicago. But just 4 years later, after much struggle and perseverance, Harold Washington's reelection last April, along with his victories in the city council, firmly established him as one of our Nation's great urban leaders.

As the first black mayor of Chicago, Harold Washington became an important unifying force and an inspiring role model for a new generation of black leaders and indeed for all Americans committed to justice, fairness, and equality. His leadership and example will be sorely missed; but, while Harold Washington the man is gone, his victories and his dreams will live.

I want to express my profound sorrow at the loss of my cherished colleague and to extend my deepest sympathies to the family and friends of

Harold Washington and to the people of the great city of Chicago.

□ 1935

Mr. HAYES of Illinois. Mr. Speaker, I thank the gentleman for joining us and at this time I yield to a fellow Illinoisan, Congressman BRUCE.

Mr. BRUCE. I thank the gentleman for yielding.

There has been a great deal of talk about Harold Washington. It was my distinct pleasure to serve with him in the Illinois Legislature.

There has been talk about Harold the giant and the great individual that he was. You know, in the presence of Harold Washington you never knew that you walked with a giant. I am reminded of just about 3 weeks ago that a friend of mine and his, we all served together in the Illinois State Senate and Harold was together with Vince Demuzio, the State party chairman. They were sitting in the back of the car. And he said to Vince, "Vince, when we were all serving together in the State legislature did you ever think that I would be the mayor of the city of Chicago?" And he gave a great laugh. And he punched Vince and then Vince said, "Did you ever think that I would be the State party chairman?" And he gave a big laugh. And then he said, "But did you ever think TERRY BRUCE would be in Congress?" And both of them had a great laugh.

When they came out to Washington several weeks later Harold pulled me aside to tell me the great story that had occurred in the city of Chicago with my State party chairman. When we served together in the legislature you never thought that Harold Washington was somebody that was above you or someone you should hold in awe.

He was a man that was brilliant on the Illinois State Senate floor.

We had a chance to serve together in a fight when we tried to restructure the Illinois State Senate and tried to give a little bit more to the minorities in that body and to the downstate members of the Illinois Senate, when Harold Washington and I ran for president of the Illinois Senate in the midseventies.

That went on for 176 ballots stretched over 2 months. We never gave up.

The interesting thing is I got to know Harold Washington through that battle. The Governor and the powers that be in the city of Chicago and others kept pounding on all of us to resolve our differences. But they would go to Harold and say, "You know, this is what we will do if you will just say to TERRY BRUCE, we will do this and vote with you and sell him down the river." And Harold would say, "No, you will have to deal with all of us." And I did the same thing. So

that neither one of us was ever left out in the cold.

We resolved that conflict within the Democratic Party, we resolved it in such a way that we gave the minorities in the Illinois State Senate and people from downstate Illinois a greater voice in the activities of the State government of that great State.

It is interesting as we walked around and worked together during the time we served together in the State senate. I am always amazed when people talk about Harold Washington as being black. I never thought of Harold Washington as being black.

I am reminded of the story, perhaps apropos, of the lad who came back from school during his first year in school, he was 8 years old and he told his mother he found a new friend in school. Being in a town in Mississippi, the mother said, "Well, is he black?" And he said, "Gee Mom, I don't know. When I go back to school tomorrow I will look."

That is the way I saw Harold Washington. I did not see a black; I saw skills, brilliance, leadership, humor, humanity, and accomplishments.

If we could meet again I would not see a State legislator, although Harold Washington made a great number of accomplishments for the great State of Illinois. And if we could meet again I would not see a Congressman, although his record here was one of great brilliance. And if we could meet again I would not see a mayor, although he brought to that city the finest city in the State of Illinois and in the United States, leadership and style that we will perhaps not see again. If we could meet again I would see a friend, a friend who will be very sorely missed.

Mr. HAYES of Illinois. Mr. Speaker, I yield to the gentleman from Illinois, LANE EVANS.

Mr. EVANS. I thank the gentleman for yielding and I commend Congressman HAYES for putting this special order together. He, of course, is Harold Washington's very able replacement here in the U.S. Congress, was a close friend of the mayor and has done very well since the mayor left this body.

I also want to say that the occasion of the mayor's death caught many people on the eve of the holiday and we were pleased that so many of our colleagues here in the Congress as well as so many of the mayors of our country were able to take time out of their busy holiday weekend to join us.

I also want to commend the mayor's staff, people like Jackie Grimshaw, Harold Baron, and others, as well as the interim Mayor David Orr for the fantastic way they came together and helped to pull together during that crisis.

I have been real pleased to have the opportunity just to stand in the back and listen to so many of our colleagues who knew Harold Washington as a State senator, as a Congressman and I am not one of those that goes back all that far with Harold. I did not meet him until 5 or 6 years ago when he had occasion to come into my congressional district when no one else thought I had a chance of winning, and he campaigned for me. I guess I will never forget that.

It is true Harold had an outstanding record in all those different capacities that others have alluded to. I think perhaps his record as mayor has been overlooked, just what in fact he accomplished as mayor of that great city of Chicago.

He was one of those who did have a balanced budget, he signed some 40 labor contracts, established a political climate in which the labor community could flourish at a time when there was a national trend toward busting unions. As a son of a retired firefighter, I appreciate that.

He passed ethics legislation in the city of Chicago. He was behind a percolating-upturn of economic development strategy that started in the communities and in the neighborhoods in Chicago.

He opened up government. I considered myself a populist and I guess Harold called himself a reformer but I would consider Harold Washington the ultimate urban populist, because he stood for those empowerment issues for the people he represented as much as I think I do in my district.

Harold Washington, however, was also important to those of us in downstate Illinois. I think that was attested by the fact that we had the Republican mayor of Peoria, Mayor Maloff, the Republican mayor of Rockford and many others of the cities and villages, both Democratic and Republican mayors came to that funeral this week.

That was partially because Harold Washington saw the need for the cities and villages as well as the large towns of our State to come together and fight some of the cuts we saw in the urban programs. He understood when he came to my city as mayor of Chicago, to Rock Island, when he came to Peoria, that those smaller town mayors would have to work together with him and the other mayors in the suburban areas to fight the budget cuts that we have seen in the general revenue sharing, and so forth. He had that kind of vision.

We were surprised, I guess it was probably the first time we in the downstate ever saw a city mayor of Chicago come into our communities to talk about the need to come together. Of course, he and JOHN CONYERS led the fight in this body to strengthen the voting rights act. That probably is

the most significant single factor that led to the defeat of Judge Bork in terms of his nomination, because it led to a great voter registration drive that Jesse Jackson and others led that elected so many Democratic Senators.

But it also led to downstate suits which I believe have opened up representation in city governments. And just as he has been a model to people like Congressman ESPY from Mississippi, he has also been a model to so many people, including myself, James Polk, a county board member in Peoria County and Rock Island Alderman Jim Kerr.

So we appreciate this and we thank him. We enjoyed what he stood for, we enjoyed those issues that he presented. It was also a great deal of fun to be with Harold Washington.

I remember looking at his last public act, actually, standing there with Alderman Tim Evans and smiling. That is the way I guess we will always remember him. It was a great deal of fun to campaign with Harold Washington. I had that opportunity in 1983 to go to places like CHARLES HAYES' labor center in CHARLIE's district. Not only to go through the churches but to go throughout the city and to meet so many of the people that supported him.

We had many of our colleagues come into those campaigns, BILL CLAY, Ron Dellums, JOHN CONYERS, and others. JOHN CONYERS practically lived in the city of Chicago during those times.

I was able through Harold Washington to meet many Hispanic leaders, Miguel DeValle, Alderman Guitierrez, Alderman Garcia and we were very pleased to have been able to work with them.

So I am pleased that CHARLIE HAYES has called together and paused a few minutes here to pay tribute to Harold Washington here. We remember the best way to honor the dead is to fight for the living.

Harold Washington's legacy is one that commands us to continue the fight that he believed in.

I remember on the first campaign, campaigning in CHARLIE HAYES' district and on leaving, on my way out to O'Hare I was picked up by a black taxi driver and we got talking about the campaign. He had a Harold Washington bumper sticker on the back of the front seat. I asked him what he was doing. He said he was doing all that he could to get Harold Washington elected mayor. But he said they will never let that man be elected mayor of Chicago.

Well, they never did let that man become mayor; he and the people that supported him made it happen.

As a person who believed that John Kennedy—coming from a small town in Illinois—would never be elected President, as a Catholic, I guess I understood some of what the person was

feeling. But I also know that when Mayor Washington was elected that cab driver was empowered and is probably involved now in politics and working very hard.

So CHARLIE HAYES, I want to thank the gentleman again for making this possible.

MR. HAYES. I thank the gentleman for joining us.

MR. SPEAKER, I yield to the gentleman from New York [MR. OWENS].

MR. OWENS of New York. Mr. Speaker, I want to congratulate the gentleman from Chicago, my colleague, Mr. HAYES, for coordinating this special order in memory of Harold Washington.

I rise to honor the memory of Harold Washington, Mayor Harold Washington who died of a heart attack on Wednesday, November 25. He died of a massive heart attack. I think Congressman SAVAGE from Chicago has already described a little bit about what the autopsy revealed, when it was conducted; that Harold Washington's heart was three times the size of a normal heart. It took three hearts to accomplish what Harold Washington accomplished; it took three hearts.

Every step of the way Harold Washington was not yielded one inch; he had to take it all.

I recall participating in the campaign for his election in 1983. I recall the fact that he was accused of all kinds of things related to his taxes. Charges were made which were wild, unsubstantiated, but they were presented in the press and the media as if they were facts. They had created a criminal, a tax evader in the press and in the media.

Nothing came of those charges. I recall when they went one step further and they accused Harold Washington of molesting a child; of something being in his history where he had been convicted of molesting a child.

Now lesser men would have, at some point during that campaign, thrown up their hands in despair and say, "I will go back, back to the safety of the Congress."

Well, Harold Washington had a safe seat here in the Congress. He did not need to fight those extraordinary battles, battles that certainly caused an increase in the size of his heart.

He had to keep expanding his heart because it took that much heart to fight the conditions he was up against in Chicago starting with the primary election and then the general election. They were determined under no circumstances would Harold Washington be elected mayor. Chicago, the bastion of the Democratic Party, Chicago which had always gone Democratic, found itself in a situation where all of the major Democratic leaders, the

major white Democratic leaders were lined up behind a Republican candidate in the general election for mayor.

□ 1950

They all got behind a Republican and said, "Anybody but Harold." Harold won that race only by a very narrow margin. They said at that time that Harold Washington was unpredictable, that he never stopped, that he stayed up all night sometimes strategizing and planning. It took three hearts. It took a whole lot of heart to keep battling in that kind of struggle.

Harold Washington's death is a blow not only to Chicagoans but to our entire Nation. Harold Washington gave life to the slogan, "In unity there is strength." He brought together racial, ethnic, and economic groups in Chicago that had never come together before. Washington's rainbow coalition was a shining example of what the politics of the future could be in our cities and on a national level.

Using the slogan, "Chicago works together," Washington rode to victory in both the 1983 and 1987 mayoral elections due to the efforts of that great coalition of black people, of white people, of Asian-Americans, Latinos, of women, of disabled people, of senior citizens, and others who were previously excluded from the political process. With the coalition's support, Washington was able to accomplish a great many achievements in his 4 years and 7 months as Chicago's mayor, despite the fact that at every step of the way they fought him. He made achievements despite the fact that at the State level he got no help when he needed it the most, despite the fact that there was no help coming from any national body. The National Democratic Party did not come to recognize Harold Washington as a true leader of the Democrats in Chicago until very, very recently.

Harold Washington presided over the unprecedented reinvestment in Chicago's neighborhoods at a time when many developers in our urban cities are ignoring neighborhoods and building expensive high-rise offices and condominiums. They said that the economics are such that you cannot do anything in the inner city neighborhoods. Harold Washington has proven that that is not true.

During his years in Chicago as mayor, there was a development boom of more than \$7 billion. He increased the participation of women and people of color in the city contracting business to more than 40 percent.

We have a struggle in the great Empire State, the liberal State of New York, of getting a mere 15 percent. In the city of New York we do not even recognize the principle of setaside for minorities. That is not even recognized by our mayor. But Harold Washington moved right ahead and moved the par-

icipation of women and minorities to the figure of 40 percent in the construction business in the city of Chicago.

Harold Washington created the first city-sponsored job referral program to provide qualified, unemployed Chicago residents with job opportunities spurred by government-sponsored development. He instituted Chicago's first citywide ethics ordinance providing clearly stated rules of conduct for elected and appointed officials and city employees.

Why was it so difficult for Harold Washington? Why did he have to have three hearts in order to prevail? Because just to be a black leader and a black politician in America is a trial. It is a struggle. But to be a black politician who also stands for reformed politics and who turns his back on the old machine and the power of entrenched forces, to be that kind of a politician, a black reformed politician, it takes three hearts in order to prevail.

Harold Washington did in Chicago what had never been done before. He brought Chicago into line with the modern concept of open city government, of a city government that respected certain basic principles of ethics. And he was at the forefront of a movement to bring about improvement in the city's education system.

But Harold Washington once indicated that of all the things he was able to achieve, what he was most proud of was the fact that he had built a broad-based, multiethnic, multiracial coalition in Chicago, and of his being able to usher in a new era of political change as a result of that broad-based coalition.

Again, when it came time for the re-election of Harold Washington, they said, "We've got you. We will play all kinds of tricks. We will cross party lines, and we will do all kinds of things to get Harold out. Anybody but Harold."

"Anybody but Harold" was the slogan, and great attempts were made. But Harold Washington showed that he did not have to beg. Harold Washington showed that he understood that power yields only to power, and that the 4 years he spent in Chicago government had been spent doing things that made people understand that Harold Washington was different. So he had a base of people power. It was people power that overwhelmed the forces against Harold Washington.

While the entrenched establishment machine politicians yelled, "Anyone but Harold," the people said, "We only want Harold," and they made certain that message was understood at the polls.

Harold Washington once said, "We've changed the standards." I am quoting him directly. He said, "We've changed the standards. People know more about their government than

they ever have. * * * Clearly the fairness concept is no longer something to be laughed at. * * * We changed the whole approach to governance, not just in terms of management but in terms of who gets what." Harold Washington was a bread-and-butter inner city politician.

Harold Washington understood what it meant to deliver to a constituency that had been deprived for so many years. Harold Washington understood how to deliver, and that you do not have to deliver in the old-fashioned way through a corrupt political patronage mechanism.

Washington also understood well the significance of political empowerment for those who had been locked out of the system. Following his reelection last April, he indicated that he would rather be considered "one of the most powerful politicians in the country," rather than one of the Nation's leading black politicians." The word, 'black,' doesn't mean much" in the political context he explained. "You're either powerful or you're not."

He demonstrated that he understood power, and he put together the kind of coalition that had real power. That Washington was highly successful in empowering a wide range of Chicagoans and holding his coalition together was evident even at Washington's funeral. Peoples of all races and creeds were there at that funeral. I remember as I sat there watching and understanding that Harold Washington would never die, there was clear indication of the fact that Harold Washington had made an impression, that not only in terms of rudimentary politics in Chicago, but what he had done had made an imprint and an impact and he had woven himself into the whole cultural fabric of that city, and something amazing had happened.

Just consider the music that was chosen for that funeral. The speakers, of course, certainly represented the entire spectrum of the rainbow for Chicago, but the music ranged from "Lift Every Voice and Sing" to Beethoven's "Hallelujah" or "Mount of Olives," to a gospel number called "Keep on Moving" sung by the Chicago Housing Authority Ambassadors Choir. This was the Chicago Housing Authority Ambassadors Choir which was composed mostly of young people under the age of 25. As I looked, I watched them, and they sang beautifully and they sang proudly. They were happy to be there and to be included, and there was obviously a whole new transition that had taken place with respect to their lives.

This was the Chicago Housing Authority that some people in this country say should be written off. These are the people who live there, the residents of the Chicago Housing Authority that people say should be written

off. Some people say that they should be blown up, that housing authorities across the country should be blown up. But Harold Washington had done something.

I know what the housing authority is up against in Chicago, as in many other cities. When I campaigned for Harold Washington in 1983 and again in 1987, I was assigned to campaign in housing authority projects, in housing authority buildings, and I saw some things that were really quite sad and indications of a quite serious problem, problems that those housing authorities had experienced. But obviously Harold Washington had faith in the major constituents of the housing authority, and that is the tenants, the people who inhabit the housing. Those are the people that we must address. They have to be organized, they have to be inspired, and they have to be made to understand that the city belongs to them, that the houses they live in belong to them.

I have seen them in New York City and I have seen them in other places be transformed when they are approached in that manner, when they are included and they are made to understand that their destiny is really in their hands.

□ 2000

Harold Washington made them understand their destiny was in their hands.

There was a musical number, the Battle Hymn of the Republic, by the Rockefeller Memorial Chapel Choir of the University of Chicago. This group was practically all white. They sang the Battle Hymn of the Republic, a favorite of all of us, but I think that appearance on the program was also symbolic of the kind of thing that Mayor Washington made happen in Chicago.

Let us never forget that Harold Washington won that election, certainly that general election in Chicago, with the participation of 20 percent of the white population, and without that 20 percent he could not have won. People who understood what Harold Washington understood refused to go along with the racist strain that was introduced in that campaign. They stood up for principle. They stood up for the best candidate and they supported Harold Washington as a result.

There was another number, "Carry Me Home," a gospel number sung by the Apostolic Church of God Sanctuary Choir. I had gone into several of those churches when I campaigned for Harold Washington in 1987 and 1983. I knew that the people were coming home, that these are the people who made the victory for Harold Washington. It was not a miracle. Harold Washington put together that coalition. He inspired all those people and

made them come forward and participate.

Finally, the funeral was closed with the Hallelujah Chorus, a triumphant way to close out a ceremony. That was meant really not so much to bury Harold Washington, but to demonstrate to the world that Harold Washington was still very much alive. Harold Washington lives.

It took three hearts to accomplish what he did accomplish. We are sorry that the resistance was so great, that the struggle was made so difficult. We are sorry that in America power yields to nothing except power, we know that, but when it comes to black politicians it seems that the yielding process is so much longer. It seems that every possible obstacle is thrown in the way. It seems always that demand is being made that you have to come not with one heart, not with two hearts, but you have to come with three hearts, and finally they demand that maybe your heart will burst in the effort and they will have you defeated, but they are very much wrong. Harold Washington is not defeated.

Harold Washington will live on and on. Chicago will never be the same again. There may be temporary setbacks, but I assure you, the spirit of Harold Washington has transformed Chicago forever.

Mr. PORTER. Mr. Speaker, it is with a deep sense of sadness that we remember and memorialize today the life of our friend and former colleague Mayor Harold Washington.

Harold Washington and I served together for 4 years in the Illinois General Assembly and for 3 years in this body and I always knew him to be at his best when he was leading a cause. Whether it was as a spokesman in this Chamber for the disenfranchised and dispossessed of our Nation's cities or when he took on a formidable political machine and made history as Chicago's first black mayor, Harold approached it all with the indomitable will and a strong sense of purpose that marked his life.

Harold Washington believed that our institutions must be all inclusive. He exhorted Chicagoans and people across the country to look beyond the color of skin and into the merit of ideas. He gave hope to thousands who had long felt despair and offered pride to those whose lives knew only degradation.

Many can testify to the fact that Harold Washington could be a tenacious opponent, and I, like countless others who experienced the sting of his argument, came to respect his intellect and admire the articulate manner in which he presented his ideas.

Mr. Speaker, I offer my sincere condolences to the family and friends of Mayor Harold Washington and to the people of the city of Chicago. The memory of his warm personality and the legacy of his administration will not be forgotten.

Mr. ROSTENKOWSKI. Mr. Speaker, I am proud to join my colleagues in this tribute to Harold Washington, whose shocking and untimely death last week represented a great loss to the city of Chicago. I grieve at the loss

of an ally in the fight to improve the condition of the people of Chicago.

Harold Washington was a man of many facets, talents, and interests. After our many years of working together, I could still be surprised and delighted to learn more about him.

One of my strongest memories of Harold dates back to when we used to share flights to and from Chicago during congressional sessions. He would sit there and speak knowingly and caringly about a problem that one welfare recipient was having, giving the impression that it was the only thing important to him in the world. The very next instant, he would be totally engrossed in the financial pages of the Wall Street Journal, delving into how the stock market was doing and what it all meant.

As a man, Harold Washington was one personable fellow. I could not agree with Gov. Jim Thompson's description of him when he said "Harold could charm your socks off." He was really an enjoyable man to be around—a rambunctious, joyful, lively, regular guy. The fact that we sometimes found ourselves on opposite sides of an issue did not take away from my fondness for Harold one bit. Our best work was done in friendly conversation out of the spotlights.

As a politician, he taught us some valuable lessons. He showed us something about the power of a man who could inspire and mobilize a coalition into a movement that could not be denied. He demonstrated the need to find support in many quarters. And, most sadly, we were reminded by Harold's death of the fearsome toll that running a major city in troubled times can take on one human being.

Harold Washington was also a prominent spokesman for urban programs, and had recently assumed a position of national leadership among his fellow big-city mayors. His outspokenness sometimes made life difficult for those of us who have to work with the administration everyday, but I admire him for his unflinching defense of the programs he supported.

As any newspaper reader knows, Chicago is now in turmoil over the selection of Harold Washington's successor. In joining my colleagues in the Congress in honoring Harold Washington today, I am declaring my hope that his motto, "Chicago Works Together," will long stand as a reminder to us of his remarkable career of public service, and as a guide for our future governance.

Mr. DIXON. Mr. Speaker, I rise today to join my colleagues in this special order in honor of the memory of my friend, Harold Washington. On Wednesday, November 25, we were all stunned by the sudden death of Chicago's first black mayor, who was truly a strong leader and a major proponent for government reform.

Yet, even as we mourn his tragic death, we should view his life as a source of inspiration. Throughout his political career, and especially in his work as mayor of Chicago, Harold Washington actively responded to a growing desire on the part of minorities for greater participation in the political process. During his 16 years in the Illinois Legislature and 2 years in the U.S. House of Representatives, he con-

sistently established himself as an advocate for civil rights.

Harold's election as mayor of Chicago in 1983 was an astounding triumph, occurring in a city once cited as "the most segregated city in the Nation." His victory was in large part the result of a growing dissatisfaction with the entrenched democratic machine and his ability to launch a grassroots voter registration campaign that added 100,000 black voters to the rolls, a record voter turnout, and a coalition of black, white, and Hispanic voters.

Soon after taking the helm as mayor, Harold described his administration as one "in which three groups will have roughly equal numbers: blacks, Hispanics and whites." * * * No ethnic or racial group is expected to represent a majority in Chicago anytime in the foreseeable future. Thus, only coalition politics can lead to victory."

Although he served only 4 years and 7 months as mayor of Chicago, he worked hard to build coalitions and opened access to city politics through reforms in Chicago's established political structure. He labored to dismantle an entrenched system of patronage that had long limited the involvement of blacks, Hispanics, and women, promote fair housing for minorities, the poor and the elderly, and improve city services. He reduced a staggering budget deficit inherited from the previous administration, but not at the expense of social programs for inner-city poor.

As chairman of the Congressional Black Caucus in 1984, I was proud to present Harold Washington with the Congressional Black Caucus Foundation's Adam Clayton Powell Award for Black Political Empowerment, which is presented to an individual in the political arena who has contributed substantially to black political awareness.

Harold Washington's death has left a void in Chicago politics, and in our hearts. The spirit of Harold Washington will live on, in Chicago, and in our Nation's political process. He has clearly shown us that an individual can make a difference—a significant difference.

Mr. STOKES. Mr. Speaker, 1 week ago today I was shocked and saddened by the news of the sudden and unexpected death of my respected colleague and trusted friend, Harold Washington. A former Member of Congress from the historic First Congressional District of Illinois and the first black mayor of Chicago, IL, Harold Washington was a man who made a difference. His contributions to all mankind will long be remembered by future generations. He was a politician's politician. I vividly recall his active participation in the Congressional Black Caucus as soon as he came to Congress in 1980. A statesman of unique caliber, he will not be easily replaced.

Harold Washington's political career exemplified his yearning to serve his fellow man. His titles included assistant corporation counsel, State senator, Illinois Congressman and two term mayor to the city of Chicago. He tackled each position with a burning desire to bring about social change. He was a man willing to make an unequivocal, unlimited commitment to a public policy of ending racism and all it implies. It should be clear to all of us, both black and white, that Harold's philosophy of team effort must be continued if we are to

transform communities paralyzed by hate and fear into an open and just society.

Harold Washington was a man who left a shining record of accomplishment. He was always in the forefront of the struggle to increase job and business opportunities available to all of his constituency. To Harold Washington, everyone was important. He worked hard to insure that senior citizens received the greatest possible benefits and work opportunities while not becoming burdens to themselves, their children, or the public. He fought apathy and lack of concern for the welfare and dignity of our senior citizens. He believed that the Nation as a whole would benefit by tapping the vast reservoirs of knowledge and experience that senior citizens possess.

Mayor Harold Washington was one who believed in a unified effort to get the job done. He had long been an advocate of participation of citizens in the programs which affect their lives. It is a known fact that he won both his mayoral elections due to the well-orchestrated strength of a coalition of blacks, whites, Asians, Hispanics, women, the elderly, the handicapped and others who have traditionally been excluded from the political mainstream. The eyes of the world watched as Harold shaped true reform to Chicago's local government from the unique coalition he managed to amass. Though he only governed Chicago for 55 months, he left behind a legacy of leadership and accomplishment that will be difficult to match. His slogan was "Chicago Works Together" and under his inspired leadership the city did just that. His reelection as Chicago's mayor was a wonderful testimony of the confidence of his constituency in his ability as their leader.

I feel privileged to have known this great statesman. I was honored to consult frequently with Harold during his tenure in the House. Both my brother Carl and I were pleased to assist him during his campaigns for mayor and while he served in that great office.

Many knew him simply as "Harold" and shared his vision of hope and unity as the Honorable Harold Washington, mayor of the city of Chicago. People throughout the world observed his selfless dedication to making a positive difference for his fellowman. He did more than just talk about righting wrongs and eradicating social injustices. He worked tirelessly to fulfill his vision to make a difference in the lives of those he served in the community he loved so much.

He worked consistently and effectively to be a catalyst for positive change. He made us all realize that dreams really do come true. He was unconcerned about gaining personal wealth but rather focused his attention on inspiring others to reach their God-given potential. He was a bridge builder for racial reconciliation. Harold Washington was something special to each of the lives he touched; a friend to some, a statesman to others, a role model for our youth, a helping hand to those in need, and a man of remarkable patriotism.

Harold Washington was a mentor to many and his legacy will live on for generations to come. His spirit and philosophy is sure to be imitated by those who will try to follow in his footsteps. I am proud to have known this gentleman. He was a giant whom we all loved and respected.

We will miss his presence but will not forget his record of accomplishments. Harold Washington was an individual who truly made a difference in all of our lives.

I want to express my condolences to his family, his many friends, and to the people of Chicago. We will all miss him. Most appropriately, the following quote from William Shakespeare, included as part of the funeral, best describes the spirit of Harold Washington.

His life was gentle; and the elements so mix'd in him, that nature might stand up, and say to all the world! This was a man!

Mr. CROCKETT. Mr. Speaker, I rise to join with my colleagues in mourning the loss of our friend and former colleague, Mayor Harold Washington of Chicago, who died tragically and unexpectedly while conducting the city's business last Wednesday.

My memories of Harold Washington are happy ones—of sharing subway rides and floor discussions, of comparing notes on politics and colleagues.

I particularly remember two things about Harold:

Somehow, people couldn't seem to keep the two of us straight. We'd each be in an elevator, or walking down a corridor, and inevitably, someone would come up to Harold and ask "How are things in Detroit?" Or they would greet me and ask "How are things in Chicago?" We both got pretty good at answering the questions about each other's city.

I'd also kid Harold about his weight, and how I'd meet him at the gym in half an hour. He rarely made that appointment, and I'd give him grief the next time I saw him. Nowadays, I'm having trouble getting to the gym myself.

I can recall two times I've been asked by friends and colleagues for my assessment of their political chances. The first time, Coleman Young asked me whether I thought he should run for mayor of Detroit. I told him to throw it out of his mind. I was very wrong. Later, when Harold Washington told me he was leaving the House to run for mayor of Chicago. I told him I thought he was crazy. I was wrong again. Harold, like Coleman, was the most beloved mayor his city ever had.

Sadly, Chicago will not see the fulfillment of his dreams of reform and sustained progress and growth for the city. It is tragic for them, and for us, that we have lost so dynamic a leader and friend.

Mr. CONYERS. Mr. Speaker, I rise today to pay my respects to one of the greatest statesmen of our time, and the first black mayor of Chicago, the late Harold Washington. By the time of his death, Mayor Washington had become a larger than life figure of black political empowerment, a cultural hero who symbolized the transformation of black politics from the civil rights protests to traditional electoral power.

As one of my former colleagues on the House Judiciary Committee, I knew Harold as a serious and able legislator, with a wealth of political savvy and a keen intellect. In 1983, he left Congress to begin his historic campaign for the mayoralty of Chicago. Ultimately, Harold overcame racism, as characterized by the name of one group that supported his opponent called "bigots for Bernie"; he overcame ethnic resentment; and he overcame

perhaps the most powerful political machine this country has ever seen. His election to Chicago's city hall was a turning point for Chicago as well as the Nation.

He ushered in a new era of American politics, paving the way for Wilson Goode to become the mayor of Philadelphia, and for the Reverend Jesse Jackson to launch a credible and effective campaign for the Presidency of the United States. And most importantly, he had begun to bring together the people of Chicago; people of different races, religions and ethnic origins had seen that this man would be fair with them if they could put their prejudices aside and join him in his efforts to heal the wounds of the past.

Unfortunately, we lost Harold just as he was hitting his stride as a national political figure, just as he had clearly consolidated his power in Chicago. This cultural hero was the first person since Richard Daley to be reelected as mayor. His most vociferous rivals had finally come to grips with his ability to run the city effectively and fairly. He had returned Chicago to its status as a bastion of political power, the citadel of the Democratic Party.

He received expressions of praise and condolences from the most powerful figures in America: The President, Senators, Representatives, mayors, and scores of major political leaders. More than 1 million people came to view his body in city hall, tens of thousands lined the streets as his body passed, and thousands packed the church where he was eulogized. I join with all of these friends and admirers of Harold Washington in mourning the loss of this brilliant leader. I hope that they will join with me in fighting to carry on the legacy of this man who embodied the greatest achievements of the civil rights era, who symbolized the hope that this Nation may some day attain the noble ideals upon which it was founded.

Mr. FORD of Michigan. Mr. Speaker, on Monday the Nation laid to rest an astute statesman, a gifted politician and a man who sought to bring about political order and an end to racial divisiveness in Chicago. Mr. Speaker, I'm referring to my friend and former colleague, Harold Washington. Harold Washington served this Nation as well as the great city of Chicago with great distinction.

Harold Washington will be remembered as a man whose leadership touched the social and political conscience of Chicago and the Nation. His election in April 1983 as the first black mayor of Chicago, the second largest city in the United States, was a major political event for that city and the country which changed the course of history.

The election of Harold Washington was an event of national importance because it increased black voter registration and black voter participation throughout the country. It gave Chicago a new image as a fair and decent place to live and to do business.

Harold's victory immediately established him as one of the country's most influential black leaders—and what a great leader he proved to be.

Faced immediately with grave problems and the support of only 21 of the 50 city aldermen, Mayor Washington's political savvy enabled him to triumph in the wake of adversity. The mayor was able to introduce important re-

forms: Political and economic equality for blacks, revitalization of city communities, the abolishment of the formidable Democratic machine—so that all ethnic groups, including blacks, could receive their fair share of city patronage jobs, private-sector neighborhood jobs and municipal services; an overhaul of the current welfare system so as to assist the city's poor and reduce the staggering unemployment rate among blacks. Washington refused to retreat from his promises of reform despite the machine's power. He was able to hold the council to a standstill by use of his veto, by his initiative power in budgetary matters, by his appointive power, and by his authority to withhold funding from council committees.

Harold Washington devoted over 20 of his 65 years to dedicated public service—his first elected position was in the Illinois house of representatives in 1964, 11 years in the Illinois senate, 4 years in the U.S. House of Representatives and almost 5 years as mayor of the great city of Chicago. Harold took to the legislature as well as to the mayoral seat in unfettered energy and fervor.

I will always remember Harold as a competent, articulate and concerned legislator and an unrelenting, shrewd, and courageous city administrator.

Mr. Speaker, we will miss Harold Washington—the man who never really wanted to be mayor of Chicago, but whose astute leadership provided the bridges to bring together a once racially divided city. While all is still not well in the city of Chicago, the city's future will definitely be brighter—thanks to Harold Washington.

Mr. MFUME. Mr. Speaker, if there was any doubt as to the far reaching influence and great popularity of Chicago Mayor Harold Washington, it was put to rest this week as hundreds of thousands of people gathered in his town to say their final farewell to this enormously gifted man. I traveled to Chicago with a contingent of Congressmen who, though saddened by Washington's sudden departure, all seemed to remember, more than anything, the vitality, wit, tenacity, and humanity of the Windy City's 42d mayor. Harold Washington, as few leaders before him, became a larger than life symbol of the power of hard work, honesty, and commitment in overcoming tremendous odds. He was more than Chicago's first black mayor. He was a beacon in the night to thousands of people who clung with courage to a vision of Chicago and America that put excellence and character before race.

After years of political machinery and intimidation that had identified Chicago as a city where ruthlessness and chicanery were the keys to power, Harold Washington's rise to leadership seemed to signal a quantum leap in the direction of honest, democratic government. And though he was a man of gentle intentions, he was forced by the nature of his opposition to adopt a tough style. No one will ever know how much the strain of dealing with the unrelenting opposition to his leadership by a small but vocal minority, led to his untimely death. But it is probably safe to say that it was a factor.

I will always remember Harold Washington as a tower of strength in a tumultuous sea. To understand the magnitude of his accomplish-

ments you have to understand that Chicago politics, as rough as the game has been played over the years, has been virtually an exclusively white, male dominated battlefield. And Chicago's brand of institutional racism has been particularly brutal to its black citizens. No one believed that Chicago would ever have a black mayor and there were some who refused to accept the reality when Harold Washington became Chicago's first black mayor in 1983.

Harold Washington's rise to power was no fluke. He did it the old fashioned way—he earned it. His first government post was as an assistant corporation counsel for the city of Chicago from 1954-58. He went on to become a State representative from 1965-76 and a State senator from 1976-80. He became a U.S. Congressman in 1980 running as an independent and was reelected in 1982 with the highest margin of any Congressman in the country, garnering over 95 percent of the vote in his district.

Harold Washington will surely be missed, both by the people of Chicago and the growing numbers of citizens from across the Nation who came to admire his style, grace, and dignity under sometimes trying circumstances.

I had an opportunity to witness that dignity last February when I had the privilege of spending 4 days in Chicago campaigning for Mayor Washington's reelection. Rarely have I seen such an emotional outpouring of support by thousands of Chicagoans who wanted Washington to return as mayor. Through it all, Mayor Washington stood tall and was a paragon of strength.

Mrs. MARTIN of Illinois. Mr. Speaker, Illinois is known for its contentious politics, but people from all over the State, from every party and political persuasion, are united in their mourning over the death of Harold Washington.

No public official can hope to achieve more than Harold Washington did. Yes, he was mayor of one of the world's most vital cities, but his elective office was not the source of his greatness. To hundreds of thousands of souls, Harold Washington's life in public service was a bright beacon. The light of his leadership showed that the doors of government are open to all, that no segment of our society can be disenfranchised from its democratic birthright.

I served with Harold in the Illinois State senate, and we were elected to Congress in the same year. He was an earnest and able legislator. He was an ambitious mayor. His real legacy, however, is that in the city of big shoulders, his own shoulders carried the hopes and dreams of so many Chicagoans to their ultimate realization.

The minority community of Illinois has lost a champion; the Nation has lost a man who proved that our system of government can work for all citizens. He will be missed.

Mr. BIAGGI. Mr. Speaker, the city of Chicago suffered a tremendous and enduring loss 1 week ago today when Mayor Harold Washington died suddenly at his desk, on the job, serving the people of the city he loved so much. The loss is both hard to measure and impossible to reconcile. It came at a time

when Harold Washington finally had reached some degree of political peace through strength—the strength that can only come from a strong electoral mandate from the people. Harold Washington received such a mandate from the people of Chicago and it was his plan to use that mandate as a catalyst for the changes and improvements he wanted to make in the quality of life of all Chicagoans.

I had the pleasure of serving in this body with Harold Washington, specifically on the Education and Labor Committee. I always found him to be a man of great stature, integrity and effectiveness. He was fiercely loyal to protecting the interests of the Windy City and it made him one of the most effective and respected members of the Chicago congressional delegation.

Yet, Harold's love was the city and the people of Chicago and so he returned to seek the highest elected office in the city. He won election in a hard fought campaign. He encountered struggles from the very first day on the job. Yet, he never relented in putting forth his agenda for the good of the city and in the end, the voters of Chicago stood beside him and returned him to a second term. Yet, he will never see the dreams he had for Chicago reach their fruition. Yet, the fact remains that Harold Washington through his leadership, dedication, and vision planted the seeds for the new Chicago. It is up to those who succeed him to continue his path.

Harold Washington saw a Chicago that afforded all its people an opportunity to do well. He believed in the positive role of government at the local level to help people. His work and the work of his administration touched the lives of millions of people in Chicago. Why else would more than 1 million people pay their respects to Mayor Washington as they did this past weekend.

Harold Washington, in many ways, typified the people of the great city he headed. He was a hard-working man with great integrity, and a genuine zest for life. He saw Chicago not as some enormous city with no character but as a collection of communities with bonds and a spirit that made Chicago grow. He brought the government back to the people because he was one of those people.

The city of Chicago, as well as the Nation, will miss Harold Washington, but take solace in the fact that his life was a full and rich one that made a difference for so many others.

Mr. TOWNS. Mr. Chairman, today this body has paused to honor a great political leader in Mayor Harold Washington, of Chicago. As a Member of the House of Representatives, he distinguished himself in the short time that he was with us as a civil rights champion and an advocate for the disadvantaged. As a Member of the House Judiciary Committee, Harold Washington played a significant role in the re-authorization of the voting rights during the 97th Congress.

In spite of his achievements in this body, Harold will always be remembered for his leadership in bringing true reform to the machine politics of Chicago. His initial election served as a catalyst for a new coalition in "the Windy City." Mayor Washington's reelection in April of this year demonstrated that there is room in our political system for those

who still believe in sharing power with people at the grassroots level.

Harold Washington breathed new life into Chicago for all its citizens. I can only hope and pray that the reform movement that he began will continue. So today as we honor Mayor Washington, let us all remember that the American political process operates best when all the people can participate and when we have a political leader like Harold Washington who is willing to stand up and be counted and say "I can make a difference." Harold, you certainly made a difference for the people of Chicago and for all of black America.

Mr. DELLUMS. Mr. Speaker, Harold Washington was much more than a former Member of Congress and mayor of Chicago. He was a true champion of the people—not only in Chicago, but across America and around the world.

Harold spent a lifetime struggling for social and economic justice—because he had been a victim of injustice. He had a lifetime commitment to compassion and caring for those less fortunate than he—regardless of race, gender, or political persuasion.

I came to know Harold well during the time he served in the Congress. As a result, I gladly campaigned for him in his two mayoral election campaigns, because of his dedication to the full implementation of people's democracy.

As mayor of Chicago, Harold demonstrated the validity of Dr. Martin Luther's plea to have all judged "not by the color of their skin but by the content of their character." In word and deed he showed that it is possible to "make Chicago work"—and, by extension, all of America, if there is courageous leadership that appeals to the best in all of us, rather than pandering to the prejudices and fears in each of us.

Chicago has lost a great mayor—and America has lost a great human being. I have lost a dear friend—one that I will miss even more in the months and years to come.

Mr. FLAKE. Mr. Speaker, on Monday, November 30, 1987, the city of Chicago and the whole Nation said goodbye to one our country's most distinguished political figures. Harold Washington was more than just a mayor to the city of Chicago, he represented a new vision for rebuilding urban America. Through his hard work, perseverance, dedication, and commitment to the citizens of Chicago he was able to transcend racial barriers and political obstacles and be elected as Chicago's first black mayor.

Mayor Washington's accomplishments during his short lifetime, including serving in the House of Representatives from 1981 to 1983, were an inspiration not only to the youth of Chicago but to disenfranchised people in the United States and worldwide.

The city of Chicago has lost a mayor and the world has lost a great leader.

Mr. GARCIA. Mr. Speaker, it is with great sadness that we come here today to honor a former colleague and political hero to millions of people of all races, Harold Washington.

I, along with many of my colleagues, had the privilege to serve with him during the 97th and 98th Congresses. I remember him as

being a champion of the underdog, as a man who had the courage of his convictions.

He fought hard for the civil rights of all Americans. He was a tireless advocate of arms control issues, leading the fight to defeat the MX. In short, Harold Washington was a man of the people.

When he returned home to Chicago to take up the mayor's race in 1983, many of us had high hopes of what such a committed individual could accomplish. Despite the political battles that threatened him during his first term as mayor, Harold proved that he was a fighter by winning a second mandate from the people of Chicago. He was in the process of fulfilling our expectations when he was suddenly taken from us last week.

I remember campaigning for the mayor in Chicago in that city's Hispanic community, letting the hard working individuals there know what a fine man Harold Washington was. He did not let them down. He was a success, and the best thing about the mayor was that his success did not keep him from the people he loved, the people that elected him, the people of the city of Chicago. We will all miss Harold Washington.

Mr. ROE. Mr. Speaker, it is with great sadness and admiration that I join my colleagues in this special order today honoring the late Harold Washington, a former Member of this body and mayor of the city of Chicago who died of a sudden heart attack last week.

Mayor Washington served one term in the U.S. House of Representatives, from 1981-83, and I was most fortunate to have the opportunity to come to know him during that time. Indeed, I consider it a privilege to have had the opportunity to serve in the House while Mayor Washington was here. For it is clear from the dynamic way in which he guided the great city of Chicago during the past 4 years, and the way he swept to a reelection victory earlier this year, that he was an outstanding leader who was held in the highest esteem by so many of his constituents.

I believe a recent comment by our distinguished colleague from Chicago, Congressman CHARLES HAYES, more than adequately expresses the way so many of those who knew him viewed Harold Washington. In the current issue of Time magazine, Congressman HAYES was quoted as saying, "I never believed Harold could open up a city and turn it around as he did."

And the editor of a monthly newspaper in Chicago, the Chicago Reporter, termed Harold Washington's death a "loss in the family the way Jack Kennedy's was."

While a Member of the House, Harold Washington was a member of the House Judiciary Subcommittee on Civil and Constitutional Rights and played a key role in the successful extension of the 1965 Voting Rights Act that was signed into law in 1982. He was also active in the Congressional Black Caucus.

Above all, it is clear that he cared about people. And he left the House to run for mayor of Chicago because he cared deeply about that fine city. He was a tireless worker who strove hard to improve the lives of all those he touched during his more than 30 years of public service. In Harold Washington, the citizens of his great city saw a man of

action, a man who never stopped trying to improve Chicago. And in working to improve his city, Harold Washington also was working to improve our country.

I join with my colleagues, with the residents of Chicago and all of our Nation in mourning this great leader. I wish to extend my condolences to the Washington family and the citizens of the city he so dearly loved, Chicago. He has left a rich legacy to build on.

Mr. YATES. Mr. Speaker, Harold Washington and I were friends for many years, and I was troubled and deeply saddened by his death. Chicago and the people of this country have lost an unusually talented, eloquent, and courageous mayor and a very fine human being.

I am pleased that we are taking a few moments today to pay tribute to him. I want to tell you that my mind is filled with the expressions of genuine love and respect that I saw in the streets of Chicago on Monday. If anyone needed to be convinced that Harold Washington was a man of the people, he had only to be in Chicago this week. The expressions of sorrow were massive, absolutely sincere, and very moving. His death is a real tragedy and the people of Chicago know it in the most fundamental way.

Many of us knew Harold as a friend and colleague when he served here. For me, his election to the House in 1980 was one of the few bright moments in an otherwise dismal election year. I predicted a bright future for him in this House, but I was delighted by his decision to run for mayor. It was a tough campaign and it took all of Harold's considerable skill to win but he did it. And he won again this year. I was proud to endorse him for both elections and very pleased by his progress and success that he was having in the city.

Harold Washington was very good for Chicago and this country. It is very hard to lose a friend and I will miss him. All of Chicago will miss his courage, the bright and incisive speeches, and the enlightened and very skillful leadership that we will forever associate with him.

Mr. HORTON. Mr. Speaker, I rise to pay tribute to a former colleague of ours, Harold Washington, who passed away 1 week ago today. Many Americans, when they think of Harold Washington, think of only one thing—Chicago's mayor. But for those of us serving in the House in the 97th Congress, Harold will be remembered as a man of dignity who served his constituents with zeal and compassion.

I had the pleasure of working with Harold in my capacity as the ranking minority member of the House Committee on Government Operations. Harold served on that committee, and quickly became a knowledgeable, diligent member of the committee's Subcommittee on Manpower and Housing. In addition to Government Operations, Harold served on the Judiciary and the Education and Labor Committees.

For nearly three decades, with a career spanning from Member of Congress to mayor to assistant city prosecutor, Harold worked for the betterment of all people. The country, the State of Illinois, and the city of Chicago are better off because of Harold Washington's work.

Mr. Speaker, my wife Nancy and I want to wish the scores of family and friends of our former colleague the very best during this difficult time. He will be sorely missed, both as a man and a politician.

Mr. CLAY. Mr. Speaker, it is with a heavy heart that we take the time today to lament the passing of our most esteemed and eminent colleague, Harold Washington, former Congressman of the First Congressional District of Illinois and upon his death, mayor of Chicago.

From the depths of Chicago's South Side this man rose to prominence: a leader and a role model. Widely read and well educated, magnanimous in his empathy, sure in his unbridled wrath when it came to opposing injustice. He died Wednesday November 25, 1987, premier among black politicians.

He was a force to be reckoned with. A professed reformer, Washington, along with other black leaders in Chicago, brought the well-oiled political machine to a whimpering halt. Although his first term as mayor was marked by political confrontation and racial polarization, Washington, with unwavering determination, managed to push through a tough ethics ordinance and brought the longstanding mayoral practice of patronage jobs to an end.

He always encouraged an honest government, and to his death, remained untouched by alleged political and administrative mishaps exploited by his opponents.

As one of my colleagues in Congress, Washington was a frequent opponent of the insensitive and cruel programs of the Reagan administration. He must be credited with putting together the coalition that beat back administration efforts to weaken the Voting Rights Act.

He was unafraid of confrontation and in fact always sought to comfort the afflicted, while afflicting the comfortable.

Certainly, Washington has left the echo of his voice and the imprint of his shadow upon the city of Chicago. He left a city united in its fight against racism and other injustices.

Washington was described in the Chicago Tribune as more than a symbol, perhaps a possible winner.

Mr. Speaker, in his works, in his life, and in his compassion for his brothers, Harold Washington has erased the "possible" from that phrase. He was a winner.

Mr. LIPINSKI. Mr. Speaker, I rise today to honor a man, a great man, the mayor of the city of Chicago, Harold Washington. With his passing, the city loses a great leader, an advocate for the urban dweller, and the common man.

The mayor presided over the greatest city in our country and the power of his personality was such, that while we disagreed on many issues, we amicably agreed on our love of Chicago and all its people. We never failed to work together for the good of the community.

Harold Washington leaves behind many projects begun in his administration—projects that will help our city grow and continue to prosper. His support for the Southwest Rapid Transit Line was vital to the ultimate approval of this project and his commitment to the revitalization of Midway Airport has aided the economic development of my community. It is our responsibility to now see that these projects

are carried through to completion to honor the memory of this good man.

Harold Washington was a source of pride and inspiration to his people. He will be missed by us all.

Mr. RODINO. Mr. Speaker, I was deeply shocked and saddened to learn of the death of my good friend, Harold Washington. Chicago's great loss of its outstanding mayor is shared by the entire Nation as we mourn the passing of a remarkable leader.

I had the great personal privilege to work closely with Harold when he served on the Judiciary Committee during his two terms in Congress. He brought to the committee his fervent passion and dedication to justice and his insights and advice were invaluable. Harold served as one of the floor leaders in the effort to extend the Voting Rights Act and his effectiveness contributed to the successful passage of this important legislation. For Harold, this was a continuation of his lifetime commitment to ensuring equality for all Americans.

Harold Washington's outstanding qualities were his impressive intellect, his independence, and his cheerfulness even under pressure. What we as a nation are grateful for is that Harold—although he would have achieved greatness in any chosen field—directed these talents to serving the public.

He started his political career as a teenager, following in his father's footsteps, and went on to serve in the Illinois State House and Senate and two terms representing Chicago's First Congressional District in this Chamber. Throughout his tenure as a legislator, Harold served with distinction and remained first and foremost a man of the people, determined to serve their interests above all others.

The crowning achievement of Harold Washington's public service was his election in 1983 as Chicago's first black mayor. During his all too brief time as the city's chief executive, he opened the doors of government to all citizens and guaranteed that equal opportunity was the guiding force in his city. Harold's slogan—"Chicago Works Together"—reflected the new spirit he brought to Chicago. He replaced divisiveness with cooperation and bridged the gap between government and the people to forge a meaningful partnership. Harold's reelection last year confirmed that he had won the support and the hearts of the people of Chicago.

Harold Washington was an extraordinary and gifted leader and he will be missed by all of us whose lives he touched. But he will not be forgotten. His enduring legacy extends well beyond the city limits of Chicago. As a national leader on urban issues and an inspiration to us all, his example will demonstrate to future generations that commitment and perseverance can make the impossible happen. His message of hope and optimism will continue to echo. We can best honor this distinguished American by ensuring that the ideals and beliefs Harold Washington fought so hard for in this lifetime remain a bright beacon for us all.

Mr. ANNUNZIO. Mr. Speaker, I join my colleagues in paying tribute to our former colleague, the late Mayor Harold Washington of

Chicago, who served in the Congress of the United States for 4 years.

Harold Washington was a good friend for 25 years. Prior to serving in the U.S. House of Representatives, where he was a member of the Judiciary Committee and was known as a supporter of organized labor and liberal causes, he served in the Illinois State Senate for 4 years and as an Illinois State Representative for 11 years.

In 1942, he went into the Army where he served as an engineer in the Army Air Corps. He attended Roosevelt University under the GI bill, where he was president of his senior class and the student council. He graduated from Northwestern University Law School in 1952, and after his father's death in 1954, took over his father's law practice and position as assistant corporation counsel.

Although he will be remembered as an anti-organization independent, Mayor Washington started his early political career as a Democratic machine supporter. It was after he went to Springfield that his relationship with Democratic Party regulars began to decline.

Mayor Washington was a genuine liberal and he fought the machine for 25 years. In the last 6 years, he defeated the machine and he worked hard toward dismantling the machine, but the irony of his unexpected death is that only several months ago when the Democratic ticket was slated for the coming primary election in 1988, all of the candidates selected by the Democratic Central Committee of Cook County were cleared by Mayor Washington so he truly was becoming the leader of the Democratic Party in Cook County.

Yes; Harold went full circle, and it is a sad farewell, but as one who knew him well, I am also happy over the successes he achieved during his lifetime. He died at the pinnacle of his career and the positive changes he brought to the democratic process in Chicago shall endure as his memorial.

Mr. MINETA. Mr. Speaker, last week our Nation lost a great leader: Harold Washington. And although he was laid to rest on Monday, it is still unsettling for me to think of Harold in the past tense.

Yes, he was the mayor of Chicago. Yes; he was once a Member of this body. And yes, he was a good friend. But what Harold was, is, and will remain is inspirational.

Harold Washington personified the hopes and dreams of black Americans in many ways. But through his outspoken leadership in Chicago's City Hall, Harold transformed that city's civil rights movement into a civil rights administration for all its citizens.

Harold stood for truth, he stood for justice. And he worked tirelessly toward the goal of enabling each and every American—of every race, color, and creed—to practically exercise the inherent right of political might. That he achieved as much as he did in his few years at the helm of our Nation's second largest city is testament to his abilities, to his ideals, and to his dreams for all Americans.

Mr. MAVROULES. Mr. Speaker, I wish to thank our colleague, CHARLES HAYES, for requesting this special order today to allow Members to pay tribute to Mayor Harold Washington, who was elected to Congress in 1980. His tenure in the House of Representa-

tives, albeit brief, was a foreshadow of the direction his mayorship would lead Chicago.

As a number of Members have already stated, the election of Harold Washington in April 1983 as the first black mayor of Chicago, the third largest city in the United States, had major political ramifications for both the city and the country. Harold Washington fought for those same principles and ideals when he became mayor of Chicago that were important to him when he was a Federal legislator—responsible programs which benefit the poor and disadvantaged, the elderly, and middle-income taxpayers. He was also a tireless champion of civil rights.

I would like to make brief mention of a program Harold Washington initiated to increase the number of black-, Hispanic-, and women-owned businesses in Chicago. The thrust of this program, which increased city contracts for minority-owned firms by 25 percent, and women-owned firms by 5 percent, was controversial but became an accepted business practice in competing for city contracts. This initiative is consistent with my own efforts on the Small Business Subcommittee.

Mayor Washington was also instrumental in helping Chicago recover from the 1982-83 recession. At the time of his election, Chicago had lost a quarter of its manufacturing base. Since then, the Windy City has experienced its biggest building boom with \$10 billion of new construction either completed or underway.

While it is obvious that many more accolades could be bestowed upon Harold Washington, let me close by saying that Harold Washington was a friend and colleague whom I deeply admired and respected and who will not be forgotten.

Mr. HOYER. Mr. Speaker, as with many of us, I only had the privilege of serving with Harold Washington in this body for only a brief time. I was elected in a special election in May 1981, just a few months after he had been elected to Congress. As freshmen, members of the same class, we came to know each other. A former State legislator myself, I appreciated his experience and legislative skill, as well as his eloquence and good humor.

Early in his second term, I was sorry to see Harold leave the House, for I knew he could have been a great leader of this Congress. However, I watched with admiration as he battled the odds and became the mayor of Chicago. Certainly as practitioners of the art, we in this Chamber admire political achievement. Achieving the mayoralty was the pinnacle of a career full of achievement at every level of government.

It has been infrequently remarked upon what Harold Washington was able to accomplish in his first term—despite his not commanding a majority of the city council. Chicago was clearly thriving under his leadership, with an improved economic climate and a new system of inclusion in government of many groups.

Last winter, several weeks before Harold Washington was reelected, I saw him here on Capitol Hill. At that time we had a pleasant conversation and I was impressed with his infectious optimism about the coming election and the many years he expected to be gov-

erning his city. He expected great things of himself and of Chicago.

The unexpected passing of Harold Washington brings sadness to those of us who have lost a friend, but even more it has caused a deep sense of loss on the part of the people he so ably represented and led. Indeed, the outpouring of grief over the past week in which literally millions of people paid their respects are the greatest indication of how much he will be missed. My condolences go out to Mayor Washington's friends and family and to the people he held most dear: the people of his city.

Mr. FOGLIETTA. Mr. Speaker, on Wednesday, November 25, the United States lost a great leader, the civil rights movement a great champion, and the U.S. House of Representatives a former member and good friend. Harold Washington, mayor of Chicago, died of a heart attack at 65.

Harold Washington's life was public service. He became involved at the young age of 13, when he helped his father in his duties as precinct captain. Harold Washington served his country as an officer in the Army Air Corps during World War II. After completing his studies at Roosevelt University, where he was elected senior class president in a class that was only 5 percent black, and Northwestern University School of Law, Harold Washington went on to serve as Chicago city attorney.

In 1965 Harold Washington was elected to the Illinois House of Representatives. He served for six terms, before being elected to the State senate, where he served for three terms. In 1980, Washington challenged the party system, defeated the incumbent, and became a member of the U.S. House of Representatives, where he served two terms.

But Harold Washington's biggest achievement was in 1983 when he challenged the Chicago party system, and two of its most vocal leaders, to win his first term as mayor. Washington's election was a watershed in American politics. His reelection this year consolidated that victory.

Harold Washington is proof positive that someone who cares about public service can buck the system and prevail. Twenty years ago, no one would have thought that a black man could become mayor of Chicago, especially a man with an independent mind who understood that blind adherence to the party line was not in the public interest. Harold Washington was a true pioneer. He went where no man had gone before, and opened the doors to political participation for thousands of people. He was a true leader, and he will be sorely missed.

TRIBUTE TO THE LATE HONORABLE HAROLD WASHINGTON, MAYOR OF CHICAGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HAYES] is recognized for 60 minutes.

Mr. HAYES of Illinois. Mr. Speaker, I yield to the gentleman from the District of Columbia [Mr. FAUNTRY].

Mr. FAUNTRY. Mr. Speaker, I want to thank my distinguished col-

league, Congressman HAYES from Illinois, for this opportunity to add a word on the RECORD in tribute to our fallen brother, Mayor Harold Washington. His death was simply a blow to progressive forces all over this Nation generally and to all of us who knew him in this House personally and worked with him over the years.

I know the gentleman knows that he was a man of uncommon integrity, conviction, and political sagacity. I know of no politician who took on a greater challenge than did Harold Washington in seeking to become the mayor of the great city of Chicago in 1983, and certainly few of us know of any mayor who had to govern against greater odds than did Harold Washington govern in his first term of office.

One of the real tragedies that I felt was that having won the re-election and with it a team that would free him to demonstrate his extraordinary skills as an administrator and leader, he was on the threshold of providing the city and the Nation with much needed leadership on the urban scene.

He was a man of a tough mind and a tender heart. He will be sorely missed by me personally and by people of good will all over this Nation and across the world.

I think that no tribute is adequate to express the affection and the appreciation that we all held for Harold Washington.

Mr. HAYES of Illinois. Mr. Speaker, I thank the gentleman for joining with us.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I thank my neighbor in the Longworth Building and good friend, the gentleman from Illinois, for yielding. I want to extend to him my personal condolences, because I know that for him this has been not just a political loss, as it has been for many of us, but even more for him a personal loss because he has lost a very good friend, a man whose seat he took, a man whose tradition he himself very ably serves us in this House.

Mr. Speaker, my own reactions, both personal and political, politically we have lost a man who was becoming one of the giants of the American political scene. It is often the case that all of us fail fully to appreciate what we have had until we lose it and it has become very clear that people only now practically understand the importance of the contribution Harold Washington was making to the political life of this country and its absence is a loss to the country.

He emerged in a situation where racial division was a sad fact. This whole country has suffered since our inception from a legacy of racism. We had a Constitution which had a lot of good points, but it was flawed from

the beginning by its terrible tragic compromise with slavery and racism has plagued us. Our history is in part a desperate struggle to throw off the racism that continues and the negative effects of racism.

As an extraordinarily articulate and forceful and committed political leader, Harold Washington made through his own career a contribution to beating back racism and refuting the evil and negative tenets of racism that few men in our time have been able to equal, and the loss of that ability is enormous.

People now understand the extent to which he had transcended the racial divisiveness of the city of Chicago, and Chicago is not a lot different than many other American cities where racism is a problem.

Harold Washington was on the way, having been re-elected mayor, to diminishing the relevance of race, to establishing the relevance of humanity, of compassion, of concern for others, of the ability of a man of great eloquence, compassion and intelligence, to transcend; so we are terribly hurt. We lose, when we could not afford to, one of the most articulate advocates of the view that precisely as this country as a whole does better economically by some broad gauges, the obligation that many of us who benefit have to the vulnerable minority of people of all races and ages who are hurt ought to be something we could discharge.

So I very much lament the loss of a committed fighter, who said, you know, America can be great all around. We can be economically very progressive. We can grow and we can at the same time take care of the poor and take care of people who need help.

In addition to the political loss, Mr. Speaker, I just want to speak for a brief time about the personal aspect. Harold Washington and I came to the Congress of the United States at the same time in 1980, and as I am now the neighbor in the Longworth of his successor, my good friend, the gentleman from Illinois [Mr. HAYES], I was Harold's neighbor when we were elected to Congress. We sat next to each other in the Judiciary Committee.

There are a lot of things I could think of about him right now. Eloquence is one that comes immediately to mind. I have never met a man who could open his mouth and have the most finely polished, articulate phrases, come out the way Harold could on the spur of the moment in informal conversation, in debate in the Judiciary Committee. Harold's ability to get the English language to work for him and for the causes he cared about was a great asset.

He was also a man with a great gift for friendship. There was about him a cheerfulness, a sense of serenity, because he understood the worth of his cause that made it just good to be

around him, even at times when we were fighting, and this goes back to 1981 when some of the worst mistakes of the Reagan administration were getting enacted into law and Harold and a few others were fighting against that.

There were unpleasant times when you saw very poor people being hurt by thoughtless and angry public policies. Fighting along side Harold Washington at that time was glorious.

I guess my most recent memories were in February of this year in a very cold time in Chicago when at the invitation of the gentleman from Illinois who arranged this special order and some of the others, I was privileged to go to Chicago during the primary and appear as part of a rally on behalf of Harold. You saw then a kind of enthusiasm that people had for politics that we are often told is not here anymore. We are told that to transform things in the old style politics of personal involvement, personal commitment, of individuals caring and identifying and drawing strength from political leaders and sacrificing so they can participate in the selection of political leaders and have some choice about their own destiny, all those are things that are supposed to have disappeared. I saw in Chicago that day in February. I saw thousands and thousands of people on a very cold day, at some inconvenience to themselves, crowding into a hall and cheering, not because anybody told them they had to, but sincerely identifying, and it was a racially mixed crowd, there were people of all ages, and it was for me one of the most moving and affirming experiences I have had as a politician to be part of what has become a movement, because the people who participated in it needed a movement, because they had a chance to work for a man of decency and compassion and courage who was able to bring out the best in men and make them feel strong and equal to any challenge.

So the loss of people like the gentleman from Illinois now standing is greater than for most of us, because he was privileged to work with and along side our late colleague, but all of us who care about the quality of life in this country, all of us who think that further diminishing the racism that remains is a very, very high duty for politicians, all of us who think that in a very wealthy country children should not be hungry and elderly people should not be frightened about what happens if they are going to get sick and lose their ability to survive, and that we ought to provide through public services the kinds of things that only the Government can provide, even while we hope the free market will prosper and make us all better, all those things which are so important and which so need advocates, all of

them were the losers with the tragic death of Harold Washington.

So I want to express my appreciation to the gentleman from Illinois and the gentleman from California and their colleagues in the Congressional Black Caucus.

We have all, those of us who care about those issues, suffered a loss.

Finally, let me say that all of us here as Members of this body, as elected officials, we have lost one of our best. We have lost a man who was so good at what we do and enjoyed it so much that he was one of those who made our profession the best it could be.

In a phrase that is very common up in Massachusetts, all of us with the death of Harold Washington, all of us in this body have lost one of our own.

I thank the gentleman for giving us this opportunity to express that.

Mr. HAYES of Illinois. Mr. Speaker, I want to thank the gentleman for having shared with us his admiration and his feeling and his experiences in working with the now deceased great man, Harold Washington.

Mr. Speaker, I think what has been said here by all the persons who joined with me in paying this tribute to a great leader has buttressed what I have concluded some time ago when Harold was elected mayor of the city of Chicago. We had the right man at the right time, he being the first black to be elected as chief executive of the third largest city in these United States.

□ 2015

Harold Washington was a leader respected all over this great Nation of ours and in many sections of the world.

I had an opportunity as a member of the committee to visit South Africa, and London, England, and with our Armed Forces in West Germany and in other sections of the world where, as soon as they found out that I was from Chicago, they would ask me "how is Harold?"

He was known abroad in many sectors by his first name. I know the Good Lord will make it possible, has made it possible, I just get a feeling, that Harold is listening to many of the good things that have been said here about him even though he is not here physically.

Words are hard to find to put into focus my own feelings. Harold supported me when I was first elected and when I had 13 political opponents, it was almost political suicide to have selected 1 of the 13 who ran in the Democratic primary in 1983. I, on the other hand, have supported him for every political position that he ran for from the General Assembly in the State of Illinois, to the Congress of the United States, and to his brief term as mayor of the city of Chicago.

I along with others are charged with the responsibility of trying to follow the legacy which he established as a leader of the city of Chicago. Such a task is not easy. He is hardly cold in his grave and meetings are already being held by those who seek to take over the mantle of leadership and veer away from the course or the legacy which Harold Washington has established.

I certainly want to say that I feel that Harold Washington was a people's candidate, a people's political leader, one who was a voice for the voiceless. He was interested in helping those who had not, and I certainly want to see this kind of leadership displayed by those who take over the mantle of leadership in the city of Chicago. They must be concerned about jobs for people who are out of work, they must be concerned about the education of our young, they must be concerned about our senior citizens who need housing and health care, and these are the kinds of things that Harold stood for and he fought for in every facet of political life.

I certainly want to close by saying that we cannot let Harold down. We cannot let those people down.

HAITI FOLLOWING ELECTION DAY MASSACRES

The SPEAKER pro tempore (Mr. JOHNSON of South Dakota). Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Mr. Speaker, I think that what we have seen on national television in the past few days since last Sunday, what we have read in the national press has given us a clear idea that something is wrong, radically wrong in Haiti.

When we see bloodied bodies in polling places, people who have been gunned down for no other reason than that they desire to cast a ballot, we can understand that something is radically wrong in Haiti. There is a human tragedy that certainly is obvious and evident. We do not need an analysis to tell us about that. We do not need anybody to explain the human tragedy, but beyond the human tragedy there is a diplomatic tragedy, there is a tragedy in terms of the international struggle for democracy.

I would like to take a few minutes to talk about that tragedy. First, I would like to quickly review the facts. The Haitian people are quite fortunate in that after more than 30 years of tyranny by the Duvalier family, first Francois Duvalier who made himself president for life and then when he died he made his son President for life. Francois Duvalier and Jean-Claude Duvalier were dictators of the most ruthless and primitive kind.

Haiti is the poorest country in the Western Hemisphere. Haiti probably rivals countries anywhere in the world in terms of poverty. Yet not long before Jean-Claude Duvalier was forced to step down as the lifetime President of Haiti, Jean-Claude Duvalier's wife went to New York City and she spent \$2 million shopping. When Jean-Claude Duvalier was pressured out finally by the actions of the Haitian people and with the help and assistance of the United States Government, it was discovered that he had hundreds of millions of dollars in banks throughout the world while the country was sinking further and further into poverty. And there are five million of the poorest people on this globe who live in Haiti. That is the kind of ruthless, heartless, primitive, crude dictatorship that the Haitian people were up against.

Our Government is to be congratulated. I congratulate the Reagan administration. I congratulate the State Department. Not only did they remove, at least play a major role in pressuring Jean-Claude Duvalier to leave, but they did it with a minimum of bloodshed. In fact, it was the Haitian people who first rose up, Haitian people who had very little to fight with but made it clear that they would not tolerate any longer the kind of oppression that they lived under with the Duvaliers.

They made it clear, they rose up, they were murdering them in large numbers, but they would rise up again and more numbers would be massacred and they would rise up again. It was the U.S. Government that said that this is not going to stop, it is obvious that unless somebody does something we are going to have one bloodbath after another, and I say to my colleagues our Government is to be congratulated that they moved to make it clear to Jean-Claude Duvalier that the U.S. Government, which is the prime support in terms of economic aid and military assistance for Haiti, that they would no longer support a government which was massacring its own people in order to stay in power.

So as we did in the Philippines, and again I think the Reagan administration is to be congratulated, they brought a new kind of diplomacy and a new kind of intervention into being which there should be no limit on the amount of applause for which is showered upon them for it. As they did in the Philippines against a cynical, brutal dictator, Ferdinand Marcos, they used their influence and used their power in the way that a great nation should use its influence and power. That is without firing any shots, without sending any marines in. They merely sided with the majority of the people, and when the majority of the people were given an opportuni-

ty, they elected Corazon Aquino. They moved on from there to establish a whole new constitution, and a whole new government.

So our State Department is to be congratulated, and our President should be congratulated. Some very decisive actions were taken, some very important precedent-setting decisions were made.

In the case of the Philippines and again in the case of Haiti, to move Jean-Claude Duvalier off the scene with a minimum of additional bloodshed was an accomplishment to be applauded.

So that was accomplished. The problem was when that kind of change takes place, what does a government establish to maintain law and order as a substitute?

It was a dilemma never before faced by this government and very few others. They had to go through a process and I do not know what the process was but I can understand, I sympathize with the dilemma that they faced of installing a set of leaders to replace Jean-Claude Duvalier. That set of leaders originally included some people from the civilian sector as well as military leaders. The person who emerged of course as the strong man and as the leader was General Namphy. As is to be expected in that kind of a situation, the vacuum would be filled inevitably, it would be filled with military power. But there was an understanding that a process would go forward by which the Haitian people would be allowed first of all to write a constitution, to vote on that constitution, to establish an elections process, and eventually to elect their own new government in a democratic process.

I think some of the generals quite cynically looked at that process and said that it will never happen in Haiti. They expected the ordinary people who helped to make the revolution lead to the point where Duvalier had to be forced out, they expected them to fall flat on their faces and not produce a constitution, let alone an elaborate one which had some provisions in it which showed that people clearly understood the tyranny they were living under. But the people did it. They got a constitution, they voted for it and set in motion an election process. Part of that constitution specified, however, that all of the people who were close to the obvious colleagues of the Duvalier family would not be allowed to run in that election. That was a provision of the constitution which I think was a stroke of genius.

There are some people who criticized it and said that they made a mistake by putting a provision in which closed out the old Duvalier regime totally. They set up a desperate situation. Out of desperation the people who are the remnants of the Duvalier regime have

to turn to violence. Therefore, they should never have frozen them out of the electoral process.

My reply to that is if they had not frozen the Duvalier people out of the electoral process, if they had allowed the old Duvaliers to run for election, they would have had a different kind of scenario and the scenario would have been as follows: there would have been elections in Haiti, they would have followed the timetable, but the same guns, the same bullets that were used to gun people down at the polls would have been used to terrorize any people who did not support the candidates of the Duvalier remnants. They would have guaranteed that there was an election even if only 10 percent of the population came out and they would have terrorized the other 90 percent. They would have gone to the world and said,

We gave them an opportunity to come out and vote, but they did not. Here is our election result, here is our candidates, now leave us alone. We have freely established democratic government in Haiti.

They would have used their power and might to rig the election and to guarantee that they stayed in power. So a wise group of people, the Haitian people, stood behind that provision in the constitution and said that under no circumstances would they waive this provision. They insisted despite the fact that 12 people who were identified as old members of the Duvalier regime, those 12 were not allowed to become candidates. They struck them off the ballot. They would not allow them to be candidates in accordance with their own constitution.

At that point the cynical ruling military junta understood that they had to resort to violence. Either they would carry out violence directly as they did in some places on Sunday, November 29, or they would permit the civilian terrorists, those who do not wear uniforms but who have the same kind of firepower, the same guns, the guns that Duvalier brought in when he was there and distributed, and some of the guns that we have recently paid for for them to maintain law and order in Haiti.

□ 2030

The guns and the bullets that were used to murder Haitian citizens on Sunday, November 29, were guns paid for and bullets paid for by the American taxpayers.

When they understood clearly that the legally established constitution would not bow to them, they determined that they would wreck the whole process. Step by step they showed this. It was not anything that should have taken our Government by surprise. When you had a candidate hacked to pieces in broad daylight, a presidential candidate gets hacked to pieces in broad daylight, that should

send you a clear signal, and nobody was ever punished for it.

Further, when an internationally known lawyer who happens to be a Haitian citizen is running for President, Volel went to make a speech, he chose to make a speech about certain kinds of things that were happening that were not correct in front of the police station in downtown Haiti, because I think he reasoned that that was the safest place to be. In a place where terrorists were known to be abroad, he figured he could stand in front of the police station and be safe. And the police station is not far from the palace where General Namphy's government sits. So I think it was good reasoning.

He also invited journalists from all over the world to come and listen to him, with their cameras, their notebooks. So we had a scene where a candidate is standing in front of the police station with journalists from all over the world. They are taking notes with television cameras. He began making a speech. Plainclothesmen, they say they were policemen, men in plain clothes walked out of the police station, gunned him down, walked away, and to this day nobody has apprehended them or punished them. The Presidential candidate, Volel, lay dead, and he died in front of the central police station in downtown Haiti not too far from the palace.

That was a clear signal, in my opinion, that the Namphy government would tolerate terrorism and was cooperating with terrorism. If they came out of the police station, obviously there was a plot or a conspiracy which involved the powers who were supposed to keep law and order.

Despite all of these clear signals, we dragged our feet. Our Ambassador, our Government did not obviously make it clear to Namphy and his government that we would not tolerate a disruption of the electoral process. Namphy cynically, cynically insisted until the last minute that he would cooperate, despite what we saw developing he would guarantee that there would be law and order on November 29, election day. But of course, we know on election day there were massacres. Not only did they massacre Haitian people, but they went after foreign journalists and some of the observers.

So cynical was General Namphy that he invited many international observers. He did keep out some Congressmen because he did not like the way they had been making speeches or signing statements about developments in Haiti. But there were large numbers of people brought in from all over the world, certainly the Caribbean region, who were there to observe the elections. And he cynically invited them in, and then they saw the display of the collaboration between the

government and the terrorists before their very eyes.

This is where we are today. The problem is where do we go from here.

It is clear that Namphy and his government, the military junta, will not permit free elections in Haiti. They have disbanded the Electoral Council, the Provisional Electoral Council, and they are insisting that they will conduct elections, oversee elections, and guarantee a new government by February 7, the date the election process was to have been completed if it had been allowed to proceed normally. They have disbanded the Provisional Electoral Council.

However, the Provisional Electoral Council was created by the Constitution of Haiti. The Provisional Electoral Council has as much authority as the Namphy government. The Namphy government was an extralegal, makeshift entity of temporary status until the Constitution was written. And when the Haitian Constitution was written they wrote in a provision that the military junta, the Namphy government, could continue until February 7. So they were given by the Constitution some status.

That same Constitution gave the Provisional Electoral Council its own status and did not subject it to the Namphy government. One part of a constitutionally established government, one body established by the Constitution, cannot eradicate another body established by the Constitution. So the Provisional Electoral Council has been illegally, in defiance of the Constitution, declared null and void by Namphy.

Already I understand recent developments are such, the pressures on him are such that he has reinstated the provisional government. He does not have the power to declare null and void, so he does not have the power to reinstate it. It exists, and much to the credit of the men who serve on this much-threatened and maligned Provisional Electoral Council, they are still insisting that they are there, they are legal, they have authority from the Constitution and they intend to continue. They will not recognize any election that is conducted by this Namphy government.

Also, many of the candidates have made it clear that they will not participate in any election which is overseen and supervised by the Namphy government. The defiance of the people of Haiti is still there, it is still strong, despite the massacres on Sunday, November 29.

In embarrassment, our Government has decided now to get tough. They have been outwitted, they have been hoodwinked. In the streets of my district we would say that they have been psyched out and they are upset. The Government would like to do something beyond what it has done al-

ready. They said they are cutting off all military aid, all economic aid except humanitarian aid. They said that, and I assume that that is true. I assume that they are bringing maximum pressure to bear on the Namphy government through the discussions that have been held with them recently.

I understand the Ambassador in Haiti has met with the military rulers recently. We do not know what kind of conversations took place.

People in a number of places in this hemisphere and throughout the world are upset. They want some action. The question is: What do we do now?

Some people are calling for immediate military intervention. I have all along called for peaceful intervention, and I repeat that peaceful intervention is possible and peaceful intervention should go forward.

What do I mean by peaceful intervention? Because of the fact that intervention has been used in so many ways by so many different people, I would like to take this time to explain what I mean by peaceful intervention.

Intervention in Haiti means providing maximum assistance for the free election process. Intervention in Haiti means providing maximum assistance for the Provisional Electoral Council to carry out the free election process.

The Provisional Electoral Council has as much authority as the Namphy military junta. If the Provisional Electoral Council wants help from the outside, they should be able to get help from the outside by merely requesting the help from the outside.

Intervention which is peaceful, legal, and respectful of the Constitution is possible in Haiti. Circumstances in Haiti are unique and they must not be loosely compared to other situations involving tyrannical and oppressive governments. It must be remembered that since the fall of the dictator, Jean-Claude Duvalier, Haiti has been a nation with a government in transition. The government is a government in transition right now. The ruling military group is not a permanent government. Instead, it must be viewed as makeshift, a temporary arrangement that it is. The Namphy government was put in place by the U.S. State Department. This temporary arrangement was made legal only when the writers of the new Constitution of Haiti recognized this group as an interim government until February 7, 1988, and that is when the free election process was to have been completed.

The same Constitution which made the military junta legal for a temporary period and conferred upon it the authority from the Haitian people also created the Provisional Electoral Council. This council does not exist subject to the approval of the Namphy government. The Electoral Council

exists with authority derived from the Haitian people who voted to approve the new Constitution.

This same Constitution also clearly spelled out the function and the role of the Electoral Council. This Constitution established a timetable for free elections to be conducted. Interference with the Electoral Council by the Namphy government constitutes a gross violation of the Haitian Constitution. The Electoral Council has the authority and the right to act independently. Such independent authority of the Electoral Council includes the right and the authority to call on outside agencies, to call upon outside organizations, and to call on nations. The Provisional Electoral Council can legitimately request help from any place it wants to seek help. The Provisional Electoral Council can call on the rest of the world to help it by sending in equipment or a new printing press to print new ballots for the election. The Electoral Council can call on the outside world to give it help in terms of trucks to transport ballot boxes and any other equipment it has to move or helicopters to reach remote parts of the country.

The Electoral Council also has the right to call upon nations and organizations for armed guards or police or troops, if necessary, to guarantee the protection of the election process, to guarantee the protection of the personnel working in the election, to guarantee the protection of the candidates, and also on election day to guarantee the protection of the voters.

We do not need military intervention. We do not need intervention forced upon the people of Haiti. We need to ask the Electoral Council what it is they want and we need to respond to the Electoral Council.

That is not illegal intervention. That is not forcing ourselves on a nation and violating its sovereignty. That is coming to the rescue of the majority of the people, that is obeying the will of the Constitution, facilitating the constitutional process established by the Haitian people.

This call for outside help, which might include armed guards, or police, or troops, this call should be made in terms of a multinational approach. No one nation should answer the call by itself. It is preferable that if personnel have to come in, they come from the Caribbean countries, or they certainly come from this hemisphere, minus any personnel from the United States.

The role that our Nation can play is a crucial one, a critical one. We can coordinate, we can provide moral leadership, we can make it clear that we are as upset and as outraged as anybody anywhere in the hemisphere or anywhere in the world. We can provide financial support for the electoral process, we can provide logistical support

to move the equipment, to move the personnel, whatever has to be done. We can do a great deal without having to send a single American into Haiti.

All of this can take place at the request of the Electoral Council. Under the supervision of the Electoral Council, all of the people, all of the equipment, all of the goods and services that we supply or are supplied by the outside world can be placed under the command of the Provisional Electoral Council. We should not hesitate, we should not get so embroiled in the discussions of international law, comparing the situation to Grenada or comparing the situation to Afghanistan. We should not get lost and fail to understand the unique situation of Haiti.

Haiti is a government in transition. Haiti is a place where intervention can be used to support the constitutional carrying out of a process that will result in free elections and a newly established democratic government.

For all of these reasons, we should move carefully in terms of what we decide to do, but on the other hand, we should move swiftly and decisively in doing what we are going to do. We should not hesitate any longer. I do not want to see the visit of Mikhail Gorbachev take precedence over all other international events and next week we lose sight of the outrageous atrocities, we forget the outrageous atrocities that took place in Haiti.

Our Government needs to move now, before the end of this week. We need to move now. We need to show that we are ready to provide the leadership necessary to come to the aid of the Haitian people through the Provisional Electoral Council and assist it in carrying out free elections in Haiti.

Mr. Speaker, I yield to my colleague, the gentleman from the District of Columbia [Mr. FAUNTRY].

□ 2045

Mr. FAUNTRY. I thank the gentleman for yielding.

Let me first express to the gentleman my heartfelt appreciation for his wisdom and his courage over the years in standing up for the long-suffering people of Haiti. I want to thank him especially for this opportunity given us as Members of Congress to speak at an extended period on the desperate situation in Haiti.

I have the privilege now of sharing the congressional task force on Haiti. I came to that position as a result of the fine work done during the decade of the seventies by the gentleman from New York's predecessor, the Honorable Shirley Chisholm who chaired for many years the congressional Black Caucus task force on Haiti.

The gentlewoman from New York gave us magnificent leadership in the effort to see to it that our Haitian brothers and sisters who came to these shores were accorded all the rights

and privileges of persons who were seeking asylum here in this great land of ours.

It was in 1981 shortly after the gentleman from New York came to the Congress to succeed Shirley Chisholm that I became chair of that task force of the congressional Black Caucus on Haiti and had to travel to Miami, FL, for the funeral of some 40 Haitian men and women who had perished in a vain effort to reach the United States from Haiti and whose bodies had been washed up on Hillsboro Beach just outside of Miami.

That experience move me and my colleagues in the congressional Black Caucus to recognize that it was not enough simply to address the symptoms of the problems of Haiti which reflected themselves in people seeking asylum by the tens of thousands, but the time had come for us to address some of the causes and to focus our attention upon the need, somehow, to utilize U.S. programs and United States pressure to end an era in Haitian history that had created millionaires at the top and desperate boat people by the hundreds of thousands at the bottom.

So we launched in 1981 our effort to secure a partnership for change with the courageous people of Haiti.

As the gentleman has so eloquently and so carefully outlined, the result of that new approach to Haiti was magnificently concluded when our own United States Government assisted in a remarkable transition, the nonviolent deshucage, the nonviolent removal of then President-for-life Jean Claude Duvalier, and the announcement of a new day of hope in the life of the Haitian people. It has nearly been 2 years now since Jean Claude Duvalier left Haiti and the seeds of hope were sown when we learned that a new provisional government had been put in place that pledged itself to preside over the transition of Haiti to a democracy where there was human rights and press freedom and where people had the opportunity for the kind of economic recovery that all of us had advocated for our island neighbor.

I cannot tell you what joy it brought to my own heart and the chairman of that congressional task force on Haiti to hear on February 7, 1986, on the day of the transition, then-Lieutenant General Namphy, as I quote him, said, "We are going to work for the flowering of a real and functional democracy founded on absolute respect for human rights, press freedom, the existence of free trade unions and the functioning of organized political parties. This is the program of the provisional government that desires to hand over power to a democratically elected government," he said.

Those words fell like drops of refreshing rain upon our souls that were thirsty for a new day in Haiti.

Looking back to that time, I must now candidly admit that those of us who embraced that kind of rhetoric and supported that kind of interim leadership and what we called the CNG, really misread a number of signals that that government gave us over the course of the last 18 months that it had no intention of matching its practice with the rhetoric of those early days.

We should have known that when they took so long to appoint the body which was to craft the Constitution that perhaps they were not as sincere as their words indicated.

But finally on March 29 after an exhaustive, after a magnificent Constitution had been produced and the people, 80 percent of whom we know happen to be functionally illiterate, heard about that Constitution, listened on their radios to discussion about it and understood what it meant, on March 29, 1987, they went out by the hundreds of thousands and in the 99.8 percent vote adopted the Constitution by which they would be governed, and the electoral process that would guide their actions through to February 7, 1988, when a government of the people, by the people and for the people was to have been in place.

But we should have known when that provisional electoral council called for by the Constitution published its election law on June 5, 1987, that something was amiss when the provisional government, the CNG, did not almost immediately endorse and support that body which constitutionally had exercised its role in outlining how the election would be conducted. And then on June 22, 1987, when the provisional electoral council had its election law dismissed by the CNG and the CNG attempted to usurp the authority of the CEP to carry out the elections, we should have known that something was amiss. We did not know it, but the Haitian people understood it and they protested vigorously.

As a result of their protests, many of them died at the hands of Haitian security forces and we should have known then that they were not about to match their rhetoric with their actions in providing a true transition to a democracy.

When the Haitian people forced them through nonviolent actions to withdraw that coup attempt of June 22, we should have known when a presidential candidate was hacked to death and thereafter when nearly 200 people were killed, massacred with the use of machetes, machetes, machetes; we should have known that there were those who were determined even in the CNG, even in the military, to pre-

vent the seed that was sown with that magnificent speech of General Namphy on February 7 to come to fruition.

And then as we led up to the elections with the killing of another presidential candidate by a police officer, by a member of the armed forces in front of the police station, and when thereafter a number of persons were killed by death squads during the night and a number of places were burned, we should have known there was something amiss, that those who claimed on February 7 they would preside over a process that would bring about a democracy, would bound up the development for all the people, were misleading us. And then when the CEP, electoral commission, carrying out the mandate of the Constitution which the people had overwhelmingly supported with their votes, ruled 12 candidates ineligible to run because the people by a 99 percent vote had said we want a Constitution, we want a government that prevents those who have slain us and tortured us and brutalized and intimidated us for 30 years, to be able to preside over us in the initial years of this new democracy; when they did that and some people felt that they had the license to burn down the headquarters of the provisional electoral commission, that they had the license to threaten civil war and the lives of those who had constitutionally been given the authority to preside over the election, we should have known that these people were not serious.

As the gentleman from New York knows, in spite of all of that we proceeded into November 29 in the hope that the courage and wisdom of the Haitian people that had them refusing to respond even to the 11th-hour provocations of murders and burning and looting, we should have known that we would be surprised on November 29.

I want the gentleman to know that I was genuinely surprised. But it is now clear to the world when innocent men and women, most of them wretchedly poor people, standing in line to vote, are brutally gunned down and savagely hacked to death by members of the Ton-Ton Macoute and members of the armed forces, we should have known that it was a cause for moral outrage across this nation, that these people had no intention of doing what the Constitution mandated and what most of us trusted them to be able to do, and that is to secure those elections.

And, yes, in response to that I did call for an international peacekeeping force to protect the Haitian people as they carry out the elections mandated by the Constitution which they have approved.

I am so happy that the gentleman from New York has made it very clear that what at least this gentleman be-

lieves is consistent with what he has said, namely that there is a way that we can provide peaceful intervention and support and protection for the people of Haiti, the vast majority of whom were anxious to vote on November 29 and who, without the support of the world, may not have that opportunity and may not be able to realize the dream so magnificently outlined by then-head of the CNG, Namphy, on February 7.

I know that this situation does not compare with any other in the world today. And I would agree with the gentleman from Brooklyn that that is the case. But I have resolved that as these courageous, beautiful, strong people have demonstrated their thirst for democracy, that I will not rest until I have spoken, as people of conscience should have spoken in the decade of the thirties when a government was abusing a small segment of its population in Europe.

□ 2100

I believe that we have a moral responsibility, not just Americans but people all over this globe, to lend Haiti a hand and to see to it they are able to carry out the election process developed by the CEP and for which they have thirsted for so many decades. I think it can be done. I believe, with you, that there are governments in the Caribbean and in this region that would be willing to respond to an appeal from the duly constituted authorities in Haiti for election. We know who those authorities are. Those authorities are the members of the CEP, members who were unconstitutionally dismissed by the CNG. It is almost ridiculous. It is to suggest that the people of the world have no intelligence to say that it is the CEP that has violated the Constitution, and therefore, they ought to be dismissed, Mr. Namphy said.

The fact is, as we all know, that not only were the Ton-Ton Macoutes responsible for the disruption of the election but members of the armed forces joined them in that blood bath on November 29. And to try to assign the blame to the CEP is ridiculous.

I, with you, feel that our country ought to reaffirm our respect for the integrity of the Constitution of Haiti and the authority of the CEP and demand that they be allowed to function. And should they be allowed to function and require or request assistance from people of conscience around the world in carrying out an effective election, we ought to do whatever we can, including providing persons who can deal with thugs and murderers who for decades have in a cowardly way taken advantage of poor, wretched people with nothing to defend themselves, as we saw them do on Sunday.

I do not think that violence would be the result of such an intervention, if you want to call it that. I believe, to the contrary, that should people of conscience and professional security persons, police or troops for that matter, be asked to come to those 6,000 polling places in Haiti which have been designated as the duly constituted authorities of the CEP, if they are there and well prepared to deal with those who would harm innocent citizens who want to vote, those citizens would not be attacked by these cowards who blatantly did so on November 29.

Finally, let me say to my colleagues and to my dear brother in the well that I know that there are those who take issue with the suggestion that the Haitian people need any help at this point in carrying out free, fair, and open elections, but I believe that at this point it is clear that without some help, the courageous and long-suffering Haitian people will not be able to achieve their election goals.

There may be elections, but I fear that those elections will be those on the order of which the gentleman in the well outlined, with a handpicked candidate from this military junta to operate as a civilian front for the continued repression and exploitation of the Haitian people and the continued flow of courageous people out of that island around the world, let alone to the United States.

I believe, however, that we have to understand those from Haiti who are saying there should be no intervention. If I had relatives in Haiti, knowing the history of what happens to people who are the targets of retribution, I would not stand up in public anywhere and say, "Send help to my brothers, my sister, my mother, or my father, and to those who want to vote in Haiti," because to do that might target that grandmother, that mother, that brother, or that sister for assassination in Haiti.

So I understand why some have said, "Let us not do it." But let me say that for the world to wash its hands of this carnage, as Pilate washed his hands two millenniums ago, would be to serve the interests only of those on the far right who want things to return to where they were or those on the far left who want only to have an excuse to arm desperate people to engage in a bloody conflict. I do not want to see that kind of blood-letting. And as I indicated to many of my colleagues, I do not believe that they will send the money or the arms anyhow to promote that. As Joe Mokinata said often, "When elephants fight, only the grass gets trampled."

If we want to help the long-suffering Haitian people who magnificently drafted a Constitution and overwhelmingly endorsed it and confirmed it

with their votes on March 29, and who stood in long lines in spite of the intimidation and the murders and the machetes of the Ton-Tons Macoutes and armed members of the armed forces, if we want to help them, then let us implement the formula the gentleman has outlined here. Let us recognize the CEP as the authority on the elections. Let us ask them if there is anything we can do as people of conscience to assist them in carrying on free, open, and fair elections, and then let us do all they ask us to do, that this day that we have all envisioned may still come to pass, that come February 7, 1988, in accordance with the Constitution that has been drafted and in accordance with the process established by the CEP, we will have a new government, a new day, a new hope for all the people of Haiti.

Mr. Speaker, I want to invite the gentleman in the well to a meeting tomorrow morning at 9 a.m. with colleagues of conscience from both sides of the aisle. The meeting will be in and outside of the Foreign Affairs Committee, a meeting held to consider together a morally responsible position that we in the United States can take in support of the Haitian people.

Mr. Speaker, I thank the gentleman for yielding.

Mr. OWENS of New York. Mr. Speaker, I thank the gentleman, who among his many other responsibilities, chairs the Haitian Task Force. I congratulate him and salute him for the immediate, passionate, intense response to the events in Haiti which he has put forth in the past few days.

I will certainly accept the invitation of the gentleman to attend the meeting tomorrow morning. I look forward to the drafting of some kind of practical approach. I would like to submit to the Haitian Task Force in writing my proposal for peaceful intervention in Haiti, the proposal which I have discussed here, in which I say that peaceful intervention in Haiti means maximum assistance for the free election process.

I also want to thank and congratulate the members of the Congressional Black Caucus. The caucus has issued a statement calling for immediate action also, and I would like to submit in writing my proposal for maximum assistance for free elections and for support for the free election process.

□ 2110

I think this is a course of action which would be in harmony with what the members of my congressional district who are Haitian Americans have communicated to me. My congressional district has the largest number of Haitian Americans in the country. The Haitian-American leaders in my district recently met and they have forwarded to me a statement which calls for three things. It calls for the imme-

diate removal of the military junta. It calls for the establishment of a new civilian provisional government which is worthy of the respect of the Haitian people and able to meet the people's basic rights and demands. They call for a disarmament of the Ton-Tons Macoutes and a de-Duvalierization of the administration of Haiti. They also have added that they do not want military intervention. They remember U.S. military intervention in the past, and as the gentleman from the District of Columbia [Mr. FAUNTRY] stated before, we should understand the fears of calling or taking that kind of position.

I think it is important as I close to just review a few important facts. The members of the electoral council in Haiti are still in hiding. They fear for their lives. So I would like to use this opportunity to express some of their sentiments. An electoral council statement was read over Haiti's radio Metropole. The statement said that while the military junta dissolved the council on Sunday, the council is still the legally recognized body under Haiti's constitution and it is mandated to carry out the elections.

The statement also said, and I quote from the statement:

The mission of electoral council cannot be interrupted under any circumstances before the newly elected President takes office, according to the constitution in article 289-3. The mission of the Provisional Electoral Council ends only when the newly elected president takes office.

This council said further that the military junta must abide by the electoral council's decisions on the elections. That is exactly where I derive my proposal from, the position taken by the electoral council.

Mr. Alain Rocurt, who is the treasurer of the electoral council, said in a statement which was read on Radio Metropole also, and I quote Mr. Alain Rocurt:

I reject without hesitation as false the accusation by the military government that we overextended our rights and that we violated the constitution, and we invited foreign countries to intervene in national affairs.

He rejects the charge being made by the military junta that they are the cause of the problem, that they have overextended themselves.

There are also increasing calls in Haiti and in this country for some sort of multinational intervention, as we have discussed already. I think it is important that we note the fact that among the people who are calling for immediate multinational intervention is Robert White, a former U.S. Ambassador to El Salvador, who was actually in Haiti on Sunday as part of an elections observer team. Mr. White told the Associated Press yesterday that he and the members of his team who went to Haiti to observe the elections were shot at twice. They were shot at

twice on Sunday by gunmen as soldiers stood and watched and did nothing.

Mr. White blames the Haitian military for the election's turmoil.

Mr. White told reporters, and I quote Mr. White:

During the night the military abandoned the streets to the terrorists. There is no sense of having elections if the same crowd, the military junta, headed by Henry Namphy is in charge.

There was also an international delegation sent to Haiti to observe the elections. It was sent there by the National Democratic Institute. I think this is the Institute that Jimmy Carter is associated with. They sent a consortium of representatives from democratic nations and they are now making the statements as a result of their experiences in Haiti that the Organization of American States, they are urging that the Organization of American States organize a peacekeeping force to help restore order in Haiti, once such a force gets the total support of the Haitian people. They are saying pretty much what I said, that it is necessary for the Haitian people with the electoral council speaking for the Haitian people to call for the multinational force.

Mr. Speaker, I also submit an article that appeared in today's New York Times.

I also submit an article which appeared in today's Washington Times for the CONGRESSIONAL RECORD. Both of them highlight various calls for immediate action in Haiti.

[From the New York Times, Dec. 2, 1987]

OBSERVERS, BACK FROM HAITI, ASK O.A.S.
TO RESTORE ORDER

(By Jon Nordheimer)

MIAMI, December 1.—An international delegation invited to observe the Haitian presidential election returned to Miami today and urged that the Organization of American States act promptly to restore order in Haiti.

The delegates, still shaken by the violence they witnessed in Haiti and by the abrupt cancellation of Sunday's election, said one of the options that the O.A.S. should consider is an international peacekeeping force to protect the Haitian people and political candidates from further violence.

"It should be an international force, not an American force," said Bryan Atwood, president of the National Democratic Institute, a consortium of representatives from democratic nations. The group was invited by the Haitian ruling party to observe the elections.

PEACEKEEPING FORCE

A peacekeeping force should be organized "if no other options work," Mr. Atwood, who headed the 18-member observer delegation, said at a news conference in Miami after the group returned from Port-au-Prince, the Haitian capital.

He stressed that the O.A.S. should first try to get the backing of the Haitian people and those leaders who have challenged the Government of Lieut. Gen. Henri Namphy before introducing a peacekeeping force.

He and the others in the delegation, who expressed shock and dismay at the violence they observed last weekend instead of the peaceful election promised by the Haitian leadership, expressed sorrow over the loss of Haitian lives and outrage at the violence.

"No one made any attempt to stop the violence," he said. "No arrests were made as far as I know. We were shocked that General Namphy would invite observers into Haiti and then expose us to this kind of violence. It is the ultimate in cynicism."

At the same time, heads of several Caribbean nations attending a regional economic meeting in Miami urged Haitian leaders to "establish a firm timetable" for presidential elections. Prime Minister Edward Seaga of Jamaica, conferring with leaders of St. Lucia, the Netherland Antilles and Aruba, issued a communique expressing disappointment with the events of the weekend and the bloodshed that accompanied it, but stopped short of recommending any external moves.

Richard Holwill, Deputy Assistant Secretary of State for Caribbean Affairs, who attended the meeting, was critical of the Haitian Government and army, saying, "We are particularly distressed that the army failed in its duty to protect the electoral process."

[From the Washington Times, Dec. 2, 1987]
INTERNATIONAL PEACEKEEPING FORCE ASKED FOR HAITI

(By James M. Dorsey)

A prominent candidate in Haiti's foiled presidential election called yesterday for intervention by an international peacekeeping force to ensure that a free and democratic poll can be held.

Sylvio Claude, leader of the Haitian Christian Democratic Party, was responding to a similar call by Delegate Walter E. Fauntroy, Democrat of the District of Columbia, sources close to the candidate said.

In Port-au-Prince, a number of other presidential candidates said privately they also favored the intervention in Haiti of an international peacekeeping force. They said Haiti's political climate did not allow them to say so publicly.

"It takes a lot of courage to endorse the idea publicly," said a Western expert on Haiti.

Earlier, three other candidates, including another front-runner, Louis Dejouie II, said they favored a "Haitian solution" rather than foreign intervention.

In street interviews earlier this week, residents of Port-au-Prince's Bel Air shantytown said they favored foreign intervention to secure free elections if such a move were not dominated by the United States.

"I would like several nations to participate in this thing. It should be multinational, not American-directed," said a young, unemployed technician.

"Intervention is no good, the National Governing Council is no good. But of the two evils, I'd prefer intervention," said another unemployed professional.

For a third young man, the issue was much simpler. "I would receive the Marines with flowers," he said.

A congressional grouping of black representatives issued a statement in Washington yesterday condemning the violence in Haiti and calling for creation of an international peacekeeping force to restore order in the country.

"We agree with the action of the administration in cutting off all but humanitarian assistance to Haiti and call on nations around the world to help bring an immedi-

ate cessation of these abhorrent acts," the 23-member Black Caucus said.

"To achieve this goal, we call for the establishment of an international peacekeeping force that would protect the citizens of Haiti in their efforts to elect a government of their own choosing and to isolate those who are determined to crush democracy," the statement said.

State Department spokesman Charles Redman said Washington was talking with fellow members of the Organization of American States on what to do about Haiti but a peacekeeping force was not among the reactions being discussed.

Mr. Redman told reporters the Haitian government should prosecute those responsible for Sunday's violence in which at least 34 people were killed and hold fresh elections.

In Costa Rica, Speaker of the House Jim Wright said yesterday he was opposed to a unilateral U.S. intervention in Haiti. But he did not rule out action by the OAS.

"Currently, there ought not to be a unilateral intervention by the United States," Mr. Wright said. "If there were any intervention, it ought to be done by the Organization of American States. But there really ought to be some certainty that the people of that unhappy land could be given an opportunity to express their will through the electoral process."

Prime Minister Edward Seaga of Jamaica told The Washington Times from Miami there still was plenty of room for a dialogue with Haiti before a peacekeeping force should be recommended.

Mr. Seaga has convened a meeting of Caribbean nations there to review the situation in Haiti.

"The appetite of the Haitian people has been awakened for democracy," he said. "The call of the people will be heard again. If the people's call is not answered, if they seek it, the country could become ungovernable. We are trying to avoid that. That's why the Caribbean is taking the lead."

But the Jamaican prime minister warned that "one can exercise dialogue beyond the point of patience."

Haiti's long-awaited elections were canceled Sunday after a bloodbath broke out in the streets of the nation's capital.

Haiti's military-dominated government justified Sunday's dissolution of the Provisional Electoral Council on the grounds that it had sought foreign interference in the island nation's internal affairs.

The council is an independent body established under the constitution adopted in March and charged with organizing Haiti's first democratic elections in almost 30 years. The council canceled the elections on Sunday after at least 34 people were killed in attacks by the military and Ton-Ton Macoutes—supporters of former dictator Jean-Claude Duvalier—as voters queued in front of polling stations.

The Provisional Electoral Council—which the ruling junta said it had dissolved—declared yesterday that any election held without its supervision would be illegal.

"I reject without hesitation as false the accusation that we overextended our right . . . and invited foreign countries to intervene in our national affairs," Radio Metropole quoted Alain Rocourt, a Methodist priest who serves as the Provisional Electoral Council's treasurer, as saying.

It was Mr. Rocourt's first statement since Sunday's bloody events. Like his eight fellow council members, Mr. Rocourt had gone into hiding to avoid the government's wrath.

"The Haitian people who stated their total trust in the Provisional Electoral Council by massively registering to vote have given a formal denial to the enemies of the council," Mr. Rocourt said.

Several presidential candidates, including Mr. Claude and Marc Bazin, a former World Bank official who heads the Movement for the Installation of Democracy in Haiti, rejected the holding of elections under auspices of the government.

Haitian President Lt. Gen. Henri Namphy vowed Sunday to hold elections for a new head of state and a two-chamber Parliament within the constitutionally mandated period of time. Haiti's constitution calls for the takeover of power by a democratically elected president on Feb. 7 of next year.

In a telephone interview, Mr. Fauntroy said here he had bipartisan support in Congress for a draft resolution that calls on the United Nations, the Organization of American States, the Organization of Eastern Caribbean States and the Caribbean Economic Community to send an international peacekeeping force to Haiti. The resolution also calls for an economic embargo of the island republic.

The House and Senate are expected to vote on the resolution later this week or early next week, Mr. Fauntroy said.

He said he had discussed the proposal with Assistant Secretary of State Elliot Abrams, who had expressed "reservations about our giving some leadership in putting together such a force."

He said neither Mr. Abrams nor key officials in various Caribbean nations had rejected his proposal out of hand. "Everybody is keeping an open mind," Mr. Fauntroy said.

In closing, Mr. Speaker, I want to state what I have said several times already. In the final analysis, there will be freedom in Haiti. We know there will be freedom. There will be a democratically established government, because the Haitian people, 5 million people, have made it quite clear that they will no longer tolerate oppression. Either we are going to assist them and limit the amount of bloodshed that takes place and lessen the time which it takes to establish such a government, or they are going to do it by themselves over a longer period of time.

I would like to see our great Nation take the leadership and come to the relief of these people who are indicating that they want democracy. We are the guardians of democracy in the world. We must recognize that our Nation in this hemisphere was one of the first to establish its independence and establish a democratic government, but we also had a partner, and that partner was Haiti.

Toussaint L'Ouverture in Haiti rose up and threw out the French and established an independent Haiti as the first black republic in the world, and one of the first republics, first independent republics in this hemisphere. These are the descendants of Toussaint L'Ouverture calling for our help. I think as a great nation, as the guardian of democracy on this planet, we cannot turn our backs. We must make possi-

ble free elections in Haiti. We must lead peaceful intervention in Haiti.

Mr. CONYERS. Mr. Speaker, Haiti's first free elections in more than three decades have been thwarted by the murderous remnants of the tyrannical Duvalier dictatorships. Duvalier may be gone, but "Duvalierism" goes unabated. The United States should act now to ensure that the chance for democracy does not slip away, and it should act multilaterally.

Throughout election day, armed gangs, including the supposedly disbanded Duvalier paramilitary force known as the Ton-Tons Macoutes, prowled the streets of Haiti, shooting and hacking to death more than two dozen Haitian voters, sabotaging radio stations, and destroying polling places. Yet, the Haitian Army was either nowhere to be found or actively assisting in the violent attacks.

Clearly, the military must have anticipated that there would be violent attempts to disrupt the elections. In the weeks leading up to the election, Presidential candidate Yves Volel was assassinated on the doorstep of a Haitian police station. Another candidate, Louis Eugene Athis, was hacked to death by a mob apparently led by a constable.

At the same time, the army looked the other way as antielection terrorists attacked innocent civilians in and around the capital city of Haiti. After enraged citizens formed their own protection groups to fight back against the marauders, the army quickly stepped in. On election day, the army soldiers apparently tried to finish off wounded voters that the Ton-Tons Macoutes had failed to kill. Clearly, there was a concerned effort on the part of the army and the terrorists to stop the elections, and to force military rule upon the people of Haiti.

Despite the violence, the Haitian people were resolute; some voters continued to stand in line, even at polling stations that had already been sprayed with gunfire. Unfortunately, that was not enough. By the end of the day, the National Council of Government had disbanded the Provisional Electoral Commission and abrogated all electoral laws. There can be no doubt that the military has short circuited the democratic aspirations of the Haitian people to satisfy its own lust for power.

What is so disheartening is that the elections could have been a reality if the United States and our Western allies had not been so indifferent to the plight of our international neighbor. The Reagan administration waited until after the election day fiasco before moving forcefully. Now that we have cut off all nonhumanitarian aid to the Haitian National Government, we must continue to press for elections in Haiti. I will soon introduce a resolution calling on all of our Western allies, the United Nations and the Organization of American States to join in the support of the Haitian people in their quest to bring democracy to their nation.

Mr. TOWNS. Mr. Speaker, I want to lend my support to my colleagues who have called for increased sanctions against the National Governing Council of Haiti. Sunday's election violence was clearly aided and abetted by the government's security forces. Moreover, Gen. Henry Namphy's dismissal of the Provisional Electoral Council is not only unwarranted but it also violates the Haitian Constitution which

was overwhelmingly ratified by the Haitian people in March of this year.

Perhaps even more disturbing than the violence on Sunday are today's Washington Post articles by Julia Preston. These articles suggest that U.S. Embassy officials were ill-informed about the government and the Army's attitudes toward the election. One would certainly hope that our State Department officials will make every effort to gather extensive information from nongovernmental as well as governmental sources so that they can better assess the current circumstances in that country.

Finally, I would like to personally urge the State Department to implement extensive economic sanctions which should include but not be limited to an international arms embargo; removal of C.B.I. eligibility; freezing assets of the Haitian government and canceling commercial credit by U.S. banks. We should also urge our representatives in the various multilateral institutions to oppose any future loans to Haiti as until there is a duly elected civilian government in place.

Now is the time for our Government to demonstrate as much concern for democracy in Haiti as they have promoted in Nicaragua and Grenada. We should do everything possible to ensure that the flames of democracy do not perish in Haiti.

Mr. DYMALLY. Mr. Speaker, men and women of integrity have but one option in standing up for what is morally just and deplored that which is morally reprehensible. I stand in the well today knowing that innocent men and women lie victims of inexplicable violence in a nation torn apart by madness. The Government of Haiti has displayed to the world the most abhorrent behavior. People of conscience must come to the fore to condemn and isolate these international despots.

We have heard the will of the people expressed by the passage of the Haitian constitution, which established a mandate for a democratic electoral process. In the face of this dictate, agents of the military regime have acted as tyrants. I am horrified and angered that those who would make claim to governance would respond to the mandate of the people by the barrel of the gun and the blade of the hatchet.

The wanton slaying of men and women seeking merely to exercise the constitutional right to vote, brings to life the statement of philosopher Reinhold Niebuhr who offered that "Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary."

For the record, let me again express as chairman of the Congressional Black Caucus, the outrage which my colleagues and I share at the conduct of the military forces and blatant violence of the Ton Tons Macoute in the abortive elections on Sunday, November 29, 1987, in Haiti. They have violated the most basic of human and civil rights in deliberately destroying the democratic electoral process and the will of the people of Haiti. Justice and democracy have been trampled, and the atrocities and the horror which have been witnessed by the international community demand immediate response.

The action of the administration in cutting off all but humanitarian aid to Haiti is a most

appropriate initial step. We call on nations around the world to help bring an immediate end to these abhorrent acts. It is imperative that we establish an international peace-keeping force which will protect the citizens of Haiti in their efforts to elect a government of their own choosing and to isolate those determined to crush democracy.

As this island nation's neighbors in the Western Hemisphere, we must fulfill our responsibility to let the people of Haiti know they are not alone. The arrogance and actions of the forces of violence in operating outside the constitution and laws of Haiti must be addressed, and that response must be united and immediate. More than 100 years ago Susan B. Anthony advanced the question which we reiterate today and I quote: "For how can the consent of the governed be given, if the right to vote be denied?"

Mr. FLAKE. Mr. Speaker, let us not forget that our great country has always provided a sanctuary for individuals seeking refuge from oppressive regimes. It is the responsibility of this country on its 200th anniversary to honor its commitment to guarantee democracy and freedom for all people.

Given the political climate and civil unrest that exist in Haiti today, the United States should increase the number of Haitian refugees permitted to emigrate to this country. Because of the violence inflicted on Haitian citizens attempting to participate in a democratic process, the United States has no alternative other than to open its doors to Haitian refugees seeking political asylum. Further, this country should grant a temporary stay of deportation to illegal Haitian aliens until the political climate in Haiti improves.

GENERAL LEAVE

Mr. OWENS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my special order tonight.

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

There was no objection.

NEED FOR DISCLOSURE BY THE INSURANCE INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 60 minutes.

Mr. LAFALCE. Mr. Speaker, one of the major problems that we face as legislators in developing appropriate public policy solutions to the recent liability insurance crisis is a lack of empirical data to determine the causes of the crisis. There is, of course, a great deal of data collected by the insurance industry, but it is not available in any useable form to the public. Thus, there is no way to confirm or verify their claims that an increase in tort litigation is responsible for the crisis. In order to provide the public with the necessary data to determine the causes of the crisis and to help the Congress develop appropriate public poli-

cies to ensure that a precipitous future crisis will not occur, I am introducing today the Insurance Information Disclosure Act of 1987.

STATEMENT OF PROBLEM

From 1984 through 1986, hundreds of thousands of businesses, municipalities, and individuals were negatively affected by the liability insurance crisis. These groups experienced extreme difficulty in finding adequate liability insurance coverage; and when coverage was obtained, it was often at several times the previous cost.

Even today, problems still exist with regard to the affordability and availability of liability insurance. Availability of coverage remains particularly acute for medical malpractice, directors and officers of companies, products liability, pollution and hazardous wastes liability, day care centers, nurse-midwives, governmental entities, and trucking operations.

With regard to the affordability of liability insurance, A.M. Best reports that premiums for commercial liability insurance rose an average 79 percent in 1985 and about 73 percent in 1986. In many cases, premiums jumped by as much as 300 to 1,000 percent in certain lines of insurance.

This liability insurance crisis led me to hold a series of congressional hearings on the causes of the liability insurance crisis during 1986 and the spring of 1987. I believed then, and still believe now, that the first step in determining the cause or causes of the crisis is to get the necessary data.

The insurance industry and the Reagan administration have argued that the cause of the crisis is an increase in tort litigation. Therefore, during the course of my hearings, I continually requested representatives of the insurance industry for data to substantiate its arguments regarding the frequency and severity of tort litigation and the impact on industry profitability. In particular, I requested information on the industry's actual losses by line and class of business over the past few years, as well as the number of liability claims per year, the number of liability lawsuits, and the number and dollar amount of claims paid, broken down by stage of settlement and verdicts.

However, I have not yet seen this data from the insurance industry. While the insurance industry collects enormous amounts of data—for example, the Insurance Services Offices, Inc. alone has insurance company information that, if stacked end to end, would be equivalent to 6½ times the height of the World Trade Center—it appears that it can produce absolutely no data to confirm their claim that there has been a litigation explosion or to show that any proposed tort reforms would produce sizable benefits to the insurance consumer.

In contrast to the lack of empirical information presented by the insurance industry, expert witnesses from the National Center for State Courts and Jury Verdict Research presented evidence that there has been no explosion in tort litigation. Instead, Robert Roper, author of the study conducted by the National Center for State Courts, has stated that there is not one shred of evidence to indicate there is a litigation explosion in the State court systems, where 95 to 98 percent of tort litigation takes place. Instead he found that the in-

crease in tort filings has been in line with the increase in population.

It may be that for some lines and classes of liability insurance, and in some States, the number and size of claims paid has dramatically increased in recent years, which would indicate that noninsurance factors may be in part responsible for insurance industry price increases and refusals to provide insurance. On the other hand, the number and size of claims paid may not have increased dramatically, thus suggesting that it is the insurance industry's own financial and underwriting practices that are a major cause of this crisis.

We need this empirical information before we can determine the appropriate legislative response(s) to this crisis. The bill which I am proposing today would provide us with this necessary information.

BENEFITS OF DISCLOSURE

The insurance industry argues that any Federal data collection effort would involve more costs than benefits, especially to American consumers. Four major arguments in opposition to the collection of insurance data at the Federal level have been raised by the insurance industry in hearings before Congress. I would like to briefly summarize these four major arguments and present a rebuttal to each of them.

First, the insurance industry argues that it already provides a great deal of data to public officials, especially at the State level. Therefore, they argue that any Federal data collection bill would be duplicative or irrelevant.

I would agree that the insurance industry collects a massive amount of data that is used to develop its rates and premium costs. However, most of the data that we need is not currently provided in any coherent fashion to any public regulatory official.

For example, data on the insurance line entitled "Commercial General Liability" is provided by insurers in their annual statement to State regulators only in an aggregate form called other liability. The Insurance Services Office testified before the Small Business Committee that this line of business is composed of approximately 1,400 sublines or classes of insurance, which includes products liability; professional liability such as Owners, Landlords & Tenants, Manufacturers & Contractors, Directors & Officers, Day-Care Centers. These are the sublines of insurance that were considered the most troubled with regard to availability and affordability during the recent crisis. Because we do not have any detailed data on the number or amount of claims broken out by subline, it is impossible for us to determine whether any of these sublines should be treated differently in the development of appropriate solutions to the crisis.

We also lack data to ascertain the validity of certain perceptions about the legal system. Even though we have not seen empirical data to support the argument regarding an increase in tort litigation, this argument still dominates the perceptions of many public officials, insurance industry underwriters, and others. Such perceptions may also have been responsible for the enactment of tort reform legislation by over 30 States during the past year.

The insurance industry has data on the amount of the verdict and the amount the insurance company paid to the injured person

after verdict. We need information such as this to ascertain if the amounts paid to injured parties have actually increased over time, and if so, in what lines and sublines of insurance the increases have occurred.

My proposed bill would also require the disclosure of information by insurance entities which do not currently provide this information to anyone, such as self-insurers, risk retention groups, and nonadmitted carriers. The purpose of this is to ensure that we are collecting all of the necessary data to determine whether there is any relationship between the civil justice system and insurance costs.

The data that is requested is also highly relevant to the insurance industry's rate-setting function. Information on future costs of tort litigation are considered by the industry in setting its rates, as well as any potential impacts of various tort reforms on insurance costs. Therefore, the information that is requested in the bill on the frequency and severity of tort litigation is extremely relevant to the industry's own actuarial practices in setting rates.

Second, the insurance industry argues that any new data collection effort would be too burdensome and costly both for insurance companies and for the Federal Government.

In response, I want to assure the insurance industry that I do not intend to create any major dislocations in the insurance marketplace by imposing any major new reporting formats or other changes that would prove extremely burdensome or costly to them. It is my intent, as explicitly stated in my proposed bill, to work very closely with the National Association of Insurance Commissioners, as well as the insurance industry itself, to develop appropriate definitions, regulations and procedures. A full rulemaking hearing would be conducted by the SBAAdministrator prior to the promulgation of any regulations to ensure the participation of all interested parties in the proceedings.

In addition, the Administrator of the SBA would work closely with the NAIC in the development of a statistical methodology each year to collect the closed claims data and in the determination of the lines and sublines of insurance to be included in the reporting requirement.

The closed claims information would also be collected based on a random sampling process. Thus, insurers would not be required to report all closed claims information, but rather only a percentage of claims for the following categories: below \$10,000, from \$10,000 to \$25,000, and above \$25,000.

Third, the insurance industry argues that if additional data is needed, it should be collected by the States and not by the Federal Government. In fact, data collection laws have been enacted by 18 States during 1986.

The problem is that there is no uniformity among these State insurance data bills. The bills differ not only with regard to the type of data but also the amount of data that will be reported to the State regulatory officials. For example, the Arizona law basically says that data reporting will be required, and leaves it to the State insurance commissioner to decide when, where and how it will be carried out. In contrast, the Florida law asks not only for premium and claims totals, but for claims infor-

mation in 17 different categories on every liability claim on policies written in Florida.

This lack of uniformity among data reporting requirements is not only inefficient, it also places an onerous burden on the insurance companies themselves to comply with many different reporting formats, procedures and jurisdictions. Given that the insurance industry argues that the reporting of this data to the Federal Government would be too costly and too burdensome for them, one might expect that reporting all of this additional information to 51 separate jurisdictions would be even more problematic from their point of view.

It is inconsistent for insurers to argue that the reporting of this data to the Federal Government would be too costly, but that providing it to the States would not be too costly for them or for the States. Instead we have seen that one of the major reasons for the formation of statistical organizations such as ISO is because the States did not want to incur the costs of collecting the insurance data themselves. Therefore, it makes more sense from an economic and efficiency point of view to require insurance companies to disclose this information to one central repository, such as the Federal Government, which can in turn provide it to the State regulatory officials at no cost to them.

Perhaps the central issue for insurers is that if the Federal Government begins to collect this information, they are concerned this will lead to Federal regulation of the insurance industry. While I can understand this concern, I want to emphasize that disclosure of insurance information to the Federal Government is not the same as Federal regulation of the insurance industry.

Currently, insurers provide some information to the Federal Government through the filing of Federal income tax forms with the Internal Revenue Service and the disclosure of loss reserve information to the Securities and Exchange Commission. Providing information to these Federal agencies has not led thus far to Federal regulation of the industry. I also see little support in Congress for Federal regulation of the industry; and it is not politically viable given the States' incentives to maintain control over the taxing and licensing of insurance companies.

It is also important to point out that other industries provide substantial amounts of data to the Federal Government, such as credit card companies, and banks through truth in savings and lending laws. Therefore, there is no reason to treat the insurance industry differently from other financial institutions when it comes to the disclosure of information.

Fourth, the industry argues that consumers would not benefit at all from any additional financial disclosure by the industry at the Federal level. Rather the industry argues that the additional costs of disclosing this information will ultimately be borne by consumers, which will harm rather than benefit them.

I would argue that the benefits to consumers of enacting this bill would outweigh any possible costs. After all, it is the consumers who were injured by the recent liability insurance crisis and who were unable to obtain necessary liability insurance coverage or only at exorbitant rates. With the enactment of this bill, we would have, for the first time, the

necessary information available to ascertain whether an increase in tort litigation was truly a cause of the recent liability insurance crisis. If we find that there has been an increase in tort litigation, particularly in certain lines of insurance, then tort reform is a solution to the problem. But if we find that there has not been a substantial increase in tort litigation costs, then we must look to other solutions to protect the American consumer. Either way, the consumer wins—because we will have the empirical evidence to develop appropriate legislative solutions.

For the future, we would have the necessary data to continue to monitor the relationship between the civil justice system and insurance costs. Thus the consumer would continue to derive immense benefits from the disclosure of this insurance information to help ensure that such a future precipitous crisis would not occur.

TIMELINESS

Consideration of the Insurance Information Disclosure Act of 1987 is particularly important at this time. The Energy and Commerce Subcommittee on Commerce, Consumer Protection and Competitiveness is currently considering product liability tort reform in response to the recent crisis. However, any resolution of the crisis is incomplete if we only discuss tort reform. Even more important might be reform of the practices of the insurance industry itself.

While I am not calling for specific reform of these industry practices today, it is clear that we need additional information from the insurance industry in order to make intelligent public policy decisions. The industry cannot argue for relief as a response to the recent crisis without providing us with the empirical basis to support such action. Before Congress enacts any Federal tort reform legislation, we must have reliable empirical data to substantiate that this is the solution to the crisis. While I believe that some type of product liability reform may be useful in order to provide needed uniformity and coherence in our laws, I do not believe that Congress should enact a product liability bill without at least the accompaniment of a data disclosure requirement by the insurance industry.

The bill I am introducing today should be considered, at the very least, in any discussion of proposed legislative solutions to the liability insurance crisis. This bill is also extremely worthy of consideration on its own merits, regardless of anyone's viewpoint on the causes of the crisis. The disclosure of information by the insurance industry is an appropriate requirement for an industry that expects the Federal Government to assist it during times of marketplace instability, but leave it alone during times of great profit. The industry cannot "have its cake and eat it too." It must play fairly by the rules of the game and provide the necessary information to ensure that we enact appropriate public policy solutions to any liability insurance problems.

SUMMARY OF PROPOSED LEGISLATION

The major purpose of the proposed "Insurance Information Disclosure Act" is to provide for the collection of reliable and valid data to assist in determining whether there is any relationship between liability insurance cost and the civil justice system. The act would assist

the States in analyzing this relationship by requiring insurers to disclose certain specified information to the Administrator of the Small Business Administration [SBA]; and, based on this information, the Administrator would prepare an annual report to monitor whether there is any relationship between the civil justice system and the cost of providing commercial insurance coverage.

The bill requires the filing of two separate types of disclosures by any primary liability insurance entity which is admitted or authorized to do business or doing business writing liability insurance in the United States. These two disclosures would consist of (a) liability insurers claims disclosures, and (b) liability insurance closed claims disclosures.

The liability insurers claims disclosure includes information on the frequency and severity of tort litigation. Information that is critical to determine whether there is any empirically demonstrated correlation between the liability crisis and the existing tort system would be provided here. Such information would include: The number and dollar amount of overall property/casualty liability claims by specific line and class of coverage; the number of liability lawsuits by specific line and class of coverage; the number of liability cases that actually make it to a jury; the number of suits won by the plaintiff and by the defendant; the results on appeal; remittitur; additur; amount and terms and settlement; and number of claims closed without payment. This information would be provided by State and for the Nation as a whole.

The liability insurance closed claims disclosures is comprised of a random sampling of closed claims data on a quarterly basis by primary insurers. At the beginning of each calendar year, the SBA Administrator, in consultation with the National Association of Insurance Commissioners [NAIC], would develop a statistical plan with regard to how this closed claims information would be disclosed based on a random sampling process.

The bill divides closed claims into the following three categories: (a) those under \$10,000; (b) those from \$10,000 to \$25,000; and (c) those over \$25,000. For claims under \$10,000, the insurer would only have to provide aggregate data with regard to the total number of claims and dollar amount paid out. For claims that range from \$10,000 to \$25,000, the insurer would have to file only summary claims reports. For those claims over \$25,000, the insurer would disclose specific information, for example, on the type, number, and dollar amount of closed claims.

This information would be reported to the Administrator of the Small Business Administration. We have found that the recent liability insurance crisis harmed the financial stability of small business, in particular, and the continuing insurance marketplace instabilities continue to have a detrimental impact on the ability of small business to adequately carry out its functions. The SBA has been actively involved in analyzing the impacts of this crisis upon small business, so it has a unique role and interest in analyzing the causes of the recent crisis and in monitoring any relationship between the civil justice system and the cost of liability insurance.

The bill requires the Administrator of SBA to issue a report at the end of each calendar year that analyzes the information disclosed by the insurers on a State and national basis to determine whether there is any relationship between the civil justice system and the cost of liability insurance. This report would be sent to the President, Congress, Comptroller General, Secretary of Commerce, Chairman of the Securities and Exchange Commission [SEC], and the Federal Trade Commission [FTC], Governor of each State for transmittal to the State insurance regulatory officials, NAIC, and Director of the Congressional Research Service. Copies would also be made available to the public.

This proposed legislation has been developed as a result of extensive discussions with a variety of insurance analysts, representatives, regulatory officials, and other interested parties. Although there are a number of important public policy issues concerning the insurance industry, this legislation addresses only the relationship between the civil justice system and the cost of liability insurance. It does not examine additional causes of the recent crisis, such as cash flow underwriting practices of the industry or macroeconomic factors. It also does not intrude on State regulatory functions with regard to the collection of ratemaking data or financial data to ensure the solvency of insurance companies.

Even though the bill's purpose is limited in scope, the enactment of such a bill should provide benefits not only to consumers, but also to the insurance marketplace through increased stability due to a better understanding of any relationship between the civil justice system and insurance costs.

Mr. Speaker, the full text of the legislation follows:

H.R. —

A bill to provide for the disclosure of certain insurance data to the Small Business Administration in order to facilitate assessment of any relationship between liability insurance cost and the civil justice system, and for other purposes

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Insurance Information Act of 1987".

SECTION 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) liability insurance, as the primary method of managing business-related risks, is recognized as one of the foundations of the nation's commerce;

(2) the instability in the insurance marketplace is not merely a problem for the various States but is also a national problem that has a profound impact on the functioning of the American economy, in general, and upon small business, in particular;

(3) no independently verifiable data-gathering body exists within the Federal Government to analyze the causes of the instability within the insurance marketplace, especially with regard to the recent liability insurance crisis; and

(4) since one of the major alleged causes of this recent crisis is an increase in tort litigation nationwide, additional information is needed regarding the relationship between liability insurance cost and the resolution of liability insurance claims through the civil

justice system; and such information is also needed to assist the States in analyzing whether any relationship between liability insurance cost and the civil justice system affects the availability and affordability of liability insurance.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for the collection of reliable and valid data to assist in determining whether there is any relationship between liability insurance cost and the civil justice system;

(2) to assist the States in analyzing such a relationship by requiring insurers to disclose data specified in this Act to the Administrator of the Small Business Administration; and

(3) to assist the President, the Congress, and the States by requiring the Administrator to report and analyze the collected data in an annual report that will assist in determining whether there is any relationship between the civil justice system and the cost of providing liability insurance coverage.

SEC. 3. LIABILITY INSURERS CLAIMS REPORT.

(a) IN GENERAL.—(1) Each insurer which provides primary liability insurance coverage shall disclose to the Administrator the information described in subsection (b). Such disclosure shall be made on or before May 1 of each calendar year, beginning with the calendar year which begins after the issuance of regulations under section 7. The information shall be provided in detail—

(A) on a line-by-line basis for the nation as a whole, and State-by-State, and

(B) as provided under regulations issued under section 7, on a subline-by-subline or class-by-class basis for the insurance categories listed in paragraph (2).

(2) The disclosure required by this section shall include (but not be limited to) information described in subsection (b), categorized under the following types of insurance written by an insurer:

(A) Commercial general liability insurance.

(B) Medical professional liability insurance.

(C) Professional liability insurance (other than medical professional liability insurance).

(D) Commercial automobile liability insurance.

(E) The liability component of commercial multiperil insurance coverage.

(F) Product liability insurance.

(G) Any other category of liability insurance designated for disclosure by the Administrator (in consultation with the National Association of Insurance Commissioners).

(3) Each disclosure shall contain information for the calendar year preceding the calendar year in which such disclosure is provided, except that, with respect to the first disclosure, information shall be provided for the preceding 5-year period.

(4) Each disclosure shall be accompanied by a certificate of an independent public accountant verifying the accuracy of such disclosure.

(b) INFORMATION TO BE DISCLOSED.—The information required to be disclosed by an insurer under subsection (a) is the following:

(1) Direct premiums written.

(2) Direct premiums earned.

(3) Net investment income, determined in accordance with guidelines issued by the Administrator.

(4) Net underwriting gain or loss.

(5) Net operating gain or loss, including net investment income.

(6) Claims incurred by the insurer, developed as the sum of—

(A) dollar amount of claims closed with payment; plus

(B) reserves for reported claims at the end of the current calendar year; minus

(C) reserves for reported claims at the end of the previous calendar year; plus

(D) reserves for incurred but not reported claims at the end of the current calendar year; minus

(E) reserves for incurred but not reported claims at the end of the previous calendar year; plus

(F) loss adjustment expenses for claims closed; plus

(G) reserves for loss adjustment expense at the end of the current calendar year; minus

(H) reserves for loss adjustment expense at the end of the previous calendar year.

(7) Specific data for each of the categories under paragraph (6).

(8) Total number of claims paid and specific dollar amounts broken down as follows:

(A) Above \$1,000,000, with each claim above \$1,000,000 enumerated separately.

(B) \$500,000-\$1,000,000.

(C) \$100,000-\$50,000.

(D) \$50,000-\$100,000.

(E) \$10,000-\$50,000.

(F) Under \$10,000.

(G) Claims closed without payment.

(9) The number of claims paid and the amount paid in claims pursuant to (A) settlements made before a complaint is filed, (B) settlement made after a complaint is filed but before a verdict is reached, (C) awards specified in verdicts (allocated separately for judge and jury verdicts), and (D) settlements made after verdict.

(10) The total amount rendered in verdicts, and the total amount actually paid out pursuant to verdicts.

(11) The amount paid out in economic damages, compensatory noneconomic damages, and punitive damages, tabulated by size of economic damage and by type of injury.

(12) For court actions in which the insurer is a party, the number and dollar amount of claims paid during the calendar year in which parties other than the insured had been found liable by the trier of fact.

(13) For claims in which parties other than the insured had been found liable by the trier of fact, the amount by which the payment of damages made by the insurer exceeded the amount of a damage payment which would be attributable to the insured's degree of fault for the injury.

(14) For claims paid by the insurer during the calendar year—

(A) the amount of punitive damages assessed against the insured by the jury;

(B) the amount of punitive damages ultimately paid by the insurer; and

(C) the amount of punitive damages ultimately paid by all parties.

(15) The number and total dollar amount of claims closed with payment by calendar year incurred and the total amount reserved for each claim at the end of the previous calendar year and the total amount of such claims payable by reinsurance.

(16) The number of claims closed without payment by calendar year incurred and the dollar amount reserve for each claim at the end of the previous calendar year.

(17) The number of claims pending at the end of each calendar year and the amount reserved for each claim.

(18) Actual loss adjustment expenses allocated separately according to—

(A) fees or salaries paid to claims adjusters;

(B) fees paid to investigators;

(C) travel and other expenses, and

(D) legal fees, including fees paid to defense counsel and other expenses related to litigation, including, but not limited to, discovery costs and expert witness fees.

(19) Actual incurred expenses allocated separately for unallocated loss adjustment, commissions, other acquisition costs, general office expenses, taxes, licenses, fees, and all other expenses.

(20) Such other information as the Administrator deems necessary under this section.

SEC. 4. LIABILITY INSURANCE CLOSED CLAIMS REPORTS.

(a) **IN GENERAL.**—(1) Each insurer which provides primary liability insurance coverage shall disclose to the Administrator the information described in subsection (b). The Administrator shall, in consultation with the National Association of Insurance Commissioners, develop a statistical plan at the beginning of each calendar year that would provide information concerning—

(A) the proportion of closed claims, and

(B) the manner of selection of claims concerning which insurers should disclose information described under paragraphs (2) through (5) based on a stratified random sampling process.

(2) Information shall be provided by insurers to the Administrator, on a quarterly basis, beginning with the first calendar quarter which occurs during the calendar year beginning after the issuance of regulations under section 7.

(3) Not later than the 10th day after the last day of the calendar quarter in which claims for recovery under a liability insurance policy are closed, the insurer shall file with the Administrator closed claims reports (for those claims selected based on a stratified random sampling process) on a form prescribed by the Administrator for such closed claims if the indemnity payment made on such claims was \$25,000 or more for bodily injury.

(4) The Administrator may require the insurer to include in a closed claims reports filed under this section information relating to payments made for property damage and other damage on the claims.

(5) For closed claims under liability insurance policies for which the insurer makes indemnity payments under the coverage for an amount less than \$25,000 but more than \$10,000 for bodily injury (as selected based on a stratified random sampling process), the Administrator shall require the insurer closing the claims to file summary claims reports of the claims. The reports shall be filed on a form prescribed by the Administrator not later than the 10th day after the last day of the calendar quarter in which claims for recovery under liability insurance policies covered by this subsection are closed.

(6) For closed claims under liability insurance policies for which the insurer makes indemnity payments for an amount of \$10,000 or less for bodily injury (including claims for which no indemnity payment is made on closing), as selected based on a stratified random sampling process, the Administrator shall require the insurer closing the claims to file a report (on a form and in a manner prescribed by the Administrator) containing the total pertinent figures for all such claims closed within the calendar year,

including, in summary form, at least the following information:

(A) The aggregate number of claims, including the aggregate number of claims closed with payment.

(B) The aggregate dollar amount paid out.

(b) **CONTENT OF CLOSED CLAIM REPORT.**—The closed claim report form prescribed by the Administrator for reports under subsection (a) shall include provisions for reporting—

(1) information relating to the identification of the insurer;

(2) information relating to the identification of the claim, including—

(A) the State in which the claim was filed with the insurer (without regard to whether the claim was adjudicated by a court);

(B) the claim identification number;

(C) the policy year or years to which the claim relates;

(D) the date on which the claim was opened and the date on which the claim was closed;

(E) the standard industrial code of any covered business;

(F) the type of coverage;

(G) relationships to other claims, which includes insurer codes of other insurers who are involved in the claim; and

(H) reserves for the claim;

(3) information relating to the liability insurance policy, including—

(A) the type or types of insurance;

(B) the amounts of various policy limits;

(C) whether the policy was an occurrence policy or a claims-made policy, and

(D) the classification of the insured;

(4) details concerning any injury, damage, and other losses that were the subject of the claim, including—

(A) the types of injuries, damages, and other losses;

(B) the site and manner of injuries, damages, and other losses, and

(C) whether an injury was work-related;

(5) details concerning the claimant, such as age, sex, State of residence, and occupation;

(6) details relating to the claims process, including—

(A) whether suit was filed;

(B) the identification of the court in which suit was filed (whether Federal or State court);

(C) whether attorneys were involved;

(D) the stage at which the claim was closed, and whether the claim was settled out-of-court and, if so, at which stage in the proceedings;

(E) any verdict reached by the court;

(F) information relating to appeals, and

(G) the number of defendants;

(7) details relating to the amounts paid on the claim, including information relating to—

(A) the award sought in any court action;

(B) total amount of a court award;

(C) the amount paid by the insurer;

(D) amounts paid by other insurers;

(E) amounts paid by other defendants;

(F) collateral sources;

(G) structured settlements;

(H) the amount of economic and noneconomic compensatory damages, reported by category;

(I) the amount of prejudgment interest;

(J) amounts paid for defense costs;

(K) amounts paid for punitive damages, and

(L) amounts of allocated loss adjustment expenses, reported by category;

(8) the name and address of any company, association, or exchange which reinsurance

any part of the closed claim; the coverage provided, restrictions on such coverage, and loss retention per risk, if applicable; and

(9) any other information that the Administrator determines to be significant for purposes of this Act.

SEC. 5. REPORT OF THE SBA ADMINISTRATOR.

(a) **IN GENERAL.**—(1) The Administrator shall, not later than December 30 of each year during which disclosure is required under sections 3 and 4, issue a report which summarizes the information disclosed under such sections, as compiled and analyzed in accordance with subsection (b).

(2) A copy of such report shall be sent to—

(A) the President;

(B) the Congress;

(C) the Comptroller General;

(D) the Secretary of Commerce, the Chairman of the Securities and Exchange Commission, and the Chairman of the Federal Trade Commission;

(E) the Governor of each State, for transmittal to the State insurance regulatory official;

(F) the National Association of Insurance Commissioners; and

(G) the Director of the Congressional Research Service.

(3) Copies of such report shall be available for distribution to the public upon request.

(b) **CONTENTS OF THE REPORT.**—The data shall be compiled and analyzed on State and national bases. The compiled data shall be reported as follows:

(1) Compiled for each class of business conducted.

(2) Analyzed for any relationship between the civil justice system and the cost of liability insurance.

(3) Any other analysis of such information deemed necessary by the Administrator and the Congress for the purposes of this Act.

(c) **RESTRICTION ON DISCLOSURE.**—Information included in individual closed claim reports and individual summary claims reports submitted by insurers is confidential and may not be made available to the public. Such information may be examined by the individuals and agencies listed in subsection (a).

SEC. 6. PENALTY.

Any person who—

(1) fails to file a report in accordance with the requirements of this Act (and regulations promulgated under this Act), or

(2) knowingly makes any false statement or omission of fact in such a report, shall be fine not more than \$50,000, imprisoned not more than 3 years, or both.

SEC. 7. REGULATIONS.

Within 6 months after the date of the enactment of this Act, the Administrator shall hold a public hearing of all interested parties to obtain any necessary additional information before the issuance of regulations to implement this Act. Within 60 days after the completion of the hearing, the Administrator—

(1) shall issue such regulations as may be necessary to implement this Act;

(2) shall develop standard and uniform definitions for information required to be submitted to the SBA;

(3) shall issue a list of standard classes of business for which insurers shall report data under this Act; and

(4) shall develop a uniform reporting form which will be used by insurers for disclosing the information required under this Act.

SEC. 8. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "insurer" means—

(A) an insurance company or other entity admitted to do business or authorized to do business, or doing business writing liability insurance in any State, including county mutual insurance companies, Lloyd's plan companies, and reciprocal or interinsurance exchanges; and

(B) any pool, joint underwriting association, or self-insurance mechanism or trust which insures its participants, subscribers, or members against liability;

(3) the term "primary liability insurance" means those types of insurance referred to in subparagraphs (A) through (G) of section 3(a)(2), but such term does not include reinsurance;

(4) the term "reserves" means money or other value set aside for payment of a claim; and

(5) the term "State" means any State of the United States or the District of Columbia.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRYANT (at the request of Mr. FOLEY), for today, on account of official business.

Mr. MONTGOMERY (at the request of Mr. FOLEY), for today and the balance of the week, 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. SAXTON) to revise and extend their remarks and include extraneous material:)

Mr. INHOFE, for 5 minutes, today.

Mr. SWINDALL, for 60 minutes, today.

Mr. DORNAN of California, for 60 minutes, today.

Mr. DORNAN of California, for 5 minutes, on December 3.

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, on December 3.

Mr. HANSEN, for 5 minutes, on December 3.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. LAFALCE, for 60 minutes, today.

Mr. SOLARZ, for 60 minutes, on December 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SAXTON) and to include extraneous matter:)

Mr. BROOKFIELD.

Mr. OXLEY.

Mr. COBLE.

Mr. SAXTON.

Mr. GINGRICH in two instances.

Mr. SHAYS.

Mr. ROTH.

Mr. GILMAN in two instances.

Mr. JEFFORDS.

Mr. McGRATH.

Mr. HUNTER.

Mr. DREIER of California.

Mr. HORTON.

Mr. CLINGER.

Mr. BADHAM.

Mr. BURTON of Indiana.

Mrs. MORELLA in two instances.

Mr. RITTER.

(The following Members (at the request of Mr. FRANK) and to include extraneous matter:)

Mr. MFUME.

Mr. ACKERMAN.

Mr. RICHARDSON.

Mr. WAXMAN.

Mr. HOYER.

Mr. FORD of Michigan.

Mr. MAVROULES.

Mr. PANETTA.

Mr. RAY.

Mr. MOAKLEY.

Mr. MATSUI.

Mr. GARCIA.

Mr. CLAY.

Mr. FAZIO.

Mr. COLEMAN of Texas.

Mr. BERMAN in three instances.

Mr. BUSTAMANTE.

Mr. DELLUMS in two instances.

Mr. BIAGGI in two instances.

Mr. LIPINSKI.

Mr. HALL of Ohio.

Mr. YATRON.

Mr. FAUNTRY.

Mr. FEIGHAN.

Mr. STUDDS.

Mr. HAMILTON in three instances.

Mr. DYMALLY.

Mr. LEHMAN of California.

Mr. MORRISON of Connecticut.

Mr. EDWARDS of California.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found a truly enrolled joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 404. Joint resolution to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1297. An act to amend the National Trails Systems Act to provide for a study of the De Soto Trail, and for other purposes.

ADJOURNMENT

Mr. OWENS of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Thursday, December 3, 1987, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of Nov. 30, 1987]

2457. A letter from the Deputy Secretary of Defense, transmitting a report on the certification of the Bradley fighting vehicle, pursuant to Public Law 99-661, section 121(c)(1) (100 Stat. 3829); to the Committee on Armed Services.

[Submitted December 2, 1987]

2458. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-112, "St. Mary's Cemetery Equitable Tax Relief Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2459. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-103, "St. Paul's Episcopal Church, Rock Creek Parish, Equitable Tax Relief Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2460. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-113, "Codification Amendment Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2461. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-105, "Northminster Presbyterian Church Equitable Tax Relief Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2462. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-114, "Conveyance of Old Police Precinct #9 Authorization Temporary Act of 1987", pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2463. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-106, "St. Martin's Catholic Church and Convent Equitable Tax Relief Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2464. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-104, "Mount Olivet Cemetery Equitable Tax Relief Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2465. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. Act 7-107, "John S. Thomas Memorial Baptist Church Equitable Tax Relief Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2466. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-108, "Tuition Grant for Parents, Caretaker Relatives, and Legal Guardians Eligible for AFDC Benefits Amendment Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2467. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-110, "Metropolitan African Methodist Episcopal Church Equitable Tax Relief Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2468. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 7-111, "His Church Equitable Tax Relief Act of 1987", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2469. A letter from the Secretary of Education, transmitting a copy of final regulations for the Perkins Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2470. A letter from the Secretary of Education, transmitting a notice of final annual funding priority—postsecondary education program for handicapped persons—demonstration projects, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2471. A letter from the Secretary of Education, transmitting a copy of final regulations for student assistance general provisions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2472. A letter from the Secretary of Education, transmitting a copy of final regulations for the Perkins Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2473. A letter from the Secretary of State, transmitting a report that the Soviet Union has generally fulfilled its obligations to U.S. diplomats for the 6 month period beginning February 1, 1987, pursuant to Public Law 99-591, section title III (100 Stat. 3341-58); to the Committee on Foreign Affairs.

2474. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting copies of grants of suspension of deportation of certain aliens, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

2475. A letter from the Administrator, General Services Administration, transmitting copy of a building project survey for Baton Rouge, LA, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

2476. A letter from the President of the United States, transmitting the administration's report to the Congress on Soviet non-compliance with arms control agreements, pursuant to 22 U.S.C. 2592a; jointly, to the Committees on Armed Services and Foreign Affairs.

2477. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled "Hazardous Waste Sites on Indian Lands", pursuant to 42 U.S.C. 9626; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 3362. A bill to amend the Panama Canal Act of 1979 (Rept. 100-465. Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 321. Resolution providing for the consideration of House Joint Resolution 395, a joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes (Rept. No. 100-466. Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MARLENEE (for himself, Mr. CHENEY, Mr. HANSEN, Mr. CRAIG, Mr. DENNY SMITH, and Mrs. VUCANOVICH):

H.R. 3680. A bill to revoke certain public land orders, transfer certain public lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Alaska:

H.R. 3681. A bill to amend Public Law 87-77, to authorize transportation of passengers on foreign flag vessels between certain ports in Alaska and certain ports in the United States outside Alaska; to the Committee on Merchant Marine and Fisheries.

By Mr. CAMPBELL:

H.R. 3682. A bill to improve hazardous materials transportation safety; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. CHANDLER:

H.R. 3683. A bill to provide that each title of any bill or joint resolution making continuing appropriations that is reported by a committee of conference and is agreed to by both Houses of the Congress in the same form during a 2-year period shall be presented as a separate joint resolution to the President; to the Committee on Rules.

By Mr. DeFAZIO:

H.R. 3684. A bill to amend the Buy American Act, and for other purposes; jointly, to the Committees on Government Operations and Ways and Means.

By Mr. FRANK:

H.R. 3685. A bill to amend title 31, United States Code, to increase from \$25,000 to \$40,000 the maximum amount that the United States may pay in settlement of a claim against the United States made by a member of the uniformed services or by an officer or employee of the Government; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 3686. A bill to amend the Internal Revenue Code of 1986 to encourage the coverage of older Americans by private long-term care insurance; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. KASTENMEIER:

H.R. 3687. A bill to provide that any pay increase for Members of Congress under the Federal Salary Act of 1967 shall be deferred

until the beginning of the Congress following the Congress in which the increase would otherwise take effect; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. LAFALCE:

H.R. 3688. A bill to provide for the disclosure of certain insurance data to the Small Business Administration in order to facilitate assessment of any relationship between liability insurance cost and the civil justice system, and for other purposes; jointly, to the Committees on Small Business and Energy and Commerce.

By Mr. NAGLE:

H.R. 3689. A bill to designate the U.S. Post Office Building located at 300 Sycamore Street in Waterloo, IA, as the "H.A. Gross Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. CONTE:

H.J. Res. 412. Joint resolution to congratulate King Bhumibol Adulyadej of Thailand on his 60th birthday on December 5, 1987; to the Committee on Foreign Affairs.

By Mrs. JOHNSON of Connecticut (by request), (for herself, Mr. RANGEL, and Mr. LEWIS of Georgia):

H.J. Res. 413. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial; to the Committee on Interior and Insular Affairs.

By Mr. LEWIS of Georgia:

H.J. Res. 414. Joint resolution to designate the week beginning April 10, 1988, as "National Productivity Improvement Week"; to the Committee on Post Office and Civil Service.

By Mr. McMILLEN of Maryland (for himself and Mr. CAMPBELL):

H. Con. Res. 222. Concurrent resolution urging President Reagan and General Secretary Gorbachev to act to prevent the forces of global politics from adversely affecting the 1988 Summer Olympic Games in Seoul, South Korea and the 1988 Winter Olympic Games in Calgary, Canada; to the Committee on Foreign Affairs.

By Mr. INHOFE:

H. Res. 319. Resolution to urge significant deficit reduction by enacting at a minimum an across-the-board freeze on all Federal spending; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. CONYERS:

H. Res. 320. Resolution authorizing the use of depositions in connection with an impeachment inquiry of the Committee on the Judiciary; considered and agreed to.

By Mr. DERRICK:

H. Res. 321. Resolution providing for the consideration of the joint resolution (H.J. Res. 395) making further continuing appropriations for the fiscal year 1988, and for other purposes. House Calendar No. 107. House Report No. 100-466.

By Mr. WAXMAN (for himself and Mr. CARDIN):

H. Res. 322. Resolution encouraging U.S. air carriers in international service to implement the U.S. Committee for UNICEF's Change for Good Program; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. WEISS.

H.R. 80: Mr. AKAKA.

H.R. 81: Mrs. PATTERSON, Mr. EVANS, Mr. CONTE, Mr. SAVAGE, Mr. LEHMAN of Florida, Mr. NEAL, Mr. AUCOIN, and Mr. WOLPE.

H.R. 303: Mr. COMBEST, Mr. SWINDALL, Mr. LAFALCE, Mr. STUDS, Mrs. SAIKI, Mr. LELAND, Mr. McGRAH, and Mr. MACKAY.

H.R. 759: Mr. BARTLETT.

H.R. 786: Mr. HASTERT.

H.R. 999: Mr. ROGERS.

H.R. 1531: Mr. JONES of North Carolina.

H.R. 1546: Mr. GEJDENSON and Mr. CARDIN.

H.R. 1566: Mr. GILMAN.

H.R. 1663: Mr. McEWEN, Mr. HOUGHTON, Mr. WOLF, Mr. OXLEY, Mr. KANJORSKI, Mr. HUBBARD, Mr. COMBEST, Mr. RIDGE, Mr. McCOLLUM, Mr. UDALL, Mrs. BYRON, Mr. THOMAS A. LUKEN, Mr. CHAPPELL, and Mr. SAWYER.

H.R. 1736: Mr. BEVILL.

H.R. 1742: Mr. DONALD E. LUKENS, Mr. SUNIA, and Mr. RODINO.

H.R. 1786: Mr. EMERSON, Mr. RAVENEL, Mr. WEBER, and Mr. MARTINEZ.

H.R. 2052: Mr. FOGLIETTA, Ms. KAPUR, and Mr. LEHMAN of California.

H.R. 2067: Mr. TRAXLER, Mr. BUSTAMANTE, Mr. PICKLE, Mr. SYNAR, Mr. RAVENEL, Mr. BURTON of Indiana, Mr. FLORIO, Mr. BILIRAKIS, Mr. FLIPPO, Mr. JACOBS, Mr. CRAIG, Mr. SWINDALL, Mr. RUSSO, Mr. BARTLETT, Mr. THOMAS A. LUKEN, Mr. HOLLOWAY, Mr. THOMAS of California, Mr. KASICH, Mr. LUJAN, Mr. HUTTO, Mr. WHEAT, Ms. OAKAR, Mr. McCOLLUM, Mr. STARK, Mr. FOGLIETTA, Mrs. VUCANOVICH, Mr. CARPER, Mr. PEPPER, Mr. CALLAHAN, Mr. RAHALL, Mr. BENNETT, Mr. MOLLOHAN, Mr. HARRIS, Mr. DORNAN of California, and Mr. ROBERT F. SMITH.

H.R. 2148: Mr. RICHARDSON, Mr. HAYES of Illinois, Mr. GILMAN, and Mr. HASTERT.

H.R. 2238: Mr. MATSUI, Mr. MOORHEAD, Mr. PORTER, Mr. McCURDY, Mr. NATCHER, Mr. MURTHA, Mr. SWINDALL, Mr. GORDON, and Mr. SPRATT.

H.R. 2532: Mr. MOAKLEY.

H.R. 2586: Mr. RAY, Mr. EMERSON, Mr. GUNDERSON, Mrs. SAIKI, Mr. LEACH of Iowa, Mr. MRAZEK, Mr. FAZIO, Mr. WAXMAN, Mr. FROST, Mr. BROWN of California, Mr. ANTHONY, Mr. VALENTINE, Mr. McEWEN, Mr. LIVINGSTON, Mr. VENTO, Mr. GEJDENSON, Mr. BARTLETT, Mr. WHEAT, Mr. WILLIAMS, Mrs. VUCANOVICH, Mr. LANTOS, Mr. BRUCE, Mr. McGRAH, Mr. GARCIA, Mr. VANDER JAGT, Mr. SCHAEFER, and Mr. ROWLAND of Connecticut.

H.R. 2690: Mr. BARTON of Texas.

H.R. 2692: Mr. PURSELL, Mr. STRATTON, and Mr. PEPPER.

H.R. 2800: Mr. HYDE, Mr. DORNAN of California, Mr. KOLTER, Mr. FLAKE, Mr. HALL of Ohio, Mr. MFUME, Mr. GOODLING, Mr. BRYANT, Mr. BOLAND, Mrs. ROUKEMA, Mr. GREGG, Mr. COURTER, Mr. FAUNTRY, Mr. BALLENGER, Mr. CLAY, Mr. KASTENMEIER, Mr. COOPER, and Mr. VISCOLSKY.

H.R. 2936: Mr. HOLLOWAY, Mr. BUECHNER, Mr. OWENS of Utah, Mr. WHITTAKER, Mr. HORTON, Mrs. BENTLEY, Mr. WOLPE, Mr. McEWEN, and Mr. FAWELL.

H.R. 2943: Mr. MURPHY, Mr. FAUNTRY, Mr. MRAZEK, Mr. PERKINS, Mr. BOEHLERT, Mr. DE LUGO, Mr. GARCIA, Ms. OAKAR, Mr. McCLOSKEY, Mr. HOCHBRUECKNER, Mr. FLAKE, Mr. TAYLOR, Mr. MANTON, and Mr. ROE.

H.R. 2944: Mr. MURPHY, Mr. FAUNTRY, Mr. MRAZEK, Mr. PERKINS, Mr. BOEHLERT, Mr. DE LUGO, Mr. GARCIA, Ms. OAKAR, Mr. McCLOSKEY, Mr. HOCHBRUECKNER, Mr. FLAKE, Mr. TAYLOR, Mr. MANTON, Mr. ROE, and Mr. DIOGUARDI.

H.R. 2953: Mr. LAGOMARSINO, Mr. FOGLIETTA, Mrs. MARTIN of Illinois, and Mr. ARMEY.

H.R. 3019: Mr. KOLTER, Mr. FORD of Tennessee, and Mr. SAVAGE.

H.R. 3142: Mr. RITTER, Mr. SWINDALL, Mr. SKEEN, and Mrs. MARTIN of Illinois.

H.R. 3205: Mr. NIELSON of Utah.

H.R. 3286: Mr. DE LUGO, Mr. COYNE, Mr. FISH, Mr. BEVILL, Mr. CROCKETT, Mr. OWENS of Utah, Mr. BRYANT, Mr. DIXON, Mr. GEJDENSON, Mr. DEWINE, Mr. DURBIN, Mr. DEFazio, Mr. ROE, Mr. BOEHLERT, Mr. HORTON, Mr. MAVROULES, Ms. PELOSI, Mrs. ROUKEMA, Mr. AUCOIN, Mr. BERMAN, Ms. SLAUGHTER of New York, Mrs. BOGGS, Mr. WOLPE, Mr. FORD of Tennessee, and Mr. McGRAH.

H.R. 3342: Mrs. MARTIN of Illinois.

H.R. 3351: Mr. SMITH of New Jersey, Mr. CRAIG, Mr. ARMEY, Mr. BEREUTER, Mr. SMITH of New Hampshire, Mr. CRANE, and Mr. DEWINE.

H.R. 3359: Mr. FOGLIETTA, Mr. SAVAGE, and Mr. MAVROULES.

H.R. 3374: Mr. KENNEDY, Mr. SMITH of Florida, Mr. EVANS, Mr. LAGOMARSINO, Mr. OWENS of New York, Mr. FRANK, Mr. COELHO, Mr. DONALD E. LUKENS, Mr. WHITTAKER, Mr. HAYES of Illinois, Mr. LEWIS of Georgia, Mr. KOSTMAYER, Mr. HERGER, Mr. FASCCELL, Mr. MRAZEK, Mr. CROCKETT, Mr. HORTON, Mr. FOGLIETTA, Mr. MILLER of California, Mr. JACOBS, Mrs. COLLINS, Mr. HYDE, Mr. HENRY, Mr. YATES, Mr. SOLARZ, Mr. VENTO, Mr. WEBER, Mr. LELAND, and Mr. DIOGUARDI.

H.R. 3390: Mr. SCHUETTE and Mr. PACKARD.

H.R. 3440: Mr. FOGLIETTA and Mr. LA-FALCE.

H.R. 3513: Mr. MATSUI.

H.R. 3524: Mr. FUSTER, Mr. TORRES, Mr. DE LA GARZA, Mr. GARCIA, and Mr. RICHARDSON.

H.R. 3552: Mr. BROWN of Colorado, Mr. WEBER, Mr. DELAY, and Mr. KYL.

H.R. 3562: Mr. FOGLIETTA, Mr. SHUMWAY, Mr. TRAXLER, Mr. HORTON, Mrs. BOXER, Mr. FORD of Tennessee, Mrs. BOGGS, Mr. GALLO, and Mr. LANCASTER.

H.R. 3598: Mr. STARK, Mrs. COLLINS, and Mr. DAUB.

H.R. 3607: Mr. NEAL, Mr. FAZIO, and Mr. CONTE.

H.R. 3627: Mr. DIOGUARDI.

H.R. 3639: Mr. SMITH of New Hampshire, Mr. LANCASTER, Mr. BEREUTER, Mr. EMERSON, Mrs. VUCANOVICH, Mr. ERDREICH, Mrs. BENTLEY, Mr. NEAL, and Mr. CLAY.

H.R. 3654: Mr. HORTON, Mr. OXLEY, Mr. HENRY, Mr. BROWN of Colorado, Mr. WHITTAKER, Mr. LAGOMARSINO, Mr. WORTLEY, Mr. SLATTERY, Mr. BIAGGI, Mr. SMITH of Texas, Mr. HUGHES, and Mr. PETRI.

H.R. 3667: Mr. LAGOMARSINO.

H.R. 3669: Mr. WOLPE.

H.J. Res. 48: Mr. GILMAN.

H.J. Res. 92: Mr. FEIGHAN, Mr. MFUME, Mrs. MORELLA, Mr. SOLOMON, Mr. COURTER, Mrs. BYRON, Mr. FAUNTRY, Mr. BENNETT, Mr. CROCKETT, Mr. BROWN of California, Mr. GORDON, and Mr. SWINDALL.

H.J. Res. 272: Mr. MILLER of Washington and Mr. GALLEGY.

H.J. Res. 287: Mr. FAUNTRY, Mr. KASTENMEIER, Mr. WILLIAMS, and Mr. SCHUMER.

H.J. Res. 289: Mr. ARCHER, Mr. BROOKS, Mr. COLEMAN of Missouri, Mr. DELAY, Mr. GRANDY, Mr. LEWIS of Florida, Mr. LOWRY of Washington, Mrs. MEYERS of Kansas, Mr. RANGEL, Mr. SIKORSKI, Mr. TORRES, Mr. WHEAT, and Mr. WOLPE.

H.J. Res. 304: Mr. GILMAN, Mr. COOPER, Mr. BROOKS, Mr. SAWYER, Mr. BORSKI, Mr. MOODY, Mr. SKELTON, Mr. MORRISON of Connecticut, Ms. OAKAR, Mr. WILSON, Mr. HAS-

TER, Mr. LENT, Mr. LELAND, Mrs. KENNELLY, Mr. OLIN, Mr. SCHUMER, Mr. MOORHEAD, Mr. JONES of Tennessee, Mr. SPENCE, Mr. BAKER, Mr. UPTON, Mr. CRAIG, Mr. EVANS, Mr. DE LA GARZA, Mr. WEBER, Mr. FISH, Mr. MAZZOLI, Mrs. MORELLA, Mr. FOLEY, Mr. FORD of Tennessee, Mr. PASHAYAN, Mr. ASPIN, Mr. WEISS, Mr. GREEN, Mr. IRELAND, Mr. ROWLAND of Georgia, Mr. WOLPE, Mr. MILLER of California, Mr. LOTT, Mr. NEAL, Mr. KASTENMEIER, Mr. MURPHY, Mr. MILLER of Washington, Mr. MARKEY, Mr. EMERSON, Mrs. PATTERSON, Mr. STENHOLM, Mr. SMITH of New Jersey, Mr. SWINDALL, Mr. FROST, Mr. BERMAN, Mr. FLIPPO, Mr. MANTON, Mr. COUGHLIN, Mrs. LLOYD, and Mr. MFUME.

H.J. Res. 315: Mr. STENHOLM and Mr. DAUB.

H.J. Res. 337: Mr. GORDON.

H.J. Res. 382: Mr. CARR, Mrs. BOXER, Mr. SOLARZ, Mr. EVANS, Mr. FROST, Mr. TRAXLER, Mr. ACKERMAN, Mr. ROSE, Mr. VENTO, Mr. SIKORSKI, Mr. MILLER of California, Mr. SYNAR, Mr. MINETA, Mr. BATES, and Mr. LEHMAN of Florida.

H.J. Res. 383: Mr. CARDIN, Mr. WALGREN, Mr. STARK, Mr. STOKES, Mr. MORRISON of Connecticut, Mr. DYSON, Mr. SHUMWAY, Mr. LIVINGSTON, Mr. BONIOR of Michigan, Mr. DAVIS of Illinois, Mr. LAFALCE, Mr. DEFazio, Mr. KASTENMEIER, Mrs. MORELLA, Mr. DERRICK, Mr. OWENS of Utah, Mr. MATSUI, Mr. DIOGUARDI, and Mr. DELUMS.

H.J. Res. 386: Mr. BENNETT, Mr. CARR, Mr. COELHO, Mr. DAVIS of Illinois, Mr. KLECKZA, Mr. LEHMAN of Florida, Mr. MOORHEAD, Mr. ROTH, Mrs. SAIKI, Mr. SMITH of New Jersey, and Mr. SOLARZ.

H.J. Res. 388: Mr. BILBRAY, Mr. BLILEY, Mr. BONIOR of Michigan, Mr. BUSTAMANTE, Mr. DE LA GARZA, Mr. DEWINE, Mr. EDWARDS of Oklahoma, Mr. ESPY, Mr. FORD of Tennessee, Mr. HAMMERSCHMIDT, Mr. INHOFE, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LIPINSKI, Mr. NEAL, Mr. RAHALL, Mr. ROE, and Mr. SHAW.

H.J. Res. 405: Ms. SNOWE, Mr. WATKINS, Mr. DEWINE, Mr. BLAZ, Mr. LAGOMARSINO, Mr. BROOKS, Mr. STRATTON, Mr. WOLPE, Mr. SHUMWAY, Mr. MADIGAN, and Mr. MILLER of Washington.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. RES. 395

By Mr. EDWARDS of Oklahoma:
—At the end of the joint resolution add the following new title:

TITLE 2: "SEVERABILITY OF CONTINUING APPROPRIATIONS RESOLUTIONS"

SEC. 1. (a) The provisions of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith;

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b) The provisions of this title shall take effect upon the final passage by both Houses of this Act in the same form.

SEC. 2. (a) IN GENERAL.—

(1) Notwithstanding any other provision of law, when this joint resolution is agreed to by both Houses of Congress in the same form, the Clerk of the House shall cause the enrolling clerk of the House to enroll the provisions in that bill or joint resolution as separate bills or joint resolutions pursuant to subsection (c).

(2) Bills or joint resolutions that are separately enrolled pursuant to paragraph (1)

(A) shall be enrolled without substantive revision,

(B) shall conform in style and form to the applicable provisions of chapter 2 of title 1, United States Code (as such provisions are in effect on the date of the enactment of this section), and

(C) shall bear the designation of the measure of which it was a part prior to enrollment, together with such other designation as may be necessary to distinguish the bill or joint resolution from other bills or joint

resolutions enrolled pursuant to paragraph (1) with respect to the same measure.

(b) **PROCEDURES.**—A bill or joint resolution separately enrolled pursuant to paragraph (1) of subsection (a) shall be deemed to be a bill under Clauses 2 and 3 of Section 7 of Article 1 of the Constitution of the United States and shall be signed by the presiding officers of both Houses of the Congress and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

(c) **BASIS FOR SEPARATE ENROLLMENT.**—

(1) All of the provisions within the jurisdiction of a subcommittee of the Committee on Appropriations of the House of Representatives as defined in subsection (d) shall be enrolled as part of one separate bill or joint resolution which shall only contain all of the provisions within the jurisdiction of that subcommittee as defined in subsection (d).

(2) All of the provisions within the jurisdiction of the Committee on Appropriations of the House of Representatives for which jurisdiction cannot be determined pursuant

to subsection (d) shall be enrolled as part of one separate bill or joint resolution which shall only contain all of the provisions within the jurisdiction of the Committee on Appropriations of the House of Representatives for which jurisdiction cannot be determined pursuant to subsection (d).

(3) All of the provisions within the jurisdiction of a committee of the House of Representatives (excepting the Committee on Appropriations) as defined in Rule X of the House of Representatives shall be enrolled as part of one separate bill or joint resolution which shall only contain all of the provisions within the legislative jurisdiction of that committee as defined in Rule X of the House of Representatives.

(4) All of the provisions for which jurisdiction cannot be determined pursuant to paragraphs (1), (2) or (3) shall be enrolled as part of one separate bill or joint resolution which shall only contain all of the provisions for which jurisdiction cannot be determined pursuant to paragraphs (1), (2) or (3).

(d) JURISDICTION OF APPROPRIATIONS COMMITTEE AND SUBCOMMITTEES.—

(1) Commerce, Justice, State, and the Judiciary	Department of Commerce. Department of Justice. Department of State: (Except Migration and Refugee Assistance.) Department of Transportation: Maritime Administration. The Judiciary. Related Agencies: Arms Control and Disarmament Agency; Board of International Broadcasting; Christopher Columbus Quincentenary Jubilee Commission; Commission on the Bicentennial of the United States Constitution; Commission on Civil Rights; Commission on Security and Cooperation in Europe; Commission for the Study of International Migration and Cooperative Economic Development; Constitutional Law Resource Centers; Dwight David Eisenhower Centennial Commission; Equal Employment Opportunity Commission; Federal Communications Commission; Federal Maritime Commission; Federal Trade Commission; International Trade Commission; James Madison Memorial Fellowships; Japan-United States Friendship Commission; Legal Services Corporation; Marine Mammal Commission; Office of the United States Trade Representative; Securities and Exchange Commission; Small Business Administration; State Justice Institute; and United States Information Agency.
(2) Defense	Department of Defense—Military: Departments of Army, Navy (including Marine Corps), Air Force, and Office of Secretary of Defense (Except Military Construction.) Central Intelligence Agency. Intelligence Community Staff. District of Columbia.
(3) District of Columbia	Department of Energy: (Except the Economic Regulatory Administration; Energy Information Administration; Emergency Preparedness, Office of Hearings and Appeals; Strategic Petroleum Reserve; Naval Petroleum and Oil Shale Reserves; Fossil energy research and development; Energy conservation; Alternative fuels production and related matters.)
(4) Energy and Water Development	Department of Defense—Civil: Department of the Army: Corps of Engineers—Civil. Department of the Interior's Bureau of Reclamation. Related Agencies: Appalachian Regional Commission; Appalachian Regional Development Program; Delaware River Basin Commission; Interstate Commission on the Potomac River Basin; National Council on Public Works Improvement; Nuclear Regulatory Commission; Office of Water Policy; Susquehanna River Basin Commission; and Tennessee Valley Authority.
(5) Foreign Operations, Export Financing and Related Programs	Agency for International Development. African Development Foundation. African Development Fund and Bank. Asian Development Fund and Bank. Department of State: Antiterrorism Assistance; International Narcotics Control; Migration and Refugee Assistance; U.S. Emergency Refugee and Migration Assistance Fund. Export-Import Bank. Foreign Military Credit Sales. Guarantee Reserve Fund. Inter-American Development Bank. Inter-American Foundation.

International Bank for Reconstruction and Development (World Bank).

International Development Association.

International Development Cooperation Agency.

International Finance Corporation.

International Fund for Agricultural Development.

International Military Education and Training.

International Monetary Fund.

International Organizations and Programs.

Military Assistance Program.

Multilateral Investment Guarantee Agency.

Overseas Private Investment Corporation.

Peace Corps.

Peacekeeping Operations.

Special Defense Acquisition Fund.

Special Assistance for Central America: Assistance for Democratic Nicaraguan Resistance.

Trade and Development Program.

Department of Housing and Urban Development.

American Battle Monuments Commission.

Cemeterial Expenses, Army (DOD).

Consumer Information Center (GSA).

Consumer Product Safety Commission.

Council on Environmental Quality and Office of Environmental Quality.

Environmental Protection Agency.

Federal Emergency Management Agency.

Federal Home Loan Bank Board.

National Aeronautics and Space Administration.

National Credit Union Administration.

National Institute of Building Sciences.

National Science Foundation.

Neighborhood Reinvestment Corporation.

Office of Consumer Affairs (HHS).

Office of Science and Technology Policy.

Selective Service System.

Veterans Administration.

Department of the Interior: (*Except* Bureau of Reclamation.)

Department of Energy: (Economic Regulatory Administration; Energy Information Administration; Emergency Preparedness; Office of Hearings and Appeals; Strategic Petroleum Reserve; Naval Petroleum and Oil Shale Reserves; Fossil energy research and development; Clean Coal Technology; Energy conservation; Alternative fuels production and related matters.)

Other Agencies: Advisory Council on Historic Preservation; Commission of Fine Arts; Energy Security Reserve (Treasury); Federal Inspector for the Alaska Gas Pipeline; Forest Service (USDA); Franklin Delano Roosevelt Memorial Commission; Holocaust Memorial Council; Indian Education (DOEd); Indian Health Services and Facilities (HHS); Institute of Museum Services; National Capital Planning Commission; National Foundation on the Arts and the Humanities; National Gallery of Art; Navajo and Hopi Indian Relocation Commission; Pennsylvania Avenue Development Corporation; Smithsonian Institution; Woodrow Wilson International Center for Scholars.

Department of Education: (*Except* Indian Education Activities.)

Department of Health and Human Services: (*Except* Food and Drug Administration; Indian health services and facilities; Office of Consumer Affairs.)

Department of Labor.

Related Agencies: Action; Corporation for Public Broadcasting; Federal Mediation and Conciliation Services; Federal Mine Safety and Health Review Commission; National Commission on Libraries and Information Science; National Council on the Handicapped; National Labor Relations Board; National Mediation Board; Occupational Safety and Health Review Commission; Physicians Payment Review Commission; Physicians Payment Review Commission; Prospective Payment Assessment Commission; Railroad Retirement Board; Soldiers' and Airmen's Home; and United States Institute of Peace.

House of Representatives.

Joint Items.

Commission on Central American Negotiations.

Botanic Garden.

Biomedical Ethics Board.

Congressional Budget Office.

Copyright Royalty Tribunal.

General Accounting Office.

Government Printing Office.

Library of Congress.

Office of Technology Assessment.

Railroad Accounting Principles Board.

(6) HUD-Independent Agencies.....

(7) Interior.....

(8) Labor-Health and Human Services-Education

(9) Legislative.....

(10) Military Construction	Military construction, Army, Navy (including Marine Corps), Air Force, and Defense Agencies, and Reserve Forces.
	Military family housing.
	Homeowners Assistance Fund.
	NATO Infrastructure.
(11) Rural Development, Agriculture, and Related Agencies.....	Department of Agriculture (<i>Except Forest Service</i>).
	Farm Credit Administration.
	Commodity Futures Trading Commission.
	Food and Drug Administration (HHS).
(12) Transportation and Related Agencies	Department of Transportation (<i>Except Marine Administration</i>).
	Department of the Treasury: Rebate of Saint Lawrence Seaway Tolls.
	Related Agencies: Architectural and Transportation Barriers Compliance Board; Aviation Safety Commission; Interstate Commerce Commission; Interstate Commerce Commission; National Transportation Safety Board; Panama Canal Commission; United States Railway Association; and Washington Metropolitan Area Transit Authority.
(13) Treasury-Postal Service-General Government	Treasury Department (<i>Except Office of Revenue Sharing</i>).
	United States Postal Service.
	Executive Office of the President: Compensation of the President; Council of Economic Advisers; Executive Residence; National Critical Materials Council; National Security Council; Office of Administration; Office of Federal Procurement Policy; Office of Management and Budget; Office of Policy Development; Official Residence of the Vice President; Special Assistance to the President; Unanticipated Needs; White House Conference on Drug Abuse and Control; and White House Office.
	Independent Agencies: Administrative Conference of the United States; Advisory Commission on Intergovernmental Relations; Advisory Committee on Federal Pay; Commission on Executive, Legislative, and Judicial Salaries; Committee for Purchase of Products and Services of the Blind and Other Physically Handicapped; Federal Election Commission; Federal Labor Relations Authority; General Provisions, Governmentwide; General Services Administration (<i>Except Consumer Information Center</i>); Merit System Protection Board; National Archives and Records Administration; Office of Personnel Management and related trust funds; and President's Commission on Pension Policy.
	Other: United States Tax Court.

(e) WAIVER.—

In the House of Representatives it shall not be in order to call up for consideration

any resolution which waives or modifies the application of any provision of this section unless so determined by a vote of not less than two-thirds of the Members voting.