HOUSE OF REPRESENTATIVES—*Wednesday, March 2, 1988*

The House met at 2 p.m.

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

We pray for the leaders of our Nation and specially for those who labor in this assembly, that they would receive the gifts of wisdom and judgment. We recognize, gracious God, the unique concerns that confront people to whom great responsibility has been given, and we pray that they will be motivated not by personal satisfactions, but rather by the earnest desire to do justice for every person, from every land. Grant to our leaders, O God, all blessings and encouragement so they will be good and faithful custodians of our heritage as a people. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 270, nays 124, answered "present" 1, not voting 38, as follows:

[Roll No. 15]

YEAS—270

Ackerman	Boland	Chapman
Alexander	Bonior	Clarke
Anderson	Bonker	Clement
Andrews	Borski	Coats
Annunzio	Bosco	Coelho
Applegate	Boucher	Coleman (TX)
Archer	Boxer	Collins
AuCoin	Brennan	Combest
Barnard	Brooks	Conte
Bartlett	Broomfield	Conyers
Bateman	Bruce	Cooper
Bates	Bryant	Crockett
Bellenson	Bustamante	Darden
Bennett	Byron	Davis (MI)
Berman	Campbell	de la Garza
Bevill	Cardin	DeFazio
Bilbray	Carper	Dellums
Boggs	Carr	Derrick
Dicks	Kennelly	Richardson
Dingell	Kildee	Rinaldo
Dixon	Kleczka	Ritter
Donnelly	Kolter	Robinson
Downey	Konnyu	Rodino
Duncan	Kostmayer	Roe
Durbin	LaFalce	Rose
Dwyer	Lancaster	Rowland (GA)
Dymally	Lantos	Roybal
Dyson	Lehman (FL)	Russo
Early	Lent	Sabo
Eckart	Levin (MI)	Saiki
Edwards (CA)	Levine (CA)	Savage
English	Lipinski	Sawyer
Erdreich	Livingston	Scheuer
Espy	Lloyd	Schneider
Evans	Lowry (WA)	Schumer
Fascell	Lujan	Sharp
Fazio	Luken, Thomas	Shaw
Fish	MacKay	Shumway
Flake	Manton	Shuster
Flippo	Markey	Sisisky
Florio	Martinez	Skaggs
Foglietta	Matsui	Skelton
Foley	Mavroules	Slattery
Ford (MI)	Mazzoli	Slaughter (NY)
Frank	McCloskey	Smith (IA)
Frost	McCurdy	Smith (NE)
Garcia	McEwen	Smith (NJ)
Gaydos	McHugh	Smith (TX)
Gejdenson	McMillen (MD)	Solarz
Gibbons	Mfume	Spence
Gilman	Mica	Spratt
Glickman	Miller (WA)	St Germain
Gonzalez	Mineta	Staggers
Gordon	Moakley	Stallings
Gradison	Mollohan	Stark
Grandy	Montgomery	Stenholm
Grant	Morella	Stokes
Gray (IL)	Morrison (CT)	Stratton
Green	Mrazek	Studds
Guarini	Myers	Sweeney
Gunderson	Nagle	Swift
Hall (OH)	Natcher	Synar
Hall (TX)	Neal	Tallon
Hamilton	Nelson	Tauzin
Harris	Nichols	Taylor
Hatcher	Nielson	Thomas (GA)
Hawkins	Nowak	Torres
Hayes (IL)	Oakar	Torricelli
Hayes (LA)	Oberstar	Towns
Hefner	Obey	Traficant
Hertel	Olin	Traxler
Hochbrueckner	Ortiz	Udall
Horton	Owens (NY)	Valentine
Howard	Owens (UT)	Vento
Hoyer	Oxley	Visclosky
Hubbard	Patterson	Volkmer
Hughes	Pease	Walgren
Hutto	Pelosi	Watkins
Jeffords	Pepper	Waxman
Jenkins	Perkins	Weiss
Johnson (CT)	Petri	Whitten
Johnson (SD)	Pickett	Williams
Jones (NC)	Pickle	Wilson
Jones (TN)	Price (IL)	Wise
Jontz	Price (NC)	Wolpe
Kanjorski	Quillen	Wortley
Kaptur	Rahall	Wyden
Kasich	Ravenel	Wylie
Kastenmeier	Ray	Yates
Kennedy	Regula	Yatron

NAYS—124

Armey	Burton	Crane
Badham	Callahan	Dannemeyer
Ballenger	Chandler	Daub
Barton	Cheney	Davis (IL)
Bentley	Clay	DeLay
Bereuter	Clinger	DeWine
Bliley	Coble	Dickinson
Boehlert	Coleman (MO)	DioGuardi
Brown (CO)	Coughlin	Dorgan (ND)
Buechner	Courter	Dornan (CA)
Bunning	Craig	Dreier
Edwards (OK)	Lungren	Schuette
Emerson	Madigan	Sensenbrenner
Fawell	Marlenee	Shays
Fields	Martin (IL)	Sikorski
Gallegly	Martin (NY)	Skeen
Gallo	McCandless	Slaughter (VA)
Gekas	McCollum	Smith, Denny (OR)
Goodling	McDade	Smith, Robert (NH)
Gregg	McMillan (NC)	Smith, Robert (OR)
Hammerschmidt	Meyers	Snowe
Hansen	Michel	Solomon
Hastert	Miller (OH)	Stangeland
Hefley	Molinari	Stump
Henry	Moorhead	Sundquist
Herger	Morrison (WA)	Swindall
Hiler	Murphy	Tauke
Hopkins	Packard	Thomas (CA)
Houghton	Parris	Upton
Hunter	Pashayan	Vander Jagt
Hyde	Penny	Vucanovich
Inhofe	Porter	Walker
Ireland	Pursell	Weber
Jacobs	Rhodes	Weldon
Kolbe	Ridge	Wheat
Kyl	Roberts	Whittaker
Lagomarsino	Rogers	Wolf
Latta	Roth	Young (AK)
Leach (IA)	Roukema	
Lewis (CA)	Rowland (CT)	
Lewis (FL)	Saxton	
Lowery (CA)	Schaefer	
Lukens, Donald	Schroeder	

ANSWERED "PRESENT"—1

Chappell

NOT VOTING—38

Akaka	Frenzel	Mack
Anthony	Gephardt	McGrath
Aspin	Gingrich	Miller (CA)
Atkins	Gray (PA)	Moody
Baker	Holloway	Murtha
Biaggi	Huckaby	Panetta
Bilirakis	Kemp	Rangel
Boulter	Leath (TX)	Roemer
Brown (CA)	Lehman (CA)	Rostenkowski
Coyne	Leland	Schulze
Dowdy	Lewis (GA)	Smith (FL)
Feighan	Lightfoot	Young (FL)
Ford (TN)	Lott	

□ 1415

Mr. PACKARD changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

TAX CUT: DEJA VU ALL OVER AGAIN

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

Mr. DOWNEY of New York. Mr. Speaker, in listening to the latest hullaballoo in the Democratic Presidential debate on the fairness of the 1981 tax cut, I'm reminded of something said by Yogi Berra: "It's deja vu all over again."

The debate on the 1981 tax cuts is redundant. They were unfair in 1981 and they're unfair today. They were a mistake then and they're a mistake now.

In 1981 we knew the Reagan tax cut would be a windfall for the rich. We knew in 1981 that the average American family was getting ripped off under the Reagan bill. Seven years does not change the fact that it's unfair to give $120 to families making between $10,000 and $20,000 and $8,300 to those making over $80,000.

Thanks in part to the Reagan tax cut, the richest families in America pay 25 percent less in taxes than they did 10 years ago. Yet CBO tells us that families at the low end of the spectrum are paying 10 percent more than they did 10 years ago.

Mr. Speaker, rotten eggs don't sweeten with time. A vote for the 1981 tax bill smells just as bad in 1988 as it did in 1981.

UNITED STATES $400 MILLION LOAN TO MEXICO'S STEEL INDUSTRY

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

Mr. REGULA. Mr. Speaker, tomorrow the World Bank members will vote on whether to grant a $400 million low-interest loan to Mexico. I rise to protest this loan.

Seventy-five percent of this loan will directly aid Mexico's steel industry. This $300 million is to compensate Mexico for rationalizing and modernizing its steel industry. The remaining $100 million will go directly into Mexico's treasury.

Mr. Speaker, this loan amounts to an international subsidy designed to provide Mexico with a competitive advantage in the world steel market.

American steel companies are presently struggling to stay alive, not only because of world steel overcapacity, but also because of foreign subsidized steel. This proposed loan flies in the face of competitive rationale, tipping the scales even further against U.S. steel producers in the trading arena.

At a time when American steel companies are in grave trouble, it makes absolutely no sense for the World Bank to subsidize foreign steel. I urge my colleagues to oppose this loan by contacting the U.S. World Bank members.

□ 1430

THE WAR ON DRUGS

(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, the President has said that we are winning the war on drugs. I do not believe it. In fact last week a rookie policeman in New York City was gunned down while he was guarding a witness for a drug trial.

Police suspect that the hit was ordered by a drug boss in prison. That drug boss had been sentenced to 25 years to life and he is also under indictment for having murdered his parole officer.

Mr. Speaker, I think it is time for Congress to declare war. Saying no is not enough. I think it's time for these drug kingpins who kill our policemen and destroy our kids to face the death penalty. We must defend our borders and bolster our Coast Guard, and I think it is time to take issue with people like Panama strong man Manual Noreiga.

Mr. Speaker, what bothers me is that rumors abound that the Central Intelligence Agency supposedly turned their back on General Noriega because he was helping the Contras. I do not know if that is true, but the CIA has flatly denied it. In fact they say they know nothing about General Noriega. Mr. Speaker, if my colleagues believe that, I have got some swampland I would like to talk to them about located down in Florida.

The truth of the matter is if a 10-year-old in New York City can find heroin and crack, the CIA knows where it is coming from. I think it is time that if necessary we attack those sources in Colombia and put our foot down. I think the problem is everyone in America is trying to say no. The only problem is our Government has yet to say "no."

RESOLUTION OF OPPOSITION TO A $400 MILLION WORLD BANK LOAN TO RESTRUCTURE THE MEXICAN STEEL INDUSTRY

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

Mr. RIDGE. Mr. Speaker, here we go again. My constituents may be, once again, paying their taxes to put themselves out of work. Unless we do something and quickly, the World Bank will vote tomorrow to approve a $400 million loan to help refinance a restructuring of the Mexican steel industry.

Worldwide, there are more than 200 million excess tons of steel capacity. The United States currently is spending $50 million on trade adjustment assistance each year to retrain workers who have lost their job due to this overcapacity. The American steel industry has undertaken a massive restructuring, 8 billion dollars' worth, without Government assistance and has improved its competitive position. Now, the World Bank, which receives 20 percent of its funding from the United States and its taxpayers, is about to make a $400 million contribution to a $1 billion effort to upgrade plants and equipment in order to increase the Mexican output.

Additionally, I understand that the Mexicans hope to attract American auto parts manufacturers to Mexico with its modernized steel industry and a free trade zone. So the $1 billion may only be the tip of the iceberg.

While I sympathize with Mexico's desire to reinvest in its steel industry and the World Bank's desire to assist the ailing Mexican economy, I cannot stand idling by and watch the World Bank use American tax dollars to add capacity at a time when the industry suffers from a worldwide glut.

The American steel industry and the American steelworker have suffered and have restructured without the benefit of assistance from the American Government or any international lending body. The World Bank should assist the Mexican economy but not at the direct and immediate expense of American workers. Many in our Government turned their back on the U.S. steel industry because they felt that change and shakeout in the industry was necessary. Well, a change and a shakeout has taken place. Let's not punish the survivors by saving jobs in Mexico that we refused to save in the United States.

Today, I am introducing a resolution of opposition to the proposed $400 million World Bank loan making it clear that the House of Representatives does not see this loan to be in the best interests of the United States and our economic revitalization. It resolves that our Representatives should make its best effort to prevent approval of the loan. At this time, I understand that our Treasury Department supports the loan. My colleagues, we must demonstrate our dissatisfaction and must do it today. I ask that you join me on this resolution and I ask that my colleagues contact the Treasury Department today.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1259

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1259.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

REJECT $400 MILLION IN BAILOUT OF MEXICO'S STEEL INDUSTRY

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

Mr. KOLTER. Mr. Speaker, tomorrow, the World Bank will vote to approve a $400 million project to aid in the downsizing of Mexico's steel indus-

try. I rise to express my outrage and indignation over this project, and to plead with the administration to withhold its approval of this project.

We lack the courage to support our own industry in its efforts to relieve itself of excess capacity. We won't "bail them out." That's not the American way. That's not the way the marketplace should work. That's not the way to stimulate competition.

But we will willy-nilly help to bailout a Mexican industry that expanded in the 1970's and 1980's. We will relieve them of the financial and social pain involved in downsizing. And the marketplace is almost irrelevant: The Government of Mexico owns at least 60 percent of its industry. We will bail out Mexico's inefficient and overbuilt industry but we won't raise a finger to help our own.

Now, some will say that this project will get rid of some of the 200 million tons of excess capacity in the world's steel industry. But it probably will not lower production. You see, if Mexico's capacity is reduced by 20 to 30 percent, they could still maintain its nearly 8 million tons of production. But they will be able to lower their costs, and thus enhance their competitiveness. We will help them to compete in the world steel market but we won't raise a finger to make our own industry more competitive.

And, I would point out to you that Mexico is shipping more and more steel to our market. They exceed their VRA quota limits under the President's steel program.

The products they sell here are the high value products, like pipe and tube, galvanized sheet, and cold rolled sheet and strip. By giving Mexico $400 million, we make it easier for them to compete in our markets, and diminish the opportunities for American steelworkers to produce their products.

I urge the administration to back off from this bailout of Mexico's steel industry. Let them start at home. If we want the world's steel industry to be more competitive, let it be done here first.

CREATING OUR OWN ADVERSITY

(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, it has been learned that tomorrow the World Bank will vote to lend Mexico $400 million; $300 million is for modernizing its steel industry, $100 million is for the general fund of its Treasury.

I think the Congress should be asking the World Bank to stop, to cease and desist from encouraging any expansion of the steel capacity of any nation. Right now, every statistic available points to the overproduction-overcapacity of steel worldwide. Our own industries are being beaten around the ears to phase out old plants, old technologies with no help from our own Government.

Does the World Bank offer such loans to U.S. steel companies? Of course not. And the $100 million going into the Treasury? Where is that going? To retire debts to International Banks?

With about 50 cents of every dollar of World Bank money being contributed by the U.S. taxpayer, it might be time that we demand an audit through the treasuries of some of these foreign nations to make sure that our money is not being used against our best interests or to guarantee the bad debt of incompetents.

STOP THE FLOW OF DRUG MONEY FROM PANAMA

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

Mr. MANTON. Mr. Speaker, illegal drugs are killing our Nation's youth and having a devastating impact on every segment of our society. Just 3 days ago, Edward Byrne, a 22-year-old uniformed New York City police officer, was murdered in cold blood in eastern Queens. Officer Byrne was sitting in a patrol car guarding the house of a witness in a drug case.

Upon hearing of this summary execution by way of three bullets to the head, I thought, "there but for the grace of God go I," having also served years ago as a New York City police officer on solo foot patrol on some of the meanest, drug plagued streets in the Harlem area of New York.

Mr. Speaker, we must stop the flow of illegal drugs into our Nation. Regrettably, that the Government of Panama, under Gen. Manuel Noriega, has become a major center for assisting international drug trafficking.

Along with the drugs from Panama that are crossing our border, billions of dollars in laundered drug money is flowing into United States banks through the Federal Reserve payment system.

In that regard, today I and Congressman ACKERMAN are introducing a resolution expressing the sense of the Congress that the Board of Governors of the Federal Reserve should take every step necessary to stop the transfer of funds from Panama to banks in the United States through the Federal Reserve System.

We must not allow Panama to use the Federal Reserve System as a tool for its deadlly trade.

GROVE CITY

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

Mr. BURTON of Indiana. Mr. Speaker, I rise in opposition to the so-called 1987 Civil Rights Restoration Act. If this legislation passes the House, entire private elementary and secondary school systems, including religious school systems, will be covered if just one school in the system gets any Federal assistance.

Mr. Speaker, this is just one example of how this bill tramples on the rights and religious liberties guaranteed to all Americans by the U.S. Constitution. The first amendment to the Constitution states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Nowhere does it say that the Department of Education shall have the supreme power to decide which religious tenets are important and which are not.

Congress must uphold the civil rights of religion and religious institutions just as it affirms the civil rights of other vital parts of our society. I therefore urge my colleagues to vote "no" on this bill.

PERSONAL EXPLANATION

Mr. ALEXANDER. Mr. Speaker, yesterday I was unavoidably detained in an important meeting with Arkansas soybean producers during rollcall No. 14, the vote on the Dannemeyer motion to instruct conferees regarding the dial-a-porn amendment to H.R. 5. Had I been present, I would have voted "yes."

CIVIL RIGHTS RESTORATION ACT

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

Mr. DANNEMEYER. Mr. Speaker, I rise in opposition to the rule under which the House will today debate S. 557, the so-called reinstatement of civil rights, caused by Grove City.

Mr. Speaker, I went before the Committee on Rules, and I asked authority to offer an amendment. I was turned down.

Mr. Speaker, I intend to speak about this when the matter is relevant. In a nutshell, however, under existing law, if one wishes to come into this country as an immigrant and has a communicable disease, they are not eligible, but the bill in the form that we are going to consider it goes in the opposite direction, that if one has a communicable disease an affirmative action program would come into existence whereby the whole force of the Federal Government would come to your aid in order to get a particular job.

Mr. Speaker, it is ludicrous that we would have such a result in our law. We need time to debate this issue because it relates to one of the most fundamental issues facing the country; namely, the necessity of developing a public health response to deal with the AIDS epidemic and stop this nonsense of treating it as a civil rights issue.

THE FUTURE OF NATO

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

Mr. DURBIN. Mr. Speaker, history seldom deals a perfect hand. The convergence of our Nation's fiscal crisis with a fresh dialog between the United States and the Soviet Union on disarmament puts the future of NATO in question.

NATO has served its allies well for more than 40 years but today it faces stark realities. The United States is the principal ally in terms of monetary support, and the United States is mired in a budget crisis which forces significant cutbacks in military expenditures. Changes in our exchange rate have made the cost of troops overseas more expensive than ever and there is a growing feeling that our allies should have matured economically and politically to the point where they can shoulder equal shares of the NATO burden. But these challenging issues may go unaddressed in Brussels, where the President is meeting with NATO ministers. At a time when we should be meeting to assess, redefine, and position NATO in a changing world we hear only the strains of Auld Lang Syne from an administration whose eye may be more on retirement than the realities which face us.

PERSONAL EXPLANATION

Mr. SWINDALL. Mr. Speaker, I would like to state that I was unavoidably absent during rollcalls 13 and 14 on yesterday, March 1, 1988. Had I been present I would have voted "no" on rollcall 13, and I would have voted "yes" on rollcall 14.

THE FEDERAL GOVERNMENT INTRUSION ACT

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

Mr. SWINDALL. Mr. Speaker, I would like to take this opportunity to speak out against the Civil Rights Restoration Act. First of all certainly that is a misnomer. It ought to be entitled "The Federal Government Intrusion Act."

Mr. Speaker, I particularly am perturbed about one particular aspect that affects the religious tenets. It is something that has been from the time this country was founded a very protected area. I wanted to offer an amendment to correct this new intrusion but unfortunately the rule that we will be voting under later today prevents any such amendments.

Specifically what this bill will allow to happen is that any church or synagogue that has for example a homeless shelter or any type of soup kitchen that receives Federal funds, it will now bring that facility under Federal jurisdiction, that synagogue or that church, and that has never before existed in this country.

Mr. Speaker, I am concerned about it because the title says "civil rights restoration." This is not a restoration. It is a new intrusion into a previously protected area. I think it is a grave mistake, and I urge my colleagues to vote no on the rule which allows no amendments to correct the flaw, and then if the rule does in fact pass I ask my colleagues to please vote no on the bill until it can be corrected.

□ 1445

WHISTLEBLOWER PROTECTION ACT AMENDMENTS OF 1988

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

Mr. SLATTERY. Mr. Speaker, today I am introducing legislation that will help protect nuclear powerplant employees who report safety problems from retaliation by their plant managers.

As someone who is deeply concerned about nuclear powerplants' inherent safety problems, I want to make sure potential problems do not escalate into major threats to public safety.

The best way to do this is to ensure that plant workers, who are safety's first line of defense, have the security of knowing they can report these problems without being harassed or losing their jobs.

My legislation will strengthen existing laws created to protect whistleblowers in an effort to encourage these employees to come forward.

The bill gives employees who feel they have been fired or harassed because they reported safety problems a year—rather than the current 30 days—to file a complaint, and protects their rights to file a claim in a State court as well as with the Secretary of Labor.

It also requires management to prominently post the rights of employees who report safety problems, and grants explicit protection to workers who report problems directly to management rather than Federal regulators.

This legislation improves the Federal Government's ability to protect nuclear powerplant employees who report safety problems. Their honesty should not cost them their jobs.

OPPOSITION TO FmHA FARMER RELIEF

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

Mr. DIOGUARDI. Mr. Speaker, I rise today to express my strong opposition to the Farmers Home Administration announcement to draft rules relieving farmers of up to 7 billion dollars' worth of debt owed to the U.S. Treasury, thus passing this cost on to all American taxpayers.

Unfortunately, the story gets worse. Not only is FmHA heaping this $7 billion cost onto all of us, it is doing so with the intent of lending even more money to the very same enterprises that were unable to pay back their loans in the first place.

What happens when we hit another downturn in the farm economy? Will we once again wipe the slate clean and extend new loans that will never be paid back?

Mr. Speaker, whether you're from the farm or the city, this policy makes little horse sense or common sense. It is a policy that will further sow the seeds of disaster for our budget deficit without giving any real long-term health and stability to the farmers it is designed to help. I have written to FmHA Administrator Vance Clark expressing my opposition to their proposal and my intention to introduce legislation that would block its implementation.

This action is just another in a long line of government shell games that disguise economic reality and hide the true cost of government from the American people. In fact, the only thing this farm policy will put on the kitchen table of most Americans is more debt.

EMERGENCY HUNGER RELIEF ACT OF 1988

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

Mr. PANETTA. Mr. Speaker, I today, along with close to 50 of my colleagues, in a bipartisan effort, am introducing the Emergency Hunger Relief Act of 1988.

It is a sad commentary in America that there is a need to introduce any Emergency Hunger Relief Act at all. In a land blessed with the great agricultural bounty, it is a national shame that there is hunger in our society.

Just a week ago I convened a hearing on this issue and heard from a wide range of people who confront

daily the reality of hunger in our society, food bank directors, ministers, national experts on nutrition and child health, and the mayors, mayors indicating that there will be an increase in hunger needs in this country from some 18 to 20 percent over this next year, all of whom spoke of the growing problem of hunger and the failure of the current programs to meet the need. They also spoke in particular of the fact that there will be a failure of distribution of the temporary emergency food assistance program within the next few months.

So today we introduce what I think is a balanced and prudent agenda to try to deal with the hunger problem in our society. The consequence of delay is already evident. We are seeing increases in infant mortality, anemia and malnutrition, and the simple fact is that we cannot afford not to act. The time is now. I urge your support for the Emergency Hunger Relief Act of 1988.

COMMUNIST FOOTHOLD IN CENTRAL AMERICA

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

Mr. DORNAN of California. Mr. Speaker, tomorrow we have our monthly vote on whether or not communism is going to get a permanent foothold on the Isthmus, the land bridge between our country and the Panama Canal. I am going to take a special order tonight. I want my colleagues to watch. It should be on sometime between 7:30 and 9:30. We will be so limited in debate, the issue becomes more and more critical but the key debate time becomes more and more narrow. So this special order is going to be important. For those who follow the written and electronic record of this House, that means about 5 o'clock in California, Pacific time, or 3 o'clock in the afternoon in Hawaii. They can take time out from paradise to listen to the latest Communist shipments, deliveries from General Secretary Gorbachev to the Communists in Nicaragua.

Here is a Rand report on communism in Nicaragua, how close they are to fulfilling a lifelong dream of 70 years of communism, a permanent colony on the Continent of North America. And here is a report taken off of the body of a killed Communist guerrilla in El Salvador, eight pages long of detailed commentary on how they use the Congress, negotiations, and the peace process.

My colleagues may hear Yoko Lennon caterwauling "All we are saying is give peace a chance," but, Mr. Speaker, put the word "communism" in place of peace, and that is what you and your liberals and radicals and your party are helping to prop up on the soil of North America.

EMERGENCY HUNGER RELIEF ACT OF 1988

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

Mr. STAGGERS. Mr. Speaker, I am proud to join with my colleague, Congressman PANETTA in cosponsoring the Emergency Hunger Relief Act of 1988 to address the growing problem of hunger in America—this land of plenty.

Clear indicators show a rising demand for emergency food assistance in this country. This need will expand even farther when commodities distributed through the Temporary Emergency Food Assistance Program will no longer be available later this year. While the number of persons living in poverty grew between 1980-86, there were 400,000 fewer persons participating in the Food Stamp Program in an average month. In addition, the USDA estimates that the WIC Program reaches just 40 percent of those eligible. This is a particularly disturbing statistic to my State of West Virginia where 50 percent of all babies born in the State last year were born into poverty. All of these indicators combine to evidence a grave shortfall in ensuring the basic nutritional needs of poor Americans.

I would like to alert my colleagues to a recent study conducted by public voice for food and health policy on rural poverty and nutrition. It highlights the growing segment of rural poor who are at high risk because of nutritional deficiencies and outlines the barriers to food assistance programs that the rural poor face.

The Emergency Hunger Relief Act of 1988 addresses the hunger crisis in all of America by eliminating the barriers to food assistance programs and by increasing benefits to meet nutritional needs.

My colleagues, tomorrow we will be asked to vote on humanitarian aid for victims of the war in Central America, today I ask that you lend support to legislation which would provide humanitarian aid to the victims of the war on hunger in America.

THE MANAGEMENT INTERLOCKS REVISION ACT OF 1988

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

Mr. PARRIS. Mr. Speaker, today I am introducing legislation that will amend the Management Interlocks Act of 1978. That act's broad intention was to promote competition among financial institutions. First, it prohibited the dual service by management officials in nonaffiliated institutions within the same standard metropolitan statistical area. Second, if a depository institution holding company has assets over $1 billion, a management official from that company was prohibited from serving as a management official of a nonaffiliated institution with $500 million in assets.

Mr. Speaker, since the enactment of this legislation, we have seen some rather dramatic changes in the financial services industry. I could spend an hour talking about the disintermediation of the banking industry, but in sum, there are now a greater number of financially diverse institutions. For example, one of the largest thrift holding companies in the United States is Ford Motor Co. Moreover, the provision from the 1978 act that restricts companies with assets over $1 billion is hopelessly outdated. In 1978, only 3 percent of the institutions insured by FSLIC, 144 institutions, had assets over $500 million. Now, that number has grown to 400 institutions.

The effect of this in the marketplace is that commercial firms that have acquired thrifts have difficulty getting persons to serve on their, the company's, board because potential directors usually serve on another financial institution's board. This is a frustrating exercise, and it is one impediment that we certainly need to clarify, particularly if we want to continue encouraging commercial firms to buy thrifts. This bill will allow the regulators to determine if dual service is a competitive problem. The primary supervisory agent in each region will have 60 days in which to disapprove of the dual service.

A second part of this bill is designed to ease the effects that this bill has had on smaller banks. First, it would define "control" of an institution at 25-percent share ownership, as opposed to 50 percent ownership. This will bring this legislation in line with the definition of control of a bank holding company, moreover, it will allow a greater number of institutions which are affiliated in practical reality to be affiliated for management purposes. Additionally, this legislation will allow an interlock in a primary Federal supervisory area if the regulators believe that no competitive problems will be created by allowing it. Because statistical areas have changed in the last 10 years, many banks find themselves facing interlock problems now—where there were none before.

Mr. Speaker, on December 3, 1987, the Independent Banker's Association of America testified in support of these revisions to the Interlock's Act. In doing so, they stated that "competent directors are the foundation of a bank's survival and profitability." Having once served on the board of di-

rectors of a bank, I could not agree more. I am confident that these changes will strengthen the banking industry.

Finally, exemptions are made for acquisitions of failing banks and thrifts. Perhaps this is the most important change since 1978, 10 years ago we did not have a FSLIC crisis, and we weren't experiencing nearly the number of bank failures that we are now. Easing the acquisition of a failing institution is one of the most important aspects of this bill.

Mr. Speaker, I am pleased to be joined by three distinguished members of the House Banking Committee in introducing this legislation. They are Mr. BARNARD, Mr. SHUMWAY, and Mrs. SAIKI.

DRUGS AND CRIME

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

Mr. GARCIA. Mr. Speaker, a great deal has happened in the city of New York over this past week. A young police officer was shot five times in the head as he was sitting in a patrol car outside of a drug witness' home.

What I would like to ask my colleagues to do is to join with me. I am sending around a "Dear Colleague" letter and I hope that my colleagues would join with me and with the New York delegation in a special order that will take place this coming week, and if not the following week, but it will be done.

I think this is an issue that affects every one of us, the question of drugs, the question of AIDS, the question of how these criminals are getting away with what they are getting away with.

So I hope that all my colleagues will be able to join together in a special order on behalf of Patrolman Edward Byrne, who gave his life.

THE CIVIL RIGHTS RESTORATION ACT

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

Mr. RICHARDSON. Mr. Speaker, the Civil Rights Restoration Act is the most important civil rights legislation of this session of Congress. The goal of this legislation is simple. It will restore original congressional intent to the laws which prohibit discrimination in federally funded programs and institutions.

Passage of this act will restore enforcement authority to civil rights statutes which have been crucial to minorities, especially Hispanics and underprivileged Americans in their fight for equal opportunity in our society.

Title VI of the Civil Rights Act has been a powerful tool for minorities, blacks, Hispanics, and Native Americans in their efforts to combat discrimination in employment, education, and housing. The restrictions imposed on that law by the Grove City decision have been used to deny minorities the basic civil right of equal opportunity.

We rely on our laws to secure our fundamental rights. If we fail to pass this bill, we will leave in place a law which condones discrimination with our tax dollars. Such has no place in a country which professes to be governed by a Constitution which declares that all are created equal.

DESIGNATING MORGAN AND LAWRENCE COUNTIES IN ALABAMA AS A SINGLE METROPOLITAN STATISTICAL AREA

The SPEAKER pro tempore (Mr. GRAY of Illinois). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1447.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DYMALLY] that the House suspend the rules and pass the Senate bill, S. 1447.

The question was taken.

Mr. MICHEL. 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 284, nays 122, not voting 27, as follows:

[Roll No. 16]

YEAS—284

Ackerman	Callahan	Duncan
Alexander	Campbell	Durbin
Anderson	Cardin	Dwyer
Andrews	Carper	Dymally
Annunzio	Carr	Dyson
Applegate	Chandler	Early
Aspin	Chapman	Eckart
Atkins	Chappell	Edwards (CA)
AuCoin	Clarke	Emerson
Barnard	Clay	English
Bates	Clement	Erdreich
Beilenson	Coats	Espy
Bennett	Coleman (TX)	Evans
Berman	Collins	Fascell
Bevill	Conyers	Fazio
Bilbray	Cooper	Feighan
Boggs	Courter	Fish
Boland	Coyne	Flake
Bonior	Crockett	Flippo
Bonker	Darden	Florio
Borski	Daub	Foglietta
Bosco	Davis (MI)	Foley
Boucher	de la Garza	Ford (MI)
Boxer	Derrick	Frank
Brennan	Dickinson	Frost
Brooks	Dicks	Garcia
Bruce	Dingell	Gaydos
Bryant	Dixon	Gejdenson
Buechner	Donnelly	Gibbons
Bustamante	Dorgan (ND)	Glickman
Byron	Downey	Gonzalez
Gordon	Mazzoli	Sawyer
Grandy	McCloskey	Scheuer
Grant	McCurdy	Schroeder
Gray (IL)	McEwen	Schumer
Gray (PA)	McHugh	Sharp
Guarini	McMillen (MD)	Shaw
Gunderson	Mfume	Sikorski
Hall (OH)	Mica	Sisisky
Hall (TX)	Miller (CA)	Skaggs
Hamilton	Mineta	Skelton
Hammerschmidt	Moakley	Slattery
Harris	Mollohan	Slaughter (NY)
Hatcher	Montgomery	Slaughter (VA)
Hawkins	Morrison (CT)	Smith (IA)
Hayes (IL)	Morrison (WA)	Smith (NJ)
Hayes (LA)	Mrazek	Smith, Robert (OR)
Hefner	Murphy	Snowe
Hertel	Murtha	Solarz
Hochbrueckner	Myers	Solomon
Horton	Nagle	Spratt
Howard	Natcher	St Germain
Hoyer	Neal	Staggers
Hubbard	Nelson	Stallings
Hughes	Nichols	Stark
Hutto	Nowak	Stenholm
Ireland	Oakar	Stokes
Jacobs	Oberstar	Stratton
Jeffords	Obey	Studds
Jenkins	Olin	Sundquist
Johnson (CT)	Ortiz	Sweeney
Johnson (SD)	Owens (NY)	Swift
Jones (NC)	Owens (UT)	Synar
Jones (TN)	Panetta	Tallon
Jontz	Pashayan	Tauzin
Kanjorski	Patterson	Taylor
Kaptur	Pease	Thomas (GA)
Kastenmeier	Pelosi	Torres
Kennedy	Penny	Torricelli
Kennelly	Pepper	Towns
Kildee	Perkins	Traficant
Kleczka	Pickett	Traxler
Kolter	Pickle	Udall
Konnyu	Porter	Valentine
Kostmayer	Price (IL)	Vander Jagt
LaFalce	Price (NC)	Vento
Lancaster	Pursell	Visclosky
Lantos	Rahall	Volkmer
Lehman (CA)	Rangel	Walgren
Lehman (FL)	Ravenel	Watkins
Levin (MI)	Ray	Waxman
Levine (CA)	Richardson	Weiss
Lipinski	Ridge	Wheat
Lloyd	Rinaldo	Whitten
Lowry (WA)	Ritter	Williams
Luken, Thomas	Robinson	Wilson
Lukens, Donald	Rodino	Wise
MacKay	Roe	Wolpe
Madigan	Rogers	Wortley
Manton	Rose	Wyden
Markey	Rowland (GA)	Yates
Martin (NY)	Roybal	Yatron
Martinez	Russo	Young (AK)
Matsui	Sabo	Young (FL)
Mavroules	Savage	

NAYS—122

Archer	DioGuardi	Kyl
Armey	Dornan (CA)	Lagomarsino
Badham	Dreier	Latta
Ballenger	Edwards (OK)	Leach (IA)
Bartlett	Fawell	Lent
Barton	Fields	Lewis (CA)
Bateman	Frenzel	Lewis (FL)
Bentley	Gallegly	Livingston
Bereuter	Gallo	Lowery (CA)
Bilirakis	Gekas	Lujan
Bliley	Gilman	Lungren
Boehlert	Gingrich	Marlenee
Broomfield	Goodling	Martin (IL)
Brown (CO)	Gradison	McCandless
Bunning	Green	McCollum
Burton	Gregg	McDade
Cheney	Hansen	McMillan (NC)
Clinger	Hastert	Meyers
Coble	Hefley	Michel
Coleman (MO)	Henry	Miller (OH)
Combest	Herger	Miller (WA)
Conte	Hiler	Molinari
Coughlin	Hopkins	Moorhead
Craig	Houghton	Morella
Crane	Hunter	Nielson
Dannemeyer	Hyde	Oxley
Davis (IL)	Inhofe	Packard
DeLay	Kasich	Parris
DeWine	Kolbe	Petri

Quillen
Regula
Rhodes
Roberts
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Sensenbrenner
Shays
Shumway
Shuster
Skeen
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Spence
Stangeland
Stump
Swindall
Tauke
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wylie

NOT VOTING—27

Akaka
Anthony
Baker
Biaggi
Boulter
Brown (CA)
Coelho
DeFazio
Dellums
Dowdy
Ford (TN)
Gephardt
Holloway
Huckaby
Kemp
Leath (TX)
Leland
Lewis (GA)
Lightfoot
Lott
Mack
McGrath
Moody
Roemer
Rostenkowski
Schulze
Smith (FL)

□ 1518

Mr. CONTE, Mrs. SMITH of Nebraska, and Mr. MILLER of Washington changed their votes from "yea" to "nay."

Mr. EMERSON changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES

Ms. OAKAR. Mr. Speaker, I offer a privileged resolution (H. Res. 393) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 393

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

Committee on Armed Services, H. Martin Lancaster, North Carolina;

Committee on Public Works and Transportation, Bob Clement, Tennessee; and

Committee on Merchant Marine and Fisheries, Bob Clement, Tennessee.

The SPEAKER pro tempore. The question is on the resolution.

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

The SPEAKER 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 278, nays 122, not voting 33, as follows:

[Roll No. 17]

YEAS—278

Ackerman
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Ballenger
Barnard
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Brown (CO)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clement
Coble
Coelho
Coleman (TX)
Collins
Combest
Conyers
Cooper
Coyne
Craig
Crane
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Frank
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hochbrueckner
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McEwen
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (OH)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Rahall
Ravenel
Ray
Richardson
Robinson
Rodino
Roe
Rogers
Rose
Rowland (GA)
Roybal
Russo
Sabo
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whittaker
Whitten
Wilson
Wise
Wolpe
Wortley
Wyden
Yates
Yatron
Young (AK)

NAYS—122

Archer
Armey
Badham
Bartlett
Barton
Bateman
Bentley
Bliley
Broomfield
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coleman (MO)
Conte
Coughlin
Courter
Dannemeyer
Davis (IL)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Fawell
Fields
Frenzel
Gallegly
Gallo
Gingrich
Goodling
Green
Gregg
Hansen
Hastert
Henry
Hiler
Houghton
Hunter
Inhofe
Ireland
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McDade
Meyers
Michel
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Packard
Petri
Pursell
Quillen
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Roth
Roukema
Saiki
Schaefer
Schneider
Schuette
Sensenbrenner
Shuster
Skeen
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Wolf
Wylie
Young (FL)

NOT VOTING—33

Akaka
Anthony
Baker
Biaggi
Boulter
Daub
Dellums
Dowdy
Ford (MI)
Ford (TN)
Gephardt
Gilman
Holloway
Huckaby
Kemp
Leath (TX)
Leland
Lewis (GA)
Lightfoot
Mack
Martin (NY)
Mavroules
McGrath
Moody
Rangel
Roemer
Rostenkowski
Rowland (CT)
Savage
Schulze
Smith (FL)
Stark
Williams

□ 1539

Mrs. SMITH of Nebraska changed her vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 557, CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 391 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 391

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 (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, with thirty minutes to be equally divided and controlled by the chairman and

ranking minority member of the Committee on Education and Labor, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order in the House or in the Committee of the Whole except an amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Michel of Illinois, or his designee, which shall be considered as having been read, which shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a Member opposed thereto, and which shall not be subject to amendment. 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 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.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTA] and pending that I yield myself such time as I many consume.

Mr. Speaker, House Resolution 391 is a modified closed rule providing for the consideration of the bill S. 557, the Civil Rights Restoration Act of 1987.

The rule provides for 1 hour of general debate with 30 minutes equally divided between the chairman and the ranking minority member of the Committee on Education and Labor and 30 minutes equally divided between the chairman and ranking minority member of the Committee on Judiciary.

Mr. Speaker, under the rule no amendments are in order to the bill in the House or in the Committee of the Whole, except an amendment in the nature of substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by the gentleman from Illinois [Mr. MICHEL] or his designee.

The substitute shall be debatable for 1 hour, with the time equally divided and controlled by a proponent and a Member opposed to the amendment also, Mr. Speaker, no amendments to the substitute are in order. Finally, the rule provides for one motion to recommit.

Mr. Speaker, S. 557 would overturn the 1984 Supreme Court decision, Grove City College versus Bell which narrowed the application of Federal antidiscrimination laws. The bill would restore and clarify the interpretation of a program or activity within an agency or institution that receives Federal assistance.

What the Supreme Court ruled was that Federal laws barring discrimination did not apply to entire agencies or institutions but only to the specific programs or activity that received Federal assistance. This bill, which passed the Senate 74 to 14, would amend four major civil rights statutes that prohibit discrimination in federally assisted programs: The Education Amendments of 1972, the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Civil Rights Act of 1964 to make clear that under each act discrimination is prohibited throughout an entire agency or institution if any part receives Federal financial assistance.

Also, Mr. Speaker, there is language in the bill that specifically states that institutions that receive Federal aid would not be required to perform or pay for abortions and would prohibit an educational institution from discriminating against anyone who has had or is seeking a legal abortion.

Mr. Speaker, immediately after the Grove City ruling of 1984 the House attempted to overturn that ruling by a vote of 375 to 32. The Senate, however, chose not to act on the measure. Now that the Senate has acted it is time for the House to move this bill expeditously through and put a stop to the loss of educational benefits, jobs, and job opportunities that can never be recovered and to ensure that no Federal dollars will be sent to any institution that allows or encourages discrimination. I urge my colleagues to vote for this rule and for final passage of the bill.

□ 1545

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

Mr. Speaker, I do not believe that most Members of this House realize how important this legislation is. This is an extremely important piece of legislation and it has been handled in an extraordinary way.

Believe it or not, there was not one single minute's worth of hearings on this legislation during this Congress by a House committee. My colleagues would think that the Members of this House would be entitled to some hearings on a piece of legislation this important. So without hearings, the committee came before the Rules Committee and got a rule that is very restrictive allowing only one amendment to be offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. Speaker, that is not the way to legislate. Over on the Senate side they had an opportunity to amend the legislation. Why not the Members of the House? Why deny the Members of this body the opportunity to amend an important piece of legislation?

We are talking about a piece of legislation under which, according to the Justice Department, an entire church or synagogue, including its prayer rooms and religious classes, will be covered under at least three of these statutes if it operates one federally assisted program or activity. Every school in a religious school system would be covered in its entirety if one school within the school system receives even one dollar of Federal financial assistance, even though the others receive no assistance.

Grocery stores and supermarkets participating in the Food Stamp Program will be subject to coverage solely by virtue of their participation in that program.

Every division, plant, facility, store, and subsidiary of a corporation or other private organization principally engaged in the business of providing education, health care, housing, social services, or parks or recreation will be covered in their entirety whenever one portion of one division, plant, facility, store, or subsidiary receives any Federal aid.

A private national social service organization will be covered in its entirety, together with all of its local chapters, councils or lodges, if one local chapter, council or lodge receives any, and I stress the word "any" Federal financial assistance.

As a consequence more sectors of American society will be subject to increased paperwork requirements, and random on-site compliance reviews by Federal agencies, even in the absence of an allegation of discrimination. Thousands of words of Federal regulations will be forthcoming. There will be costly accessibility regulations that can require structural and equipment modification, the need to attempt to accommodate contagious persons, and increased exposure to costly private lawsuits that will inevitably seek the most expansive interpretation of the already overbroad language of the bill.

Moreover, the bill inadequately protects the religous tenets of entities covered under title IX by refusing to strengthen the current exemption to allow institutions not only controlled by, but also those closely identified with the tenets of, a religious organization, to seek an exemption from title IX coverage when title IX conflicts with those tenets.

Mr. Speaker, let me just read a part of a letter that was sent to our Republican leader, the gentleman from Illinois [Mr. MICHEL] from the President dated March 1:

> The bill poses a particular threat to religious liberty. It interferes with the free exercise of religion by failing to protect the religious tenets of schools closely identified with religious organizations. Further, the bill establishes unprecedented and pervasive Federal regulation of entire churches and synagogues whenever any one of their many activities, such as a program to provide hot meals for the elderly, receives any Federal assistance. Moreover, and in further con-

trast to the pre-Grove City coverage, entire private elementary and secondary school systems, including religious systems, will be covered if just one school in such a private system receives Federal aid.

Let me also say that the President says if this legislation reaches his desk in its present form he will veto it. So why, why not have the Members of the House have an opportunity to have hearings on it so that they could make proper changes, so we could send to the President a bill that he can sign? Why, why all of the hurry? Why deny the Members of this House that opportunity?

The only chance we have today to show any kind of a protest is to adopt the amendment to be offered by the gentleman from Wisconsin [Mr. SENSENBRENNER]. That is all we have.

So we are looking down a road toward a veto and accomplishing absolutely nothing.

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

Mr. MOAKLEY. Mr. Speaker, I yield 14 minutes to the gentleman from California [Mr. HAWKINS], chairman of the Education and Labor Committee.

Mr. HAWKINS. Mr. Speaker, I rise in support of the rule and urge my colleagues to do the same.

The decision in Grove City College versus Bell is now 4 years old and hundreds of people are being denied their basic rights to be treated equally in education, housing, health, and other federally sponsored programs. It is time to restore the original congressional intent of broad systemwide coverage to these four statutes affecting women, disabled, the elderly, and minorities.

This measure has been heard and heard again. It is incorrect to say that no hearings have been held on this subject. We have had more than 22 days of hearings in the Education and Labor Committee. I am confident that hearings have also been held by the other committee of jurisdiction, the Judiciary Committee as well.

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

Mr. HAWKINS. I am glad to yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, the gentleman just said that there have been hearings on this legislation. When were hearings held on S. 557 as it came over from the Senate?

Mr. HAWKINS. S. 557 is a bill that has been in this House several times before. The issues have certainly been heard in three different Congresses. It is similar to legislation introduced in the 98th Congress, heard throughout that Congress and identical to legislation introduced in the 99th Congress, and certainly has had enough hearings that everyone is acquainted with it. To say that this specific piece of legislation has to have hearings I think is being totally illogical, and certainly would not add at all to the knowledge of the Members of this body.

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

Mr. HAWKINS. I yield to the gentleman from Michigan just briefly. I do not have much time.

Mr. HENRY. Mr. Speaker, is it not correct, however, that when the committee last considered this 3 years ago in the previous Congress it adopted a religious tenets provision, in fact, a religious tenets provision broader than the one we seek to bring to the floor and have been denied an opportunity to do so?

Mr. HAWKINS. No; we did not. I think the gentleman has misconstructed what we really adopted. It was different from the one before us today.

Mr. HENRY. It was broader.

Mr. HAWKINS. But that is not the issue. The issue is whether or not we have had hearings, and I am asserting that we have had hearings on an identical piece of legislation, and the only difference basically is the abortion amendment. I have never heard of any issue that has been discussed more than the abortion amendment. Certainly, this is true in this body as well as the other body.

I think that it is totally unfair for those who have delayed the consideration of this proposal since the 98th Congress to be advocating the issue of unfairness. It is certainly unfairness on the side of those who have been denied their rights since the 98th Congress, and therefore, I think the time has come to act and not deny this bill through the guise that hearings have not been held.

This bill has been fully debated by both Houses and it was passed, I think it should be understood, by the House in 1984 by a vote of 375 to 32, and in the other body just recently by a vote of 75 to 14 with 11 not voting.

All the compromises, it seems to me, that could possibly be made have already been made. All the negotiations have gone on. If those opposed to civil rights had done what the proponents of civil rights had done in S. 557 and put their ideas into their amendment; that is, the substitute which is allowable today, then they would have had an opportunity to have obtained a vote. They apparently preferred not to do that, and consequently it seems to me they come in with ideas that they have refused to discuss among themselves.

Mr. Speaker, I have promised a colloquy to the gentleman in the well, so let me rapidly conclude.

Since this bill has been first introduced in the 98th Congress almost 2,500 amendments have been offered to identical bills. Certainly, all of the ideas that could ever have been thought of have already been expressed. Just how many more ideas can we think of to delay the passage of this bill?

The time is now. Certainly, we have been fair. Certainly, we have had hearings and the choices now are clear, and this rule ensures a clear vote. No more delays or obfuscation is needed, and it is time to vote, and I urge my colleagues to do so in support of S. 557.

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

Mr. HAWKINS. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Speaker, does the Civil Rights Restoration Act change in any way the standards for determining whether or not a handicapped individual has been discriminated against on the basis of a handicap under section 504 of the Rehabilitation Act of 1987?

□ 1600

In particular, does the bill change in any way the standards for determining whether a handicapped person has been discriminated against because of the lack of accessibility of a facility.

Mr. HAWKINS. May I say this to the gentleman from Tennessee: The answer is "No."

The purpose of the bill is simply to restore the scope of coverage that existed prior to the Grove City decision. The bill does not redefine what constitutes discrimination under section 504. Many in the civil rights community, including advocates for persons with handicaps, would have liked to strengthen and expand the current definition of discrimination. However, it was agreed, in the spirit of bipartisanship, and in an effort to gain passage of the bill, to put aside such agenda and to support the restoration principle.

Mr. GORDON. What is your understanding of the standards in the current regulations for determining whether a recipient has been denied access to a program provided in an existing facility? Are there different standards for new construction?

Mr. HAWKINS. The regulations issued by the Reagan administration's Department of Justice pursuant to Executive Order 12250, which requires Department of Justice to coordinate the implementation of section 504, contain two standards—one standard for new construction and a second standard for existing facilities. The standard for new construction is that each new facility must be designed and constructed to be readily accessible to and usable by handicapped persons. The rationale for this standard was first enuciated on May 17, 1976, when the Secretary of Health, Education, and Welfare explained in the Inflationary Impact Statement accompanying HEW's "Notice of Intent to Publish a Proposed Regulation" his belief that is reasonable to require that all

newly constructed facilities be accessible because the additional cost of incorporating such a requirement into construction plans from the onset usually amounts to less than one-half of 1 percent.

On the other hand, to make an existing facility accessible may require additonal costs. Thus, the regulations include a far more flexible standard for existing facilities, which is commonly referred to as the program accessibility standard. The regulations require that the program operated in an existing facility, when viewed in its entirety, must be readily accessible to handicapped persons. Under this standard, a recipient is not required to make each existing facility or every part of a facility accessible to handicapped persons, so long as the program as a whole is accessible. Thus, a recipient is not even required to make any structural changes when other methods are effective in making the program accessible.

Mr. GORDON. In other words, it is your opinion that the standards of program accessibility have been in existence for over 11 years and have not caused any significant burden on recipients. And, these standards have been reaffirmed by the Reagan administration.

Mr. HAWKINS. The gentleman is correct. It is interesting to note that following the publication of the final section 504 regulations issued by the Department of Health, Education, and Welfare, numerous letters were sent to the Department and the Congress erroneously describing the exorbitant costs of complying with these new regulations. In an attempt to address these concerns, David Tatel, the Director of the Office for Civil Rights, issued a statement noting:

> It has been difficult to get attention focused on program accessibility, because some people seem to skim over the regulations and explanatory materials and start fretting about the widening of thousand of door or installation of high- and low-water fountains in every facility at every conceivable point. A result of the misunderstanding is a rising exaggeration of the potential cost of making programs accessible * * *. A recent report by Mainstream, Inc., a private nonprofit organization indicates that the cost of making 34 facilities accessible—in a survey they conducted—totaled only 1 cent per square foot. These same facilities spend 13 cents a square foot to clean and polish their floors.

Mr. GORDON. Mr. Chairman, in the situation of a hypothetical of corporation A receives Federal funds to construct and operate a low- and moderate-income apartment complex. Corporation A also owns and operates a luxury apartment rental complex and a candy company. Which components of corporation A are subject to the nondiscrimination laws?

Mr. HAWKINS. The housing project being constructed using Federal financial assistance is clearly covered. The luxury apartment rental complex would also be covered under subsection (3)(A)(ii) if, as appears to be the case, the corporation is principally engaged in the business of providing housing. In that circumstance, the entire corporation, including the Candy Co., would be under an obligation to comply with the several laws amended by S. 557.

If Housing is not the corporations' principle business, the scope of coverage of its components would depend on whether the Federal assistance was extended to the corporation "as a whole" within the meaning of subsection (3)(A)(ii) which is simply a question of fact. It is unlikely that a corporation, other than in a Chrysler bailout type situation, will be construed to be receiving assistance to the corporation "as a whole." The housing assistance described in the hypothetical would not be assistance to the corporation "as a whole," and the Candy Co. would not be covered.

Mr. GORDON. Questions have also been raised regarding what constitutes Federal financial assistance to a recipient entity. For example, do FHA loans, VA loans or other federally guaranteed loans to individuals, corporations or partnerships that are used to purchase or build single family or multifamily housing units constitute Federal financial assistance as contemplated by the law?

Mr. HAWKINS. I should stress at the outset that this is an issue which must ultimately be resolved on a case-by-case basis in the courts. Indeed, whether or not Pell Grants constitute Federal financial assistance to the institution was the principle question in Grove City College versus Bell. I would stress also that nothing in this legislation affects the definition of Federal financial assistance.

Mr. Speaker, I would like to emphasize that point: That nothing in this legislation affects the definition of Federal financial assistance; that which constitutes Federal financial assistance before S. 557 was enacted will constitute Federal financial assistance after it is enacted. We affect only the scope of coverage of the four laws amended by S. 557. A private individual would most likely be an ultimate beneficiary and thus not covered. However, a developer could be covered depending upon the kind of assistance it obtained.

Mr. GORDON. I thank the chairman.

Mr. HAWKINS. Mr. Speaker, I yield back the balance of my time.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, what has just occurred on the floor is a prime example of why we should reject the rule and ultimately the bill in its present form. The gentleman from Tennessee who is honestly in favor of this bill also has honest doubts about the efficacy and the wording of this piece of legislation. He has even in the Rules Committee expressed his reservations about the unintended consequences of this bill. He seems to feel, and the gentleman from California is accommodating him, that this whole thing can be straightened out by a colloquy on the floor. There are unanswered questions about higher assistance, there are unanswered questions about the effect of this law on the housing bill. But the gentleman from Tennessee and the gentleman from California are willing to allow the body to proceed into the passage of this bill with a colloquy in explaining all these unintended consequences.

I say to you that the only way that we can deal with the unintended consequences is to have hearings, full debate on every single one of them; on how it would affect the Amish in Pennsylvania; how it would affect the religious houses of our country; how it would affect the religious colleges and their curricula; how it would affect the religious colleges in separate facilities for men and women if that is the desire; unintended consequences on our grocery stores, on our market places.

Colloquies and opinions on the part of people putting records into this debate are not sufficient. The wording of the law is going to bring about unintended consequences like you can never imagine.

Mr. LATTA. Mr. Speaker, I yield 6 minutes to the Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I have always supported every Voting Rights Act—Mr. Speaker, I rise in opposition to the rule. In a little over 32 years in this House, I voted for every civil rights bill. But I must confess that in times past I wanted to know for sure what I was voting for, what I was voting against. The point that the gentleman from Pennsylvania just made is a very valid one. When we take legislative history only from the colloquy of two individual Members on matters that are this controversial when frankly no one person of us as individuals is all that knowledgeable to have all the answers. There is nothing wrong with full aeration and debate on some of these more controversial issues.

In 1964 we in the House took 9 days to debate the Civil Rights Act. In the next year we took 4 days to discuss the Voting Rights Act. Yet today we have 1 hour of debate time on the bill and 1 hour on a substitute; we have 2 hours to discuss what the proponents call the single most important piece of civil rights legislation to appear before

us since those landmark bills of 20 years ago.

I am reminded by one of the knowledgeable folks on the committee that there has not been any kind of hearings before the Committee on the Judiciary, for example, since April of 1985 on this particular legislation.

I am not necessarily all that enamored with what the other body does, whether they have an opportunity to amend or not. It is not that old great deliberative body that it once used to be where we could count, maybe, on an extended debate on some controversial issues from that other body. Today they are just as political as the city councils and the county commissioners back home.

There have been questions raised about the effect of this legislation on local and State governments, private organizations, churches, synagogues, businesses, farmers, private and religious schools and higher education. The modified closed rule, allowing one substitute, simply cannot address all those issues.

Now this term "restoration" that I heard the distinguished chairman mention in the bill is misleading because the effect of the legislation is not simply to restore civil rights to the status quo before the Supreme Court decision but to actually expand in many areas of coverage and that is what we ought to explore in full aerated debate around here. I am not arguing a case against expanding coverage of civil rights. What I am saying is we must not sacrifice our beliefs in open and free debate to pass a civil rights bill.

The two are equally essential pillars of our democratic society.

Procedure determines substance in so much of our legislation.

The way we debate an issue can change the very substance of that issue by either leaving no time for reasoned debate or in overlooking possible consequences of well-intentioned legislation.

The rule is in essence not a guide to debate but a way of determining its outcome; the medium truly is the message here.

Mr. Speaker, no one, least of all this Congressman, wants to take issue with the sincere motivations or good intentions of those supporting this bill in and out of Congress. Protecting civil rights is such an essential part of the duties of Congress that I can think of few issues outside of actual national security of our country that so deserve our attention. But that is precisely my point. We are debating a complex, wide-ranging issue but we are not applying our energies and our talents really to the fullest.

We are not doing what legislators do best in a great deliberative body. The rule assumes that since the goal is so profound the responsibilities of lawmakers can be temporarily suspended for the sake of expediency.

All we ask is that the issues get proper hearings. I ask you what is wrong with that? Suppose we were being asked today to consider a bill which has wide-ranging consequences in every aspect of national security, including the right of privacy, questions about electronic surveillance et cetera.

□ 1615

Suppose the bill was supported by a patriotic organizations and anti-Communist organizations; suppose they claimed that support of this bill was mandatory for anyone really patriotic. Suppose further that supporters demanded that the national security bill, with all its unknown consequences in so many areas, would be debated for only 1 hour, with one substitute. I think we would hear all kinds of protests, and rightly so.

But those who would protest would not, therefore, be against national security. They would be against passing a national security law without proper time for debate and reflection.

That is exactly our position. We believe so strongly in the goals of this bill that we do not want to see those goals put at the mercy of unacceptable legislative methods.

If every aspect of this bill is in the public interest, an open rule would not be harmful to its passage. On the other hand, if parts of this bill ought to be amended, then an open rule would certainly be helpful to the process.

For the record, I just want to make it abundently clear that the Rules Committee—and let us face it—with a 9-4 Democratic majority over Republicans, is a tool of the Democratic leadership. With the tendency in recent years to move more and more toward closed rules or limiting alternatives to one substitute, we ought to take a good look at that. We are stifling debate in this House of Representatives.

Frankly, we have all the time in the world. We have not been doing that much from January to March 2. We have plenty of time to debate these issues. What is so terrible about talking about it in this body, for heaven's sake?

I testified in the committee for an open rule. I did not ask for a substitute; I said I wanted an open rule. I remind the Members that we debated this thing for 9 days a few years back, and we had 4 days on another civil rights bill. What is wrong with talking about it and debating it and letting every Member have an opportunity to offer their amendments? The gentleman from Wisconsin is going to have his amendment. This is his view on several selected areas. I am going to support what he is proposing here, but it seems to me we ought to be talking more in terms of opening up the process.

Mr. Speaker, I include with my remarks the full text of the letter from the President and the letter from the Secretary of Education, as follows:

THE WHITE HOUSE,
Washington (Brussels, Belgium),
March 1, 1988.

Hon. ROBERT H. MICHEL,
Republican Leader, House of Representatives, Washington, DC.

DEAR BOB: I am writing to advise you of my deep concern with the "Civil Rights Restoration Act" (S. 557), also called the "Grove City" bill, which the House is scheduled to consider shortly. I will veto the bill if it is presented to me in its current form.

Preservation of the civil rights of Americans is an important function of government. In the area directly affected by the Grove City decision of the Supreme Court—education—my Administration has supported the effort to end discrimination against women, such as in collegiate athletics. In this and other areas, we remain committed to the effort to eradicate invidious discrimination in American society.

Unfortunately, the Grove City bill dramatically expands the scope of Federal jurisdiction over State and local governments and the private sector, from churches and synagogues to farmers, grocery stores, and businesses of all sizes. It diminishes the freedom of the private citizen to order his or her life and unnecessarily imposes the heavy burden of compliance with extensive Federal regulations and paperwork on many elements of American society.

The bill poses a particular threat to religious liberty. It interferes with the free exercise of religion by failing to protect the religious tenets of schools closely identified with religious organizations. Further, the bill establishes unprecedented and pervasive Federal regulation of entire churches and synagogues whenever any one of their many activities, such as a program to provide hot meals for the elderly, receives any Federal assistance. Moreover, and in further contrast to pre-Grove City coverage, entire private elementary and secondary school systems, including religious systems, will be covered if just one school in such a private system receives Federal aid.

I regret that the Members of the House of Representatives were not given the opportunity to consider and solve these and the many other problems with the bill through the normal process of committee consideration. I urge the House to correct these deficiencies.

Sincerely,

RONALD REAGAN.

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
March 1, 1988.

Hon. BOB MICHEL,
U.S. House of Representatives,
Washington, DC.

DEAR MR. MICHEL: We understand that S. 557, the Civil Rights Restoration Act will be debated under a very restrictive rule on Wednesday, March 2, 1988. This legislation, in its current form, presents many problems; two of the more serious deal with corporate coverage and the question of religious tenets exemption.

While the Department of Education strongly supports legislation to restore the status of civil rights enforcement by the Department prior to *Grove City,* it does *not*

support attempts to expand jurisdiction beyond its prior scope, as S. 557 proposes to do. It is important to understand that under past policies and practices, the Department of Education never claimed jurisdiction based on education funding over more than all facets of the education program in question. Prior to the *Grove City* case, jurisdiction was asserted by the Department over every educational facet of an institution connected with education: transportation of students, housing of students, employment of faculty and staff, athletics, extra-curricular activities, etc. whether or not the particular activity received Federal education grants.

Prior to *Grove City,* the Office for Civil Rights, U.S. Department of Education (OCR/ED) would not have accepted a complaint alleging that a large private corporation, *e.g.,* Widgit Corp., was discriminating against women in the management of Widgiet's offices if the only federal monies it received were funds under the Vocational Education Act for participating in model programs for teaching computer repair. S. 557 would subject the company's other operations, however unconnected with the educational activities of the corporation, to Education Department civil rights jurisdiction. (See Section 908 "all operations of" read together with Section 908(3)(A)(i).)

I am concerned that if S. 557 became law, social service organizations or businesses that previously felt a mission to support education might decide that the intrusion of the government into every aspect of their operations (and S. 557 makes it clear that *all* aspects of a covered entity's operations will be included) is not worth bearing. They may, therefore, withdraw from participating in programs for the improvement of education.

The pending legislation, S. 557, also does not address a serious concern that arose during consideration of Grove City legislation in both the 99th and 100th Congress, namely the scope of current Title IX exemption to protect religious organizations.

In 1972, when Congress enacted Title IX, it contained the following exemption to its coverage: "(Title IX shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religous tenets of such organization * * *" 20 U.S.C. S 1681(a)(3)). At that time, many religious institutions were controlled outright by religious entities. By contrast, many of these institutions are today controlled by law boards, or are otherwise organized so that they fall outside the exemption, even though they retain their religious mission and their affiliation with religious entities. A number of organizations, including the United States Catholic Conference, expressed concern about this development. In response, the House Education and Labor Committee adopted language in May 1985, that excluded from Title IX coverage "any operation of an entity which is controlled by a religious organization, or affiliated with such an organization when the religious tenets of that organization are an integral part of such operation, if the application of (Title IX) to such operation would not be consistent with the religious tenets of such organization."

A substitute amendment to S. 557, to be offered by Mr. Sensenbrenner, addresses the concern about adequately protecting religious tenets under Title IX. The pending legislation, S. 557, does not address the religious tenets issue. The religious tenets amendment that would be included in the substitute bill contains language identical to that enacted by Congress in the Higher Education Amendments of 1986, in a provision barring religious discrimination in the construction loan program. The law (P.L. 99-498) provides that any prohibition with respect to religion shall not apply to an educational institution which is controlled by or *which is closely identified with the tenets of* a particular religious organization if the application of this section would not be consistent with the religious tenets of such organization. (Emphasis supplied.) The Education Department believes that this language clearly expresses the appropriate scope of the religious tenets exemption.

It should also be noted that there is precedent under other civil rights laws for employing a broader test than "control" for a religious tenets exception. For example, Title VII of the Civil Rights Act of 1964 currently contains a religious tenets provision that establishes a broader test than the "control" test in Title IX.

The Department of Education supports the amendment to be offered by Mr. Sensenbrenner, which would resolve these two major problems in S. 557.

Sincerely,

WILLIAM J. BENNETT.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, I wish to have a colloquy with the gentleman from California [Mr. EDWARDS], and I will ask the gentleman this question first:

Does title IX's prohibition against sex discrimination require that colleges provide unisex housing for its students?

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

Mr. DERRICK. I yield to the gentleman from California.

Mr. EDWARDS of California. No, it does not. Section 106.32(b)(1) of the Code of Federal Regulations explicitly provides that "a recipient may provide separate housing based on sex." These regulations apply to all educational institutions, not just institutions controlled by a religious organization.

Mr. DERRICK. Does this bill in any way change those regulations?

Mr. EDWARDS of California. No; this bill has no effect on those regulations. They would remain in effect.

Mr. DERRICK. Mr. Speaker, I thank the gentleman for this clarification.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the distinguished whip, the gentleman from California [Mr. COELHO].

Mr. COELHO. Mr. Speaker, I rise today in support of the Civil Rights Restoration Act. This is one of the most important civil rights bills of recent years. It is a bill that breaks no new ground, it only restores rights this body long ago granted.

The passage of this bill will take us back to where we have already been in assuring necessary antidiscrimination protections for minorities, for women, for the elderly and for people with disabilities. This bill is a simple restoration of rights—it does nothing to further the cause beyond eliminating discriminatory practices we have already banned—but until this restoration is complete, there is no way we can pursue a future vision.

I have a personal interest in this bill as a member of America's largest minority—people with disabilities. I have epilepsy. I understand discrimination because I have experienced it. I, like millions of other disabled people—people who are blind, or deaf, or mentally retarded, or who have spinal cord injuries, or cerebral palsy, or a host of other disabling conditions, have been subject to discrimination based on ignorance, irrational fear, and prejudice.

In 1973 Congress recognized that Americans with disabilities, like minorities and women, were subject to discrimination and were entitled to basic civil rights protections—were entitled to share in the promise of America. When Congress passed section 504 of the Rehabilitation Act, it sent a loud and clear message to all disabled Americans—Congress told us that we did not have to be relegated to second-class citizenship—that we have the right to the same opportunities that other Americans take for granted—the right to an education, to employment, to housing, to transportation, and to health care.

Americans with disabilities have made great progress in our fight for equal citizenship since the enactment of section 504. Today, disabled people are no longer "out of sight, out of mind"—shut away in institutions and school basements. However, this fight for equal citizenship is only just beginning—we have a long way to go.

The Grove City College versus Bell decision has halted much of the progress that has been made. Immediately following the decision, the Supreme Court ruled in Consolidated Rail Corporation versus Darrone that Grove City's narrow interpretation of "program or activity" for title IX would apply to section 504. As a result the protections afforded disabled Americans under section 504 have been eroded by the courts and Federal agencies in succeeding judicial and administrative decisions regarding education, transportation, health care, and employment.

Some of the most serious setbacks have occurred in the employment area where the Darrone ruling has been used to thwart persons with disabilities in their efforts to seek legal recourse for job-related discrimination. In one case, a young woman who had epilepsy was denied employment by a large corporation solely on the basis that the company had a blanket policy preventing anyone with epilepsy from being hired for that particular job.

The company received Federal job training funds. However, the court ruled that section 504 only covered persons participating in the job training program, not the entire corporation.

For disabled Americans, achieving equal employment opportunity is essential to achieving full integration in society—our ultimate goal. I know all too well from my own personal experience as well as from conversations with other people with epilepsy and other disabilities, that employment discrimination based on disability is rampant in this country. Employers, like others in the public at large, hold stereotypes and prejudices about disabled people which impede their ability to objectively evaluate the qualifications of applicants or workers with disabilities. I believe that stereotypes and prejudices rather than handicaps themselves, are the most potent barriers to equal employment opportunity. Too often, the image of what disabled people "can do" has no basis in reality.

There is perhaps no area in which that image has become more distorted lately than in the arena of contagious diseases, particularly as it has focused on the dilemma of AIDS. The distortion has paralleled the historical response to all disabilities. Irrational fears and prejudice have prompted uninformed and unjustifiable responses in all aspects of life for people with AIDS, but particularly within the workplace. The lack of understanding has not just been about the realities of the disability, but also about the employer's responsibilities relative to an individual with AIDS under the compliance requirements of section 504 of the Rehabilitation Act.

Last year the Supreme Court in the case of School Board of Nassau County versus Arline reaffirmed the fact that individuals with contagious diseases have protections available to them under section 504 of the Rehabilitation Act. In its decision, the Court reflected on the congressional intent behind the development of section 504 stating:

> Congress acknowledged that society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from the actual impairment.

However, the Court also made clear that such individuals would not otherwise be qualified for employment purposes if the individual posed a significant risk of communicating the infectious disease to others in the workplace and such risk could not be eliminated by reasonable accommodation.

In the bill we are considering today, the Senate has included an amendment which places the precise standard and approach articulated in Arline into statute. Their amendment provides that individuals with contagious diseases or infections are protected under the statute unless they pose a direct threat to the health or safety of others or cannot perform the duties of the job.

The purpose of this provision is to clarify without modifying or altering the substantive standards of section 504 of the Rehabilitation Act as they apply to individuals with contagious diseases. As is clear from the discussion in the Senate, the essential objective of this amendment was to parallel the efforts undertaken by the Congress in 1978 with regard to coverage of alcohol and drug users under the statue. Some employers today, as was the case in 1978, are unjustifiably concerned that they may be required to hire or retain handicapped individuals who are not qualified for a particular employment position.

This amendment reaffirms that section 504 does not impose such a requirement. To the contrary, under the statue, as now clearly stated in this amendment, individuals with contagious diseases and infections are not otherwise qualified—and thus are not protected in a particular position—if, without reasonable accommodation, they would pose a direct threat to the health and safety of others or cannot perform the duties of the job. This type of amendment maintains, as section 504 always has, the proper balance between private rights and legitimate employment and health-related concerns.

People with contagious diseases and infections, such as people with AIDS or people infected with the AIDS virus, can be subject to intense and irrational discrimination. I am pleased that this amendment makes clear that such individuals are covered under the protections of the Rehabilitation Act. Although it may be unfortunate that we must, at the same time, include a specific requirement of section 504 as it applies to individuals with contagious diseases and infections, in order to allay the fears of some employers, such a clarification of existing section 504 law may itself be useful.

Section 504 is regarded by all Americans with disabilities as the hallmark of this Nation's commitment to full integration and equal opportunity. Since its enactment, section 504 has opened doors for disabled Americans which the Grove City decision is closing once more. We can no longer delay the fulfillment of the promise of nondiscrimination that Congress extended to disabled Americans in 1973.

Now is the time for us to act. People with disabilities, as well as minorities, women, and the elderly have been waiting for the past 4 years for us to restore to them what we had already granted. We cannot ask them to wait any longer. It is time to reaffirm our commitment to basic civil rights protections. It is time, once and for all, to say that Federal dollars cannot be used to subsidize discrimination.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I rise in strong opposition to the rule, and I plead with my colleagues to listen very carefully to what the issue is. The issue is really a twofold one, a fundamental question as to religious rights and, quite frankly, first amendment freedoms. When this issue was last considered in a House committee on May 21, 1985, the House Education and Labor Committee, which considered and debated and heard testimony on this issue, voted 18 to 11 for a religious tenets amendment because of the problems we have in this area. Every Republican voted for it, and 40 percent of the Democrats of that committee voted for that. That was not a partisan vote, and it was almost a 2-to-1 vote in committee.

Subsequent to that time the committee voted another piece of legislation in 1986. That was the higher education reauthorizations bills, and we put identical language in the higher education authorization bill which, if I am not mistaken, every single Member of this House except one voted for that change in that act believing it was necessary. Now the committee in discussing this act felt that language was necessary. The committee in the entire House and the Senate agreed to this language in the higher education bill.

What is the problem now? Frankly, I know of no opposition to this language. Why not open it up to this question? A second question in terms of scope has been issued. Does this bill extend to primary, secondary, tertiary definitions of a recipient under the Civil Rights Act?

Now we deserve clear answers to those questions. That does not mean necessarily in my opinion that, if we extend Civil Rights Act applications more broadly than they have been, that is bad. I am not saying that, but I would like to know, and unfortunately this is a bill which in the name of broadening civil rights threatens religious rights and constitutional rights. It is a bill that in the name of broadening rights denies rights to the minority legislatively.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentlewoman from Rhode Island [Miss SCHNEIDER].

Miss SCHNEIDER. Mr. Speaker, I find it very amazing that before 1972 the School of Agriculture at Cornell University required women to have SAT scores 30 to 40 percent higher than those of men. Times have changed as a result of title IX to the Education Act.

But now the Supreme Court several years ago had issued an opinion in the case of Grove City, which I believe has

set back the practice of civil rights enforcement in the United States by easily 20 years.

I also believe that no other decision cries out as loud for corrective legislative action, and this decision reversed the record of a decade during which title IX provided to all the programs or activities of an institution receiving taxpayers dollars. By rejecting the argument in Grove City justice put hundreds and thousands of students out in the cold, and only 4 percent of all education assistance is direct aid. After Grove City the overwhelming majority of educational programs, including athletics, counseling services, and curriculum procedures were exempted from the title IX coverage, but only 1 year later 61 investigations of alleged discrimination and education institutions have been dropped by the education department because Federal aid did not go far enough.

Mr. Speaker, let us look to the future. Seven out of ten people entering the work force in the next 10 years will be women. They need equal access to education.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise today to voice my support of the rights which are such precious and fundamental elements of our democracy, constitutional rights, rights to protection against discrimination based on gender, race, age, or handicap, and rights such as the opportunity for free and open discussion in this House of Representatives. I oppose this rule for the same reason that I have opposed other rules in the past that are closed and artificially obstruct the open deliberation of serious ideas of serious consequence in this body of which we are all elected. On very rare occasions can such restrictiveness be justified in a democracy, and this bill at this time could hardly be considered one of those occasions. In fact, I suggest to all of us who are ardent supporters of the fundamental rights that I mentioned originally that this action actually works to the harm of those final results that we seek.

Mr. Speaker, I had hoped to offer an agriculture amendment to this bill today that would guarantee in statute, as some have not only hinted but have kindly agreed to in colloquy, that this bill has no intention of imposing new paperwork requirements, vulnerability to lawsuits, and susceptibility to unannounced Federal inspections on family farms and ranches.

My simple question to the Rules Committee is, if indeed no such intrusions are intended by the authors of the legislation, it seems there should be no problem in stating so in the actual law.

Of course, without the opportunity to offer an agriculture amendment on the floor, and to offer other amendments, there is no way of expressing the will of the Congress in statute on this specific issue.

Mr. Speaker, I reluctantly urge my colleagues to oppose the rule but not the intent of the legislation. We all agree on the intent. It just seems that of all the legislation this is one on which we should be a little more willing to hear the debate and to answer the questions before it is put into law so that the problems that we have found in the past would not be there for us in the future.

Mr. LATTA. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER]

Mr. SENSENBRENNER. Mr. Speaker, it is ironic that today we are going to consider civil rights legislation under a closed, restrictive rule that prevents the House of Representatives from working its will on this major civil rights bill. The problem that this bill faces, as was correctly stated by the gentleman from Michigan [Mr. HENRY], is the unintended consequences of the language contained in the draft which will come before us under this rule.

Let me emphatically state that no one, including this Member, is against having antidiscrimination provisions where Federal funds flow, but we are opposed to a gag rule and a "railroad job" which brings the bill up in such a way that in that amendments we had to eliminate the unintended consequences that could not be debated and voted on and hopefully adopted. The type of procedure that is being utilized today is going to set the stage for another Grove City decision by the Supreme Court misinterpreting the intent of Congress. There are no hearings in this Congress, there is no committee report filed, debate is limited; amendments, except for one substitute, are prohibited under this rule, and consequently the courts are not going to have an adequate legislative history on this piece of legislation to interpret what Congress actually meant, as they really should.

□ 1630

In effect, by not adopting the usual procedure of an open rule, we are abdicating our responsibility to the Senate where there is an adequate legislative record.

There have been no dilatory tactics relating to this piece of legislation being considered. The two committees voted on this bill in May 1985, and the committee chairmen responsible for bringing this bill to the floor, my two friends from California, Congressman HAWKINS and Congressman EDWARDS, never filed the committee report until the closing days of the 99th Congress and never asked the Rules Committee for a rule to bring this bill up, so the dilatory tactics were on that side of the aisle, not on this side of the aisle. We were prepared to vote with an open rule in May 1985. The other side of the aisle did not bring it up.

Finally, because this bill cannot be approved, a veto is certain. I received a letter from the President today dated March 1 that says:

> DEAR JIM: I am writing to advise you of my deep concern with the Civil Rights Restoration Act, S. 557, also called the Grove City bill, which the House is scheduled to consider shortly. I will veto this bill if it is presented to me in its current form.

We need to undo the damage caused by the Grove City decision. We can do that with a correctly drafted bill and avoid a veto, but we cannot do it with this closed rule, and that is why the rule should be defeated.

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

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise in opposition to the rule. It prohibits fair and open debate on the complex and far-reaching piece of legislation before us. S. 557, as passed by the Senate, does not adequately protect religious values. While the Sensenbrenner substitute includes a broader and more realistic standard for a title IX exemption, it does not go far enough in protecting religious institutions from the reach of Federal control. Only an open rule will let us address that important issue.

In 1972 Congress enacted title IX banning sex discrimination in education programs receiving Federal financial aid. The legislation included an exception to coverage which applied to educational institutions controlled by religious organizations if application of title IX requirements would be inconsistent with the organization's religious tenets.

Today only 150 schools qualify for this exemption. In fact, the governing bodies of many church-related educational and health institutions are made up of lay persons. As such, many institutions, which may have previously qualified, are now outside the scope of the existing religious tenets exemption.

The Sensenbrenner substitute would modernize the exemption to include these church-related institutions. Without this change it is possible some schools may be subject to future actions, either administrative or legal, designed to strip them of their exemptions. I am concerned, as you should be, for institutions such as Georgetown and Notre Dame. And Grove City College, a Presbyterian College which has never practiced discrimination of any kind.

Let me assure Members that the proposed exemption applies only to a policy of a particular institution if

that policy is based on religious tenets which conflict with title IX. Furthermore, an institution cannot claim protection under this exemption for differentiation on the base of race, handicap or age. Finally, the exemption would have no application to public schools or public hospitals.

In framing this, the authors have mirrored language which Congress included in the Higher Education Amendments of 1986. There, Congress provided a nearly identical exception to a prohibition on religious discrimination for projects under the construction loan insurance program. This exemption is supported by the National Association of Independent Colleges and Universities, the American Association of Presidents of Independent Colleges and Universities, the Association of Catholic Colleges and Universities, Agudath Israel of America, the National Association of Evangelicals and the Lutheran Church—Missouri Synod. I am told that the National Society for Hebrew Day Schools, and the Association of Advanced Rabinical and Talmudic Schools are also supportive.

The second issue threatening the independence of religious institutions is the scope of coverage. In the other body, Senator HATCH offered an amendment, which was not adopted, that would limit coverage of religious institutions to the particular program or activity of the institution receiving federal funds. Such an amemdment is consistent with the ruling in Grove City versus Bell as well as pre-Grove City case law. These cases include decisions from four U.S. Courts of Appeal and even a prior U.S. Supreme Court case.

During the last 4 years proponents of this legislation have provided us with no evidence that these civil rights laws covered entire churches, synagogues, or other religious entities, when just one of their programs received Federal funds. In view of the potential constitutional problems, it is not prudent for Congress to enact legislation that would invite Federal interference with and control over private independent religious institutions.

The leadership has completely bypassed regular procedures in an effort to railroad this bill through the House under an unfair rule. The rule should be defeated.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr LUNGREN].

Mr. LUNGREN. Mr. Speaker, I yield to the gentleman from Iowa [Mr. TAUKE]

Mr. TAUKE. Mr. Speaker, I rise in opposition to the rule that has been proposed for consideration of the Civil Rights Restoration Act, S. 557.

Mr. Speaker, I want to be able to support this legislation, and I think most Members of the House are in favor of restoring institution-wide coverage of our civil rights laws. However, the procedures under which the leadership is asking us to consider this far-reaching legislation is making it difficult for many of us to lend our full support to its passage.

I think it would be useful to review the history of this legislation since the 1984 Grove City decision. Shortly after the decision was renderd, legislation was introduced in Congress to overturn it. That bill received quick consideration and broad, bipartisan support in the House, reflecting the basic, underlying sentiment of this body to restore civil rights coverage to entire institutions receiving Federal financial aid. That original bill died in the Senate in 1984 when unintended ramifications of it were identified.

In the 99th Congress a revised bill, the Civil Rights Restoration Act, was introduced. This bill went a long way toward addressing concerns raised about the measure that was considered in 1984, and again there was broad, bipartisan support for the concept, reflected by the large number of cosponsors that this bill, H.R. 700, garnered.

Action on H.R. 700 in the 99th Congress seemed likely. The House Committees on Judiciary and Education and Labor, held hearings, and marked up the bill early in 1985. Both committees approved the legislation in May, 1985. But reports were not filed on H.R. 700 by the committees for over a year. Only in the last few days of the second session of the 99th Congress, in October 1986, were committee reports on H.R. 700 filed. This delay in filing the reports prevented further House consideration of this important civil rights legislation in the 99th Congress.

The decision not to go forward with the Civil Rights Restoration Act in 1985 or 1986 was because of the adoption by the Education and Labor Committee of two amendments to the bill. Those amendments dealt with abortion and with religious tenets. Neither amendment was designed to undercut or jeopardize the restoration of the civil rights laws, but served to address two serious concerns raised by the bill. Nevertheless, the House was denied an opportunity to consider the Civil Rights Restoration Act in the 99th Congress.

In the 100th Congress, the Civil Rights Restoration Act was again introduced. H.R. 1214 was introduced with numerous cosponsors and referred to the committees of jurisdiction. But this year, these committees decided to allow the other body to act first on the legislation. And it did so, passing the bill with amendments January 28, 1988.

Now, nearly 4 years after the Grove City decision, the Civil Rights Restoration Act is being brought before the House. I congratulate the leadership and proponents of this legislation for this apparently herculean task of finally getting this bill before the House.

But by avoiding House committee consideration of this bill in the 100th Congress, no hearings have been held, no legislaitve history has been established and, moreover, no opportunity for amendments has been available to Members of this body. And now, the Rules Committee, proposes to deny Members their final and only opportunity in the 100th Congress to offer amendments to this important legislation. I think this procedure is unfair and unwarranted.

This bill has been waiting for House consideration for 3 years. Another few hours to allow for the full and fair consideration of legitimate amendments to this bill is justified; indeed, it is the only way that this bill should be considered by this body.

Mr. LUNGREN. Mr. Speaker, I would just like to address my colleagues because of an experience I have just gone through over the last few weeks in my home State of California where I was being considered, still being considered, for an appointment statewide.

My record was subjected to question and misrepresentation. One of the examples of misrepresentation is this very bill. I voted against this bill 4 or 5 years ago because it did not have an abortion-neutral amendment in it and it did not have a religious tenents amendment in it. For that reason I was called, among other things, racist, anticivil rights, insensitive to minorities, et cetera.

What we have done and what we are doing now is to put ourselves in an untenable position where men and women of good faith on both sides have a difference of agreement with respect to how to achieve civil rights in this country, but we create a rule in this House which prevents legitimate debate, which prevents people who are as equally committed to civil rights as anybody on your side of the aisle and we cast them in the posture of being against civil rights. We cast them in the posture of being insensitive to minorities. We cast them in the posture of being attacked for being racist.

Why? Because they have a concern about religious tenets.

Now, Mr. Speaker, we have thick skins in this House and thick skins in politics we have to have, but I am more concerned about what this does to the process and I am more concerned about what this does to the cause of civil rights, because if what we do in terms of adopting rules and forcing division amongst us, as opposed to reconciliation in this House and in this Nation, we demean the cause of civil rights. We say that for partisan political advantage we are willing to see a civil rights law go down so that we can talk about it in the next election. That does not serve anybody's purpose at all. That demeans the House. It demeans the memory of those who fought for civil rights in the past and it does not help the people we want to help.

Mr. Speaker, give us a fair rule. Fairness ought to be part of the debate on civil rights as well.

Mr. LATTA. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, it is not often that I disagree with my good chairman, but it seems to me that we have a very, very important bill here. I

can understand the desire to limit amendments, but to limit debate when you have two major committees involved is not the way it ought to work. To me, this is a reverse filibuster. It is an abomination to deny us the opportunity in a rational way to establish legislative history or to debate the important issues involved. This rule does not allow this body to be the kind of deliberative body it ought to be.

We have had no time to establish any legislative history and we will have no time. To see legislative history being established under a rule is just the opposite of the way things ought to go.

What legal effect does it have if you establish legislative history under the rule instead of in the debate on the bill?

Mr. Speaker, I hope and I wish we could change this situation, and I will vote against the rule in the hope that we can get a better rule to allow the proper kind of debate on these critically important issues.

Mr. LATTA. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, it is tragic. I do not want to overstate the case, but this is the most important civil rights bill in 25 years. That is what you say.

Why do you circumscribe debate? Are you afraid of the democratic process? Do you not want to debate these issues? Do you want to intimidate people and say you are against civil rights when you are for freedom of religion?

There are five liberties in the first amendment. The first freedom is freedom of religion, and some of us are concerned that religiously affiliated schools, not religiously controlled, but religiously affiliated schools will have their free practice of religion trampled on by this very bill.

We ought to be able to explore that, to debate it, to go into the nuances of it.

The chairman said that we prevented this bill from coming forward for years. You control the progress, the odyssey of this bill. You did not want to bring it here. You can bring any bill any day any time you want, but for some reason you are afraid of debating openly what you are doing to the cause of civil rights.

We fought for a Voting Rights Act a few years ago and a bloody fight it was, but it was incomplete. We need a Voting Rights Act for Congressmen so we can vote on issues that are important, especially civil rights issues.

The first amendment is sacred. You are running all over it with your railroad. You will not give us a chance to debate freedom of religion. If this was freedom of speech, oh, my God, if this was freedom for homosexual rights, we would be tied up here for a couple of days. No, it is just freedom of religion, cut off debate and shove it down our throats. Is that civil rights? That is your version of civil rights.

Mr. SHAW. Mr. Speaker, I rise today in strong opposition to this highly restrictive rule that does not allow Members to offer and debate individual amendments to the Civil Rights Restoration Act.

I am opposed to this rule for several reasons. First, it would be a mockery of civil rights if a major civil rights bill were considered under this rule.

The committees with jurisdiction over this matter have not even held hearings or acted on the House version of the bill. We are simply taking up the Senate-passed version of Grove City. I would like to know when this body started rubber stamping legislation that the Senate created?

Once again, we are not proceeding with the normal legislative process. No committee hearings. No committee markup. Why do we even have the committee system if we are going to merely usurp their powers to study legislation?

Furthermore, if I recall correctly, isn't there supposed to be a discharge petition if the committees don't report out a bill? If so, I haven't seen one. Under these extraordinary circumstances, I would have at least expected an open rule.

If we had not been discriminated against, I would have offered an amendment related to drugs. My amendment would have clarified a loophole in section 504 in the Rehabilitation Act which prohibits discrimination on the basis of handicaps in federally assisted programs and activities.

The regulations implementing section 504 define drug addicts as handicapped persons with physical or mental impairments within the meaning of the Rehabilitation Act. The regulation states that "Congress did not focus specifically on the problems of drug addiction * * * in enacting section 504." However, the regulation defines drug addicts as handicapped individuals. This was not the intent of Congress.

This interpretation of the regulation has had a negative effect in our public school system. Drug addicts must be kept in schools and their "handicap" must be given special accommodation. Twelve individual complaints have been filed with the Office of Civil Rights in the Department of Education alleging handicap discrimination on the basis of drug use. In my opinion, one case is one too many.

Mr. Speaker, we have got to correct this grave error in the interpretation of the 1973 statute before it is too late. I do not believe that the American public wants to impede public school officials in their fight against drugs. My amendment would have helped our schools fight drugs. Unfortunately, under this rule I am not given the opportunity to assist in this effort.

Mr. KOLBE. Mr. Speaker, I rise today in strong opposition to the rule.

The rule that has been proposed, if adopted, amounts to nothing more than a procedural choke device, designed to circumvent full participation by all Members of the House. If this rule is adopted, the House will have no impact on one of the most important pieces of civil rights legislation in recent years.

I believe it was the intention of Congress to prohibit discrimination in an entire organization if any program or activity of such organization received Federal aid. I agree with the thrust of this legislation. At the same time, Congress has always sought to ensure that civil rights legislation has been approached in a fair and open manner, allowing full debate and consideration of amendments. And yet, there have been no hearings, no markups, and no committee reports in the House on S. 557 during the 100th Congress. Now we propose to also block consideration of any amendments. I am disturbed to see the House move in such a manner on an issue of such importance. Since when has this body become a rubberstamp for the Senate?

During the last two Congresses, and in this one—a span of 4 years—Congress has worked to clarify the language of the civil rights statutes and to reverse the narrow decision of the Court in Grove City versus Bell. Considering the time and effort that has been devoted to this issue, it is disheartening to view the action taken to rush this legislation through now without any House hearings, and without the opportunity for fair debate and consideration of amendments. Clearly, we are more content to do something, anything, to have the appearance of accomplishment, than to take the time and effort to make sure it is done right.

The issues that my colleagues have raised, and the amendments that would have been offered under an open rule are not frivolous. In nearly every case they were issues and amendments which were debated at length by several committees in previous Congresses, and which received substantial support. These issues deserve full consideration in committee and in the House, and the intent of the civil rights statutes must be established.

The gains this country has made in civil rights have been hard fought. And always, the efforts have been made in a fair and bipartisan way. Honorably, Congress has put aside party differences and avoided strong arm tactics. If this rule is passed, this will no longer be the case, and the issue of civil rights will be subverted to just another partisan power play.

I urge my colleagues to oppose any attempt to restrict debate and amendments on this bill. Vote "no" on this rule.

Mr. LATTA. Mr. Speaker, I yield myself 1 minute and 15 seconds.

Mr. Speaker, I would hope that this House would vote down the previous question so that we could offer a different rule which would give us an opportunity to make amendments to this very important bill; an open rule, that is all we are asking, an open rule so this House can work its will on this very, very important piece of legislation.

Now, as for the argument that they discussed this bill in 1985, there are a lot of different Members in this House today and they all are not privy to what went on in the Judiciary Committee. It has already been stated here

today that there are changes. It is not the identical piece of legislation. Let us not fool ourselves. This is a broader piece of legislation. There are other facets to it, and to say that this thing was debated back in 1985 just is not sufficient; so all we are saying is let us have an open rule so we can amend this piece of legislation so it can become law.

How much plainer can the President of the United States be than when he says he will veto the bill if you send it down to him as it is? That is exactly what you want to do. You want to send it down to him so he will have to veto it. Then where are you? Where is the cause of civil rights then? You will come back here and start all over. You are not going to be able to pass this bill over his veto.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. MOAKLEY. Mr. Speaker, I yield 15 seconds to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, I have 15 seconds, but I appreciate the gentleman's generosity.

The SPEAKER pro tempore. Does the gentleman from Ohio yield himself additional time?

Mr. LATTA. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from Ohio has 45 seconds remaining.

Mr. LATTA. Plus the 15 seconds from the gentleman from Massachusetts?

The SPEAKER pro tempore. That will give the gentleman 1 minute.

The gentleman from Ohio is recognized for 1 minute.

Mr. LATTA. Mr. Speaker, that is wonderful. I thank my friend, the gentleman from Massachusetts.

Mr. Speaker, we should not be arguing about whether or not we ought to have an open rule. You know, I could put into the RECORD here, and maybe I should, what has been going on in this Congress, the 100th Congress. We have had 45 percent of the rules passed out of the Rules Committee this 100th Congress which have been restrictive, restricting the rights, as the gentleman from Illinois said, that we ought to have as elected Members of this House.

Civil rights—we have 500,000 people who elect us to come here to represent their interests and the interests of the United States of America, but just because you have the votes up there in the Rules Committee, 9 to 4, you restrict every Member's right.

Now, come on. Let us have some civil rights in the House of Representatives so we can at least offer amendments to this important piece of legislation. What is unfair about that?

OPEN AND RESTRICTIVE RULES, 95TH–100TH CONGRESS[1]

Congress	Open rules		Restrictive rules		Total rules
	No.	Percent	No.	Percent	
95th	213	88	28	12	241
96th	161	81	37	19	198
97th	90	80	22	20	112
98th	105	72	40	28	145
99th	65	64	36	36	101
100th[2]	44	55	36	45	80

[1] Source for data: Survey of Activities of the House Committee on Rules (Reports by the Committee on Rules), 95th–99th Congress. Rules counted were those providing for the initial consideration of legislation (as opposed to special rules on conference reports, etc.) For the purposes of this table, restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules.

[2] Data for the 100th Congress is based on "Notice(s) of Action Taken," Committee on Rules, 100th Congress, as of Mar. 2, 1988.

Note: Prepared by Minority Staff, Subcommittee on Legislative Process, Committee on Rules

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. LATTA. 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 252, nays 158, not voting 23, as follows:

[Roll No. 18]

YEAS—252

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Rahall
Rangel
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Rowland (CT)
Rowland (GA)
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—158

Archer
Armey
Badham
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell
Chandler
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Fawell
Fields
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Hopkins
Horton
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Myers
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ritter
Roberts
Rogers
Roth
Roukema
Saiki
Saxton
Schaefer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—23

Anthony	Hammerschmidt	McGrath
Baker	Holloway	Moody
Biaggi	Huckaby	Ray
Boulter	Kemp	Roemer
Courter	Leath (TX)	Rostenkowski
Dowdy	Leland	Roybal
Ford (TN)	Lightfoot	Schulze
Gephardt	Mack	

□ 1704

The Clerk announced the following pair:

On this vote:

Mr. Anthony for, with Mr. Boulter against.

Mr. ENGLISH changed his vote from "yea" to "nay."

Mr. COUGHLIN changed his vote from "nay" to "yea."

So, the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the resolution

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 391.

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

There was no objection.

CIVIL RIGHTS RESTORATION ACT OF 1987

The SPEAKER pro tempore. Pursuant to House Resolution 391 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 Senate bill, S. 557.

□ 1705

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 Senate bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, with Mr. SWIFT in the chair.

The Clerk read the title of the Senate bill.

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

Under the rule, the gentleman from California [Mr. HAWKINS] will be recognized for 15 minutes, the gentleman from Vermont [Mr. JEFFORDS] will be recognized for 15 minutes, the gentleman from California [Mr. EDWARDS] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 15 minutes.

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

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

Mr. GARCIA. Mr. Chairman, I rise in strong support of S. 557, the Civil Rights Restoration Act and in opposition to the Republican substitute.

I, like most of my colleagues, was outraged by the 1984 Supreme Court decision of Grove City versus Bell which overturned the clear legislative intent of title IX of the Education Amendments Act of 1972. It is an absurd notion that only those departments or programs receiving Federal aid within institutions should comply with anti-discrimination laws and the decision was clearly in conflict with the legislative intent of several other major pieces of civil rights legislation.

I believe that the original intent of Congress needs to be reasserted, thus, I have been a cosponsor of the Civil Rights Restoration Act since it was first introduced in 1984 to restore the broad applicability of title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, the Rehabilitation Act of 1974 and the Age Discrimination Act of 1975.

It was clearly the intent of Congress in these laws to prohibit widespread discrimination based on race, sex, age, and disability. Institutions do not have the right to discriminate against minorities, women, or handicapped persons particularly if these institutions are receiving Federal aid. Moreover, I am pleased to see that the sponsors of this bill included provisions to extend these anti-discrimination laws to persons with contagious diseases such as AIDS. While AIDS is a grave public health concern, the disease should not give anyone the right to discriminate against persons who have had the misfortune of contracting it.

I would like to commend the sponsors of the Civil Rights Restoration Act for their perseverance in trying to secure passage of this extremely important legislation. Passage of this bill will truly be a great victory for all those who support the strongest possible enforcement of our civil rights.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise in support of the Civil Rights Restoration Act.

This bill provides that Federal laws which prohibit discrimination on the basis of sex, race, age, or handicapped condition apply to all operations of any institution receiving Federal assistance. The purpose of this legislation is to overturn the Grove City versus Bell, 1984 Supreme Court decision, which restricted the coverage of federal anti-discrimination laws to the individual programs or activities receiving aid.

The *Grove City* ruling reversed a previous interpretation that held that Federal anti-discrimination laws applied to the entire institution if any part of the institution received Federal aid. The *Grove City* decision does not correct discrimination but has caused a dramatic reduction in the enforcement of four major civil rights laws. The Civil Rights Restoration Act will restore the law to its broad interpretation before the *Grove City* decision.

The bill would not require individuals, institutions, programs, or activities that receive Federal assistance to provide or pay for abortions. The measure makes clear, however, that the law would not permit an educational institution to discriminate against a person who has had a legal abortion.

The bill also codifies court rulings that provisions of the Rehabilitation Act that prohibit employment discrimination against disabled persons applies to those with a contagious disease or infection (such as AIDS), unless the disease constitutes a direct threat to the health or safety of others or the disease prevents them from performing their jobs.

We all know that the Civil Rights Restoration Act is one of the most important civil rights measures to come before the 100th Congress. This bill has 153 cosponsors in the House and is supported by a broad coalition of more than 185 national organizations.

Since the 1984 *Grove City* decision, the application of civil rights laws has been unpredictable, unfair, and unacceptable. Today, we have a unique opportunity to right a wrong that is long overdue, by ending the discriminatory impact of the *Grove City* decision. I support the Civil Rights Restoration Act and ask that all of my colleagues express their support to end discrimination in institutions or agencies that receive Federal assistance. In closing, I urge you to vote for this bill without further amendments.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I rise in full support of the bill.

As chairman of the Employment Opportunities Subcommittee, with oversight responsibility for several of the statutes covered here today, I think the whole debate comes down to one simple issue: Should the Federal Government sanction discrimination in institutions receiving Federal support? My unequivocal response to you is "No."

As I stand here today, I can't help but feel that we are fighting the civil rights battle once again. If we vote this bill down, even with amendments added by the other body, we disavow all the principles embodied in the civil rights laws and negate the gains that were made over the past 35 years. We take a giant step back.

We ignore the obvious if we say that the institution as a whole does not benefit if Federal dollars are only used by one department; another four are not required to abide by anti-discrimination laws. One part of an institution does not exist with it being a part of the whole, consequently the whole institution should be subject to requirements of the law. I say as public officials we cannot allow any Government moneys being used by any institution to support discrimination.

Gentlemen and gentleladies of the House, I urge your consciences to stand firm in eliminating discrimination in every institution receiving Federal dollars moving toward a truly discrimination free society. There is no room anywhere in our free country to accept any principle short of applying the rule that our citizens should be judged and employed and given rights on the basis of their ability, and not their position by birth or circumstance. There should be no room for debate on any of this. Let us stand for the decent principles fought for over the past 35 years, indeed over the past 200-plus years of our existence as a country. Let us not turn back to the time when discrimination was allowed and even condoned in our land.

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

Mr. Chairman, in 1984 the Supreme Court decided in Grove City College versus Bell that the duty, of a recipient of Federal financial assistance, not to discriminate on the basis of sex, was program-specific and not institution or systemwide. By narrowly defining the term "program or activity" the Court severely restricted the scope of coverage of title IX of the education amendments of 1972, in clear contradiction of congressional intent and prior and consistent enforcement practices. With such narrowing has come the resurgence of gender based barriers in our educational systems denying equal opportunity to young women in athletics and in their choices of educational disciplines.

On the same day as the Court decided the Grove City case, it applied the same misconstrued interpretation to the phrase "program or activity" under section 504 of the Rehabilitation Act of 1973 in Consolidated Rail Corp. versus Darrone, thereby denying equal rights and opportunities to this Nation's disabled population.

In the face of such a clear cut misinterpretation of congressional intent, the reaction was swift and within 2 months of the decision, H.R. 5490 was introduced in this body. H.R. 5490, the Civil Rights Act of 1984 was designed to restore the broad coverage of these laws and to reaffirm and rededicate our efforts to eliminate all forms of discrimination and to say without equivocation, that the Federal Government would not condone nor subsidize any form of discrimination; that with the acceptance of Federal dollars came a duty not to discriminate.

Accompanying the transmittal of the Civil Rights Act in 1963, President John F. Kennedy stated:

Simple justice requires that public funds, to which all tax-payers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination. * * *

Again in 1984, a full 20 years after the enactment of the Civil Rights Act of 1964, "simple justice" became the rallying cry of the campaign to enact H.R. 5490, a bill to restore the vitality of four major civil rights laws lost as a result of the Grove City decision.

Mr. Chairman, I stand here today, 4 years after the decision in Grove City and the introduction of H.R. 5490, as evidence that "simple justice" is neither simple nor swift. I desperately want to believe that this Nation has grown since the early civil rights days; that since it has seen the heinous nature of discrimination that it would act swiftly to repel it. But yet I see a new resurgence of discrimination in all forms—age, race, sex, and handicapped, and in all areas—education, housing, and health, and I see an unfortunate public tolerance for such acts and a Congress unable or unwilling to respond. For 4 years I have listened to excuse after excuse as to why this legislation just wasn't perfect enough to be passed. Now, Mr. Chairman, we have the clear opportunity to do "simple justice," to insure equal opportunities for all people. No more diversions or excuses; this is the time to restore our civil rights laws to their intended broad scope of coverage and effectiveness. I, therefore, urge my colleagues to support the passage of S. 557, as it is before us today.

Mr. Chairman, S. 557, the Civil Rights Restoration Act of 1987, as passed by the other body, like H.R. 1214 and its predecessor, H.R. 700 of the 99th Congress, defines the terms "program or activity" and "program" broadly to reflect the principle of institutionwide coverage as applied to public and private entities which are recipients of Federal financial assistance. The act's definition is applied to title VI of the Civil Rights Act of 1964, prohibiting race discrimination; to the Age Discrimination Act of 1975, prohibiting discrimination on basis of age, to title IX of the education amendments of 1972, prohibiting discrimination on the basis of sex in education programs or activities; and section 504 of the Rehabilitation Act of 1973, prohibiting discrimination against handicapped individuals. It adds no new language to the coverage or fund termination sections of these four statutes and the definitions make clear that discrimination is prohibited throughout entire agencies, institutions or systems if any part receives Federal financial assistance.

S. 557 will leave in effect the enforcement structure common to each of these statutes. The section in each statute states that the termination of assistance "shall be limited * * * to the particular program, or part thereof, in which such noncompliance has been so found." The bill defines "program" in the same manner as "program or activity," and leaves intact the "or part thereof" pinpointing language. Thus, consistent with the Supreme Court's holding in Board of Public Institution of Taylor County versus Finch, Federal funds earmarked for a specific purpose would not be terminated unless discrimination was found in the use of those funds or the use of the funds was infected with discrimination elsewhere in the operation of the recipient. In the case of Grove City College, for example, if there is discrimination in the math department, a fund termination remedy would be available because the funds from BEOG's flow throughout the institution and support all of its programs. (S. Rep. p. 20.) On the question of what entities are covered the Senate report to accompany S. 557, which we endorse by passing this act, clearly states:

For education institutions, the bill provides that where federal aid is extended anywhere within a college, university, or public system of higher education, the entire institution or system is covered. If federal aid is extended anywhere in an elementary or secondary school system, the entire system is covered.

For State and local governments, only the department or agency which receives the aid is covered. Where an entity of state or local government receives federal aid and distributes it to another department or agency, both entities are covered.

For private corporations, if the federal aid is extended to the corporation as a whole, or if the corporation provides a public service, such as social services, education, or housing, the entire corporation is covered. If the federal aid is extended to only one plant or geographically separate facility, only the plant is covered.

For other entities established by two or more of the above-described entities, the entire entity is covered if it receives any federal aid.

This last provision as passed by the Senate reflects a clarifying amendment adopted in the Committee which states that part (4) of the "program or activity" definition, the catch-all provision, applies to entities which (1) are not described in parts (1), (2), or (3) of the definition of "program or activity" in the bill; and (2) are established by two or more entities which are described in parts (1), (2), and (3) of the "program or activity" definition. (S. Report 100-64, 100th Cong., 1st sess. June 5, 1987, at 19).

In addition, Mr. Chairman, churches and religious organizations have expressed concern that, if the Restoration Act passes, all of their operations will be subject to coverage if one of their facilities or parishes receives any federal financial assistance. This would not be the case. As indicated in Senate Report No. 100-64, a limited purpose grant, for example, for refugee assistance, to a religious organization to enable it to assist refugees would not be assistance to the religious organization 'as a whole' if that is only one among a number of activities of the organization. Federal financial assistance to a corporation for particular purposes does not become assistance to the corporation as a whole simply because the assistance may free

up funds for use elsewhere. Similarly, because they are principally religious organizations, institutions such as churches, dioceses and synagogues would not be considered to be 'principally engaged in the business of providing education, health care, housing, social services or parks or recreation,' even though they may conduct a number of programs in these areas. Nor would a Catholic diocese be covered in its entirety under the catch-all provision where, for example, three geographically separate parishes receive Federal financial assistance and the diocese is a corporation or private organization of which the parishes are a part. Only the three parishes which receive Federal assistance would be covered by the antidiscrimination statutes.

"The bill contains a rule of construction which leaves intact the current exemption from coverge by the civil rights laws for 'ultimate beneficiaries' of Federal financial assistance." (S. Rept, at p. 4.) Examples of "ultimate beneficiaries include farmers who receive price supports or loans, persons receiving Social Security benefits, or Medicare and Medicaid benefits, and individual recipients of food stamps.

"The bill also incorporates regulatory 'small providers' exception into the coverage provisions of section 504 * * *." (Id. at p. 4), as did H.R. 700 of the last Congress. "This new subsection specifies that small providers such as pharmacies or grocery stores, are not required to make significant structural alterations to their existing facilities to ensure accessibility to handicapped persons if alternative means of providing the services are available." (Id. at 23.) This provision is limited to those providers with 15 or fewer employees.

Mr. Chairman, not all parts of the Senate passed bill now before us are to my personal liking, and I know many of my colleagues share my view specifically with regard to the Danforth Abortion Amendment, but I want to make it clear that I intend to support passage of the bill in its entirety. The Danforth amendment reads as follows:

Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

This amendment invalidates the title IX regulation only in so far as the regulation may be construed to require the performance of or payment for abortion. In addition, the second sentence makes clear that no person or individual may be discriminated against based on any abortion, or benefit or service related thereto.

The act as passed by the Senate, and now presented here, includes a floor adopted compromise amendment regarding coverage of individuals with contagious diseases and infections under section 504 of the Rehabilitation Act of 1973. This amendment is patterned after a similar amendment that was added in 1978 regarding coverage of alcohol and drug users. The amendment, No. 1396, ensures that people with contagious diseases and infections remain covered under the statute as handicapped individuals and codifies the existing "otherwise qualified" standard of section 504 as it applies to such individuals. This amendment is consistent with the holding and standards announced by the Supreme Court in the recent case of School Board of Nassau County versus Arline.

As the amendment indicates, its purpose is "to provide a clarification for otherwise qualified individuals with handicaps in the employment context" under the Rehabilitation Act of 1973. It is important to note that the purpose of the amendment is to clarify, and not to modify or alter, the substantive protections afforded individuals with contagious diseases and infections under the Rehabilitation Act.

One of the cosponsors of the amendment and chair of the Senate Subcommittee on the Handicapped, in a letter addressed to me and Congressman DON EDWARDS, as a response to our request for a description of the terms of the amendment and its impact, has explained that the amendment was designed to clarify clearly in the statute the current requirement of section 504 so as to allay any unnecessary fears on the part of employers. As I believe this to be an important compromise, I ask unanimous consent that both letters be included in the text of my remarks at this point.

Concerns have been raised that this legislation would require sex integrated college dorms. That is, of course, completely incorrect. Regulations which continue to be applicable after the enactment of S. 557, while requiring that "a recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements or offer different services or benefits related to housing * * *," nevertheless clearly provide that "a recipient may provide separate housing on the basis of sex." "Similarly" a recipient may provide separate toilet, locker room, and shower facilities on the basis of sex * * *," so long as the facilities provided are comparable.

In conclusion, and in anticipation of the debate to follow it is important to note what this act does not do. First, it does not alter in anyway who is a "recipient" of Federal financial assistance. Likewise, this act does not change what is defined as "Federal financial assistance." The Senate report on page 29 is clear on this point and I quote:

Whatever was determined to constitute "federal financial assistance" as that term applies to title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and title VI of the Civil Rights Act of 1964, before the enactment of S. 557 will continue to constitute "Federal financial assistance" after its enactment.

I would like to make one last point clear. A number of groups have expressed concern about certain issues where no concern is in fact warranted. For example, it is clear that this bill, and the underlying antidiscrimination statutes the bill amends, are self-contained laws designed to promote a broad scope of civil rights coverage. Their definitions, terms and provisions have no necessary bearing in any other context. Thus, a recipient of Federal financial assistance for purposes of the civil rights laws will not necessarily be deemed a recipient of Federal financial assistance for other purposes.

Mr. Chairman, we have spent 4 long years in our effort to insure "simple justice" by restoring these four statutes to their original broad scope of coverage. Granted not all parts are to my personal liking but it is enough. Enough to assure full and equal participation for all people in programs funded by this Government. Passage of the Civil Rights Restoration Act of 1987 will reaffirm this Nation's true and continuing dedication to the principle of civil rights for all people—there can be no more excuses—no more diversions—no more lost school years—the time is now and I urge each and every one of my colleagues to this rededication to equality.

□ 1715

Mr. GREEN. Mr. Chairman, will the gentleman from California yield?

Mr. HAWKINS. I yield to the gentleman from New York [Mr. GREEN].

Mr. GREEN. I thank the gentleman for yielding for the purpose of a colloquy with regard to the Danforth amendment. A question has arisen whether the first sentence of the Danforth amendment applies to treatment that may arise because of medical complications stemming from an abortion.

Mr. HAWKINS. The first sentence of the Danforth amendment would not apply to medical treatment needed for complications arising from an abortion.

Mr. GREEN. When the second sentence of the Danforth amendment speaks of "a penalty," does that include the denial of things that may be considered privileges, such as participation in athletics or extracurricular activities?

Mr. HAWKINS. Yes, Senator DANFORTH and other Senate supporters of his amendment made this clear. This would include the denial of student scholarships; the denial of student access to housing; refusal to hire or promote employees; denial of participation in extracurricular activities, such as athletics, and the like.

Mr. TAUKE. Mr. Chairman, will the gentleman from California yield?

Mr. HAWKINS. I yield to the gentleman from Iowa, a member of the Committee on Education and Labor.

Mr. TAUKE. I thank that gentleman for yielding.

Mr. Chairman, I confirm that that also is my understanding.

Mr. GREEN. If the gentleman would further yield I simply want to thank the chairman and the distinguished gentleman from Iowa [Mr. TAUKE] who has been very much involved in the issues relating to the Danforth amendment for those clarifications.

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

Mr. HAWKINS. I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. I thank the gentleman for yielding.

Mr. Chairman, may I say that this also confirms my understanding.

I would like the gentleman from California [Mr. EDWARDS], the chairman of the subcommittee, to consider this as well.

Mr. Chairman, it is only because of the interpretation that has been given and that you have said is the legislative intent behind this bill that I do support adoption of the bill and I would like to make reference to the Senator from Missouri who said in the debate on the Senate bill, and I quote, "This amendment says that a college is prohibited from discrimination——"

The CHAIRMAN. The Chair would advise the gentleman that under the rules he may not quote a Senator in the House.

The gentleman may continue.

Mr. BERMAN. It was the sum and substance of the comments of the Senator from Missouri that a college is clearly prohibited from discrimination against people who have had abortions or who are seeking abortions. I think if one searches the legislative record of the Senate debate, they will find that intent set forth very clearly.

I ask the gentleman from California his understanding of this matter.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman from California yield?

Mr. HAWKINS. I yield to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, the answer is yes, that is my understanding too.

Mr. BERMAN. I thank the gentleman from California for yielding and yield back.

Mr. HAWKINS. Mr. Chairman, I yield to the gentleman from Iowa [Mr. TAUKE] for a colloquy.

Mr. TAUKE. I thank the gentleman for yielding.

Mr. Chairman, I wish to engage the chairman of the Education and Labor Committee in a short colloquy. Mr. Chairman, I wish to address concerns raised by this legislation regarding the proper interpretation and application of the current title IX religious tenet exemption. I believe that congressional deliberations on this issue may provide helpful guidance to the Department of Education on how exemption requests should be handled in the future.

By way of background, title IX provides a limited exemption for educational institutions "controlled by a religious organization" if application of any provision of the title is inconsistent with the religious tenets of such organization. The religious tenet exemption does not provide institutions with a blanket exemption from the requirements of title IX or other civil rights statutes. Rather, it provides a limited exemption from specific title IX requirements that conflict with religious tenets.

The Department of Education should continue to avoid the role of determining the nature and meaning of religious beliefs and should give deference to the claims of qualifying institutions regarding those beliefs. Good faith claims by eligible institutions as to their religious tenets are entitled to a presumption of validity. Furthermore, doubts about the existence or meaning of religious tenets should be resolved in favor of religious liberty.

In connection with our earlier deliberations on this legislation in 1985, we expressed serious concern about how the Department of Education handled title IX exemption requests. The Department had clearly been dilatory in administering its responsibilities under this section of title IX. In fact, between 1975 and 1985 some 200 exemption requests were filed without action and remained pending when Grove City legislation was first considered by Congress.

In the context of the Grove City legislative debate, the Department finally began to act on these many pending requests. While the Department has now acted on these requests, the prior situation was clearly unacceptable. Such administrative inaction caused institutions to be left uncertain as to their status; the Department should not allow this situation to be repeated. Institutions must be assured that their claims for an exemption will be given proper attention.

In enacting the religious tenet exemption in 1972, Congress sought to provide to religious educational institutions a limited exemption from title IX requirements inimical to their religious beliefs.

The concerns that underlie the religious tenets exception were articulated by the senior Senator from Oregon during the Senate debate. He said "our country was founded on principles of diversity and pluralism, particularly with regard to the free exercise of religious beliefs * * *. We must continue to protect our full rights, under the Constitution and the first amendment, particularly in the field of religious education."

As the importance of equal opportunity in education is recognized in this legislation, so must the strongly held religious beliefs of these institutions be respected.

Mr. HAWKINS. That is my understanding.

Mr. Chairman, I would say to the gentleman from Iowa [Mr. TAUKE], that that is clearly my understanding.

Mr. TAUKE. I thank the chairman.

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

Mr. HAWKINS. I yield to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. I thank the gentleman from yielding.

Mr. Chairman, I just want to also say that I agree with the statement of the gentleman from Iowa, and that is my understanding of the legislation.

Mr. HAWKINS. I thank the gentleman.

Mr. DORGAN of North Dakota. Mr. Chairman, would the chairman of the Committee on Education and Labor yield for a question?

Mr. HAWKINS. I yield to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. I thank the gentleman for yielding.

Mr. Chairman, I would ask the chairman what is the status of the farmer under the Civil Rights Restoration Act?

Mr. HAWKINS. Mr. Chairman, farmers retain their exempt status under this legislation. Since the passage of title VI of the 1964 civil rights farmers have been excluded from coverage because they are "ultimate beneficiaries" of Federal aid and thereby qualify for an exemption under the "recipients" category of Federal aid. This construction has been consistent in Federal regulation for nearly 25 years. Farmers who receive price and income supports and loans are exempt from the requirements of this legislation as they have always been.

I refer the gentleman to section 7 of the bill. That section explicitly states that ultimate beneficiaries like farmers continue to be excluded from this act. This grandfather clause ensures

the continued exemption for farmers and explicitly states the exemption in statutory language. The exemption will continue upon enactment of this legislation.

Mr. DORGAN of North Dakota. I thank the chairman for his answer and rise in strong support of the bill as reported.

The CHAIRMAN. The Chair informs the gentleman from California that he has 45 seconds remaining.

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, I rise in support of the Civil Rights Restoration Act. The battle in this Nation for civil rights laws has been fought and won. After decades of struggle, today, the law of the land is "thou shalt not discriminate."—period. In Grove City vs. Bell, the Supreme Court found a chink in our armor of antidiscrimination laws. Institutions can discriminate in one branch and not be penalized in another branch. In other words you can discriminate on one hand as long as you don't discriminate with the other. It is up to us now, to repair that chink, to close that loophole, to make sure that the antidiscrimination laws work. That is what this bill is all about. Making the laws work.

Making the laws work means knowing when to go back to the drawingboard to do some fine tuning. The Senate has added to this Civil Rights Restoration Act an amendment to protect from discrimination, people who have contagious diseases and infections. This is a good amendment, carefully crafted to protect the public from contagion—and to protect the individual from intolerance and ignorance.

We live in a dynamic, ever changing world. A world driven by technology, with uncharted waters in social and scientific arenas. Our laws must respond to these dynamics. But the sense of fair play, the preservation of individual liberty and the democratic principles upon which these laws are based cannot change. I urge my colleagues to make the laws work—and pass the Civil Rights Restoration Act today.

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of S. 557 notwithstanding reservations regarding certain aspects of the Senate-passed bill. I am able to support this legislation however, because it advances civil rights and because it contains the Danforth amendment, which makes a major and positive change in Federal law with respect to abortion. Much has been said on this floor concerning the progress we hope to achieve in mitigating discrimination by passing this bill so I will focus the gist of my remarks on the language relating to abortion.

The Danforth amendment states:

NEUTRALITY WITH RESPECT TO ABORTION

SEC. 909. Nothing in this title [Title 9] shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

Mr. Chairman, attorneys for proabortion organizations have for some years been engaged in attempting to forge a legal link between the growing body of State and Federal laws which prohibit discrimination "on the basis of sex," and so-called abortion rights.

In adopting the Danforth amendment, Congress is for the first time speaking to—and very explicitly repudiating—the legal doctrine that sanctions against abortion, or the failure to provide "abortion services," constitute a form of discrimination "on the basis of sex."

Understood in this light, Members will understand why the executive director of the National Abortion Rights Action League, Kate Michelman, called the Senate's adoption of the Danforth amendment "a grave loss for us. It was a big defeat" (Associated Press, Jan. 28, 1988).

It is also understandable that Marcia Greenberger of the National Women's Law Center, called the Danforth amendment "a bold-faced repeal of all of the protections that women have relied upon" concerning abortion rights (United Press International, June 28).

We who support the Danforth amendment have referred to it as an "abortion neutral" amendment, and that is in one respect a very accurate label, because the amendment renders title IX neutral with respect to abortion.

But the Danforth amendment is not at all neutral on the legal linkage between abortion rights and a prohibition on sex discrimination—it completely severs any such linkage. Even Molly Yard, the president of the National Organization for Women, states in the January 1988 issue of National N.O.W. Times that the Danforth amendment is not neutral, because "it in fact puts abortion language into civil rights law for the first time and, by making a substantive change in law, limits a woman's constitutional right to abortion."

It is important to understand the attorneys for these proabortion groups have long recognized that the so-called right to abortion which the Supreme Court manufactured in Roe versus Wade rests on no real footing in the Constitution. They have recognized the possibility, or even the likelihood, that there will come a day when a majority of Supreme Court Justices can no longer bring themselves to uphold such a constitutionally indefensible ruling as Roe versus Wade.

Thus, these proabortion attorneys have searched for some alternative legal theory which would provide a separate and distinct basis for legal abortion, some legal foundation which would survive a future Supreme Court decision that the "right to privacy" does not include a "right to abortion."

Many of these proabortion attorneys regard a "right to abortion" based on sex-discrimination analysis as the most promising alternative to the shaky "right to privacy."

Their basic legal argument goes something like this: since only women procure abortions, any law which treats abortion differently from other medical procedures is a form of discrimination on the basis of sex.

Any Member who thinks that this is a far-fetched legal argument should study an article by Judge Ruth Bader Ginsburg of the U.S. Court of Appeals for the District of Columbia, titled "Some Thoughts on Autonomy and Equality in Relation to Roe versus Wade," which appeared in the January 1985 North Carolina Law Review. As I read the article, Judge Ginsburg regrets that the Supreme Court did not ground Roe versus Wade in sex-discrimination analysis instead of "privacy." She seems to feel that the sex-discrimination approach would have been more secure. She also appears to argue that if the Supreme Court had originally employed the sex-discrimination approach, the Supreme Court might have struck down the Hyde amendment when that issue came before the Court in 1980.

Judge Ginsburg is by no means alone in these views. Indeed, certain proabortion groups have aggressively employed anti-sex-discrimination laws as proabortion legal weapons.

For example, in at least four States, the American Civil Liberties Union has urged courts to rule that State equal rights amendments require State funding of elective abortions. In 1986, the ACLU persuaded the Connecticut courts that the Connecticut ERA requires that State to pay for elective abortions. In other words, the Connecticut courts ruled that the State was engaged in discrimination "on the basis of sex," in violation of the ERA, by refusing to fund elective abortions.

To date, only one important Federal anti-sex-discrimination law—title IX of the Education Amendments of 1972—has been construed to protect abortion rights. In passing S. 557 and the Danforth amendment today, the House of Representatives follows the Senate in explicitly repudiating that construction of title IX.

Of course, Congress did not originally intend title IX to have anything to do with abortion rights. When Congress enacted title IX of the Education Amendments of 1972, it was still a felony to perform an abortion in most States.

Nevertheless, the administrative agency responsible for enforcing title IX issued, in 1975, regulations which required federally funded programs of higher education to provide abortion on the same basis as other medical benefits in student and faculty health plans.

Sponsors of S. 557 concede that the bill will extend title IX coverage to any hospital which has even one medical student or nursing student. If the Danforth amendment had not been added to this bill, with this title IX coverage would have come the requirement that these thousands of hospitals provide abortion on the same basis as other medical procedures.

Now, when this effect was initially pointed out by pro-life organizations, certain supporters of the Civil Rights Restoration Act responded that the title IX regulations make no reference to hospitals. But that is because the regulations were written back when IX was considered to cover basically institutions of higher education—colleges, for the most part.

But this bill extends coverage to all of the operations of any hospital which has any teaching program—even a single medical stu-

dent or nursing student. And, but for the Danforth amendment, these thousands of hospitals would for the first time have been exposed to lawsuits if they failed to provide abortions on the same basis as other medical procedures.

Let me be very clear on this: the root of the problems is not the title IX regulations, but the underlying legal doctrine that one is engaged in discrimination "on the basis of sex" if one treats abortion differently from other medical procedures. That legal doctrine had to be read into title IX, before the proabortion regulations could be written.

So, Mr. Chairman, all Members should clearly note that the Danforth amendment does not refer directly to the regulations. Rather, the Danforth amendment goes straight to the root of the problem—title IX itself—and amends title IX to explicitly renounce the notion that title IX provides any basis for abortion rights. That nullifies the regulations, of course, but it also has broader legal implications.

The Danforth amendment states that title IX does not "require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion." That is very sweeping language. It amounts to a wholesale rejection of any equation between discrimination on the basis of sex and abortion rights.

This emphatic rejection of the sex discrimination-abortion rights linkage is not diluted by the second sentence of the Danforth amendment, which simply states that "Nothing in this section"—that is, the Danforth amendment itself—"shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

The second sentence does no more than state that the amendment, in and of itself, does not create a new legal authorization for, say, colleges to impose penalties on women who procure lawful abortions on their own.

But the second sentence of the Danforth amendment does not say that title IX provides any rights relating to abortion in the first place. If, as I believe, Congress never intended title IX to confer any abortion rights whatever, then nothing in the second sentence of the Danforth amendment creates new legal remedies for employees or students who think they have grievances relating to abortion.

To summarize, then, the Danforth amendment explicitly repudiates the notion that institutions which receive Federal funds are thereby obligated to provide any abortion-related benefits whatsoever. And with respect to "penalties," the Danforth amendment simply preserves the status quo prior to the passage of this bill—whatever that is.

Mr. Chairman, I believe that adption of the Danforth amendment is the first time that Congress has explicitly addressed itself to the legal doctrine that sanctions against abortion constitute sex discrimination. I think that it is highly significant that the Senate repudiated the equation between sex discrimination law and abortion by a decisive margin of 56 to 39. It is more significant still that proabortion organizations have publicly conceded that the House would ratify the Danforth language by an even more lopsided margin—which is why we are considering this bill under a rule which allows the Danforth amendment to stand without challenge.

I hope that the action of Congress on this bill will provide guidance to the courts, not only on title IX, but on how they should construe other statutes which employ similar language—"on the basis of sex," "on account of sex," and the like.

I also hope that we will remember our experience with title IX when we consider other sex discrimination bills in the future, such as the proposed Federal equal rights amendment. The only way to ensure that such measures will not be misinterpreted—as title IX was misinterpreted—is to adopt specific language to exclude abortion rights, as we are doing on this bill today.

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

Mr. Chairman, 2 days ago we passed a landmark date. It was 4 years ago that the Supreme Court handed down its Grove City decision. The past two Congresses both tried to pass a bill that would overturn the decision. Fortunately, it looks like on this, our third try, our efforts might be successful.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any education "program or activity" receiving Federal financial assistance. In Grove City the Court concluded that the phrase "program or activity" should be given a narrow meaning. The Court held that the term did not refer to the institution as a whole. Rather, it referred only to those parts of a college or university which directly benefited from the receipt of Federal funds. This program-specific decision has left colleges and universities free to discriminate against women, as long as the discrimination takes place in areas that do not receive Federal money.

Title IX's "program or activity" language was modeled after similar language in title VI of the Civil Rights Act of 1964, forbidding discrimination on the basis of race. Similar "program or activity" language appears in the Age Discrimination Act of 1975 and the Rehabilitation Act of 1973, prohibiting discrimination on the basis of handicap. Because the Court's program-specific rationale would appear to apply to these statutes as well as title IX, the bill under consideration today will define the term "program or activity" in all four statutes.

The Grove City decision has meant in some instances that the Federal Government can provide no protection at all against discrimination by institutions receiving Federal funds. The results have been disheartening. In Alabama, for example, a massive discrimination suit against the State's system of higher education was dismissed because a court of appeals concluded that the plaintiffs would have to show that Federal money flowed to virtually every program and department at the State colleges. In California black students at a proprietary school of cosmetology alleged that in the practical training course white customers were referred to white students and black customers were referred to black students. They also alleged that black students were given extra cleanup responsibilities. Even though the school accepted Federal money in the form of Pell grants and guaranteed student loans, the Department of Education was precluded from even considering the complaint, as no Federal funds could be traced to the practical training course. Another school system receiving Federal money was able to avoid providing interpreters for the deaf in its adult education program because no Federal funds could be traced to that activity. Had these classes been held in a building funded with Federal assistance, however, the school system would not have been relieved of its duty to accommodate qualified handicapped students.

S. 557 provides for institution-wide coverage under the four civil rights laws for institutions receiving Federal funds. The protections of Federal civil rights laws will not be based on bookkeeping or accounting. Tracing Federal money into individual accounts to determine whether a particular part of a college is covered will no longer be necessary. The simple message of this bill is:

If you receive Federal money, you cannot discriminate. And if you are going to discriminate, don't expect Federal money.

I am an original cosponsor of the version of S. 557 that was introduced in the House. I was also an original cosponsor in the 98th and 99th Congresses of bills that would have overturned the Grove City decision. The version of S. 557 we consider today is, in most instances, identical to a substitute bill I introduced at the Education and Labor Committee markup during the 99th Congress. Basically, the bill is simple: it adds a new section to each of the four affected civil rights laws defining the term "program or activity." It is this term that establishes the scope of coverage under each of the statutes.

In the case of educational institutions, "program or activity" refers to all of the operations of a college or university if any part of the institution receives Federal money. Similarly, entire elementary or secondary systems are covered if any part receives Federal funds. State and local governments are covered only in the department or agency receiving Federal funds. If, however, one agency receives Federal funds and disburses them to another agency, both agencies are covered.

The general rule for private corporations or organizations is that only the plant or geographically separate facility receiving aid is covered. If aid is extended to the corporation as a whole, however, or if the corporation is principally engaged in providing social services, education, housing, health care, or parks and recreation, a different rule applies: the entire corporation is covered by the civil rights laws.

Two provisions in S. 557 that were added to the bill in the 99th Congress incorporate the terms of longstanding regulations and specifically address concerns raised when a Grove City bill was first introduced in 1984. The first of these clarifies that "ultimate beneficiaries" of Federal programs are not covered. Thus, for example, the rental activities of a Social Security benefits recipient who owns a rental duplex will not be covered under the civil rights laws because of participation in the Social Security Program. Similarly, farmers who participate in crop subsidy and disaster loan programs are likewise ultimate beneficiaries of those programs and will not be covered under the new program or activity language.

The second provision added to the bill provides that small providers of services to the handicapped need not make significant structural alterations to their facilities if there are alternative means of providing the services. This section also incorporates into statutory language the terms of longstanding Rehabilitation Act regulations, assuring that S. 557 does not embody any new requirements of architectural modification to accommodate the handicapped. Therefore, no new requirements are placed on "mom and pop" grocery stores participating in the Food Stamp Program or pharmacies participating in Medicare.

During Senate consideration of the bill, a third clarifying amendment was added to the bill. With regard to persons with contagious diseases or infections, the Harkin-Humphrey amendment places within the terms of the Rehabilitation Act the otherwise qualified standard now set forth in regulations and case law. In brief, the Harkin-Humphrey amendment adopts the approach and standards of the Supreme Court's Arline decision. It provides that persons with contagious diseases and infections remain protected in their jobs under the Rehabilitation Act if they do not pose a direct threat to the health or safety of others and are able to perform the essential duties of their jobs. This determination would require a case-by-case analysis based on reasonable medical judgments. In other words, there would have to be a determination that there is a significant risk of transmission of the disease or infection to others in the work place, a risk which could not be eliminated by reasonable accommodation. With respect to persons with contagious diseases and infections, this amendment adopts an approach consistent with that taken in 1978, when Congress addressed the concerns of employers regarding the Rehabilitation Act's coverage of alcohol and drug abusers.

Finally, the Senate bill contains an amendment offered by Senator DANFORTH which overturns certain title IX regulations relating to abortion. Under this amendment, title IX could not be read to require or prohibit a college or university to provide or pay for an abortion. Thus, an institution subject to title IX would not have to include the costs of an abortion procedure in insurance for its students or employees. This limitation does not mean, however, that medical complications related to an abortion could be excluded.

During consideration by the Education and Labor Committee of the Civil Rights Restoration Act offered in the 99th Congress, I voted against a similar amendment because I felt that it violated the principle of restoration—of merely returning the civil rights laws to their pre-Grove City scope of coverage. I suspect, though, that the amendment we now have will make the bill more palatable to many Members of the House. For that reason, I will support the bill, including the amendment. Crucial to my support, however, is the assurance that a college is prohibited from discriminating against those who have had or who are seeking abortions. The second sentence of the amendment will ensure that a woman is not denied scholarships, promotions, extracurricular activities, student employment or any other benefits because she has received or is seeking an abortion.

Last, I want to focus briefly on an issue of great importance to me—the interpretation and enforcement of the title IX religious tenets exemption. Because this bill will restore broad title IX coverage for colleges and universities, I believe it is important to clarify and confirm our understanding of the religious tenets exemption and the Department of Education's responsibilities in this area.

No other antidiscriminatory statute dealing with race, sex, national origin, age or disability allows for an exception to accommodate an organization's religious tenets. When title IX was originally enacted, however, the religious tenets exception was adopted for institutions "controlled" by a religious organization in recognition of the unique role played by religious organizations in the establishment of many of this country's colleges and universities. The exemption is not a blanket exemption. Rather, it is a narrow one, allowed only for those title IX regulations in conflict with a specific religious tenet. This exemption assures colleges and universities of the full exercise of religious liberty.

Federal inquiries into the doctrine and beliefs of religious organizations raise delicate and difficult first amendment issues. Thus I believe it is important that the Department exercises deference in considering these requests. Further, I believe that it is important that the Department of Education should continue, as in the past, to avoid the role of determining the meaning and judging the validity of religious beliefs. Doubts about the meaning of religious tenets should be resolved in favor of the educational institution and religious liberty.

During the first 10 years after promulgation of the title IX regulations, the Department of Education took virtually no action with respect to the vast majority of requests for exemption. This administrative inaction may well have had a chilling effect on the exercise of religion at educational institutions. I believe it is extremely important for the Department of Education to act expeditiously on requests for exemption.

Last, there has been a great deal of discussion about modifying the "control" standard. Despite its alleged deficiencies, no applicant has ever been denied a properly completed request for a title IX exemption under the current religious tenets exemption. I believe, therefore, that the recent record of implementation in this area demonstrates that the current standards can be applied in a sufficiently flexible manner to avoid significant problems.

Mr. Chairman, it is indeed fitting that we should take up consideration of this bill at this time. During the past 2 weeks we had the pleasure of watching the winter Olympics. We saw Bonnie Blair break a world record and Debi Thomas break down yet another color barrier. We saw Bonnie Warner's sixth-place finish in luge, the best finish ever by an American. All of the women representing the United States—medal winners or not—made us proud. In fact, American women brought home more medals than American men.

Initially, women's athletics was one of the primary beneficiaries of title IX. Prior to enactment of the statute in 1972, there were in this country virtually no athletic scholarships offered to women. After Donna DeVerona won her two gold medals in swimming at the 1964 Tokyo Olympics, she was offered no college scholarships. Her swimming career ended while she was still a teenager. Her colleague, gold medalist Don Schollander, went on to participate in swimming for 4 more years during colleage, while on an athletic scholarship.

Before Grove City title IX had resulted in some positive gains in

women's sports. In the 10 years following passage of title IX, the number of women participating in college sports grew 100 percent, and the number of high school girls participating in sports increased 500 percent. By 1984, the number of athletic scholarships available for women had increased from zero to 10,000. Many of the women who participated in the 1984 summer Olympics in Los Angeles said they would never have had the opportunity to train and compete had it not been for title IX's infusion of money into women's colleagiate sports.

Women's athletics, however, is one of the areas where the Grove City decision has had its most devastating impact. Virtually no Federal money is traceable to women's sports. The Office of Civil Rights at the Department of Education has been unable to investigate charges of discrimination in women's athletics on college campuses. And cases alleging discrimination in women's sports that commenced prior to Grove City were abandoned. Passage of this bill, with its restoration of broad coverage, will serve as a well deserved tribute to those women who served our Nation so well in Calgary and to all those other women who have broken new ground in what were formerly fields for men only.

□ 1730

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding time, and I rise in strong support of the Civil Rights Restoration Act.

Mr. Chairman, it has been 4 years since the Supreme Court ruled in Grove City College versus Bell that Federal antidiscrimination laws apply only narrowly to particular federally supported programs, and not to recipient institutions as a whole. While the Grove City case specifically applied to title IX of the Education Amendments of 1972, the ruling has been interpreted to include section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964. As the result, women, minorities, the disabled, and the elderly have been denied the protection which Congress specifically intended them to receive.

Clearly, the Court misinterpreted the intent of Congress, and we have been working ever since to clarify the coverage of those laws.

In June 1984, the House voted overwhelmingly in favor of legislation overturning the Grove City decision. Unfortunately, the Reagan administration launched a full-scale attack against the bill, and it was never brought up in the Senate.

The real turning point occurred in 1985, when the U.S. Catholic Conference issued a memo suggesting that the new proposal could force Catholic teaching hospitals receiving Federal assistance to perform abortions. Since then, the Civil Rights Restoration Act has been tangled up, as so many bills have been in the last few years, over the abortion question.

When the Senate considered the Restoration Act last month, antiabortion Senators were prepared to defeat the bill if restrictive language was not included. And when the bill was finally adopted by that body, that victory was tempered by the approved abortion language.

The Danforth amendment specifies that institutions receiving Federal aid are not required to provide or pay for abortions. This language effectively supersedes existing regulations dating from 1972 that require educational institutions receiving Federal aid to "treat pregnancy, childbirth, and termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability" where leave, health services, or insurance are concerned.

I am very disappointed that this Congress, in its effort to clarify and extend antidiscrimination laws, must allow restricted access to legally protected medical care. In permitting hospitals receiving Federal funds to deny provision of abortion services, the Congress is actually sanctioning another form of discrimination. This is a very regretful act; but one, it seems, that is unavoidable at this time.

While I feel very strongly that a woman's right to abortion includes the right of access to abortion services, it is imperative that passage of the Civil Rights Restoration Act not be delayed any longer.

In these last few years during which Congress has been divided over the scope of coverage under the law, the rights of women, minorities, and disabled and elderly Americans have been put on hold.

In the Grove City case, the Supreme Court unanimously held that financial aid dollars reaching a college through its students constituted Federal financial assistance to the school. The scope of duty not to discriminate, however, was defined narrowly by the court. The court determined that student financial aid money only reached the school's financial aid office; therefore, only that office had to comply with Federal anti-discrimination law.

As the result, hundreds of discrimination cases have been dropped because the offending office or activity was deemed not in direct receipt of Federal funds. The Office for Civil Rights in the Department of Education, one of the primary agencies responsible for enforcement of these basic civil rights laws, has closed title IX, title VI, section 504, and age discrimination cases for lack of jurisdiction. In all, the Office of Civil Rights has closed or scaled back the investigation of 674 sex discrimination cases since the Grove City ruling.

Court mandated desegregation efforts have also come to a halt. The Subcommittee on Human Resources and Intergovernmental Relations, which I chair, recently held hearings on illegal racial discrimination at a number of southern universities and colleges. As a result of that investigation, the Government Operations Committee issued a report entitled "Failure and Fraud in Civil Rights Enforcement by the Department of Education." The committee concluded that 10 southern and border States are in violation of title VI of the Civil Rights Act because they have not completely eliminated the remnants of previously illegal systems of higher education that separated students by race.

Unfortunately, under Grove City, the victims of racial discrimination have little form of redress. Late last year, a title VI discrimination suit brought by the Justice Department against the University of Alabama was blocked by a Federal court of appeals which applied Grove City versus Bell to it. As the result of this and similar rulings, the effort to desegregate our Nation's schools, which began in 1954, has come to a screeching halt.

Enforcement efforts have also been gutted at other Federal agencies. The Office of Civil Rights at the Department of Health and Human Services and the Department of Housing and Urban Development's Office for Fair Housing and Equal Opportunity report that they too have severely cut back investigation of complaints.

By returning the four financial assistance civil rights statutes to their pre-Grove City status, the Congress will be renewing its commitment to fairness and equality. At the same time, we will be making certain that the next administration does not have an excuse to ignore its responsibility to enforce vital antidiscrimination laws.

I was very pleased that, with the exception of the Danforth amendment, all of the weakening amendments proposed in the Senate were defeated by large margins. I am hopeful that the House will follow with passage of an equally strong bill and that it will be received favorably by the President.

At this time, I would like to address specifically an amendment added by the Senate regarding coverage of individuals with contagious diseases and infections under section 504 of the Rehabilitation Act of 1973. It is important to note that this amendment was added to clarify—and not modify—the current section 504 requirements applicable to such individuals.

The need for a clarification arises from a misplaced response by some employers to the recent Supreme Court decision in School Board of Nassau County versus Arline. Although often misunderstood, the Supreme Court's recent decision interpreting and applying section 504 does not require that entities covered under the section take unwarranted risks in hiring and retaining individuals with contagious diseases who pose a direct threat to the health and safety of others or who cannot perform the essential functions of a job. The Supreme Court made that point very clearly in the Arline decision. See *School Board of Nassau County* v. *Arline,* 107 S.Ct. 1123, n. 16 (1987). ("A person who poses a significant risk of communicating an infectious disease to others in the workplace will not be otherwise qualified if reasonable accommodation will not eliminate that risk.")

Nevertheless, some employers have reacted to the Supreme Court decision by expressing the unfounded concern that they could be required to hire or retain an individual who has a contagious disease or infection and for whom no reasonable accommodation could eliminate the significant risk of such an individual transmitting the disease to others. In re-

sponse, the Senate amendment clearly sets forth the basic standard of section 504 that effectively precludes imposing such a requirement on employers.

The language of the amendment is purposely patterned after a similar amendment adopted by Congress in 1978. At that time, many employers had similar unjustified concerns that they could be forced to hire or retain individuals who were alcohol or drug users and who could not perform the essential functions of a job or who posed a threat to others. The 1978 amendment provided that the term "handicapped individual" did not include "any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others."

During the legislative debate on the 1978 amendment, many Members of Congress pointed out that the "otherwise qualified" standard of section 504 already ensured that no such requirement could be placed on employers. Nevertheless, Congress enacted the amendment to reassure employers regarding the existing section 504 protections, thereby avoiding a categorical exclusion of alcohol and drug users from the protections of the statute.

The Senate amendment included in the Civil Rights Restoration Act, which is patterned after the 1978 amendment, thus specifies that, for purposes of sections 503 and 504 of the Rehabilitation Act of 1973, as such sections relate to employment, the term "individual with handicaps" does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.

The basic manner in which individuals with contagious diseases and infections can present a direct threat to the health or safety of others in the workplace is if there is a significant risk that the individual could transmit the contagious disease or infection to other individuals. In such circumstances, the individual is not "otherwise qualified" to remain in that particular position. The Supreme Court in Arline explicitly recognized this necessary limitation in the protections of section 504. The Senate amendment places that standard in statutory language—thereby hopefully allaying any misplaced concerns on the part of employers.

It is important to note the aspects that this amendment does not change. First, the amendment does nothing to change the requirements in the regulations and case law regarding providing reasonable accommodations for persons with contagious diseases or infections. Thus, if a reasonable accommodation would eliminate the existence of a direct threat or an individual's inability to perform the essential duties of a job, the individual is qualified to remain in his or her position.

Second, the two-step process of section 504 should continue to apply in cases involving individuals with contagious diseases and infections. That is, a court must first determine whether a plaintiff is protected under the statute under the traditional three-part definition of "individual with handicaps" under the statute. The court must then determine whether the individual is "otherwise qualified" to hold the particular position at issue in the case before it.

In his dissent in the Arline case, Justice Rehnquist stated that Congress should have stated explicitly that individuals with contagious diseases were intended to be covered under section 504. Congress has done so now with this amendment, stating clearly that individuals with contagious diseases or infections are protected under the statute as long as they meet the "otherwise qualified" standard. This clarity is particularly important with regard to infections because individuals who are suffering from a contagious infection—such as carriers of the AIDS virus or carriers of the hepatitis B virus—can also be discriminated against on the basis of their infection and are also individuals with handicaps under the statute. See, e.g., *Local 1812, American Federation of Government Employees* v. *U.S. Department of State,* 662 F.Supp. 50 (D.D.C. 1987) (HIV-infection); *Ray* v. *School District of DeSoto County,* 666 F.Supp. 1524 (M.D. Fla. 1987) (HIV-infection); *New York State Association for Retarded Children* v. *Carey,* 612 F. 2d 644 (CA2 1979) (hepatitis B carrier). As the Senate amendment now restates in statutory terms, such individuals are also not otherwise qualified if, without reasonable accommodation, they would pose a direct threat to the health or safety of others or could not perform the essential functions of a job.

Because of the importance of these protections, public health leaders have called for vigorous enforcement of section 504 with regard to cases involving AIDS and infection with the AIDS virus. The National Academy of Sciences, in its authoritative report, "Confronting AIDS," specifically pointed out the importance of section 504 as a means to fight medically unjustified discrimination:

The committee believes that discrimination against persons who have AIDS or who are infected by HIV is not justified, and it encourages and supports laws prohibiting discrimination in employment and housing as formal expressions of public policy. The committee also supports a federal policy to include AIDS as a handicapping condition under the federal law prohibiting improper discrimination against the handicapped.

The Congress noted in 1978, with regard to alcohol and drug users, that the addition of an amendment was unnecessary in light of current law. Nevertheless, rather than exclude categorically a group of individuals, we added a provision to reassure employers regarding the requirements that currently existed in law to protect public health and safety. That same purpose motivates the inclusion of this amendment. I support the Civil Rights Restoration Act with this amendment because it continues to maintain the proper balance that currently exists between protecting the public health and private rights.

I urge adoption of the bill.

Mr. EDWARDS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, I rise in strong support of this measure.

Mr. Chairman, as chairman of the House subcommittee of jurisdiction over the Rehabilitation Act, the Subcommittee on Select Education, I wish to address one aspect of this bill, which is amendment 1396 added by the Senate.

In some respects, amendment number 1396 is not really necessary. It simply clarifies that persons with contagious diseases and infections are covered by the Rehabilitation Act unless their condition constitutes a direct threat to the health or safety of others or renders them unable to perform the functions of the job. With or without this statutory amendment, under current law, as interpreted by the Supreme Court last year in School Board of Nassau County versus Arline, the standards applied in any given case would be the same. If the plaintiff had a contagious disease which was likely to be transmitted to coworkers, and no reasonable accommodation by the employer could eliminate that risk of transmission, the law would not force the hiring of that plaintiff. If, on the other hand, the plaintiff's disease was not transmissable by normal workplace contact, so that in fact coworkers were not endangered by it, then the law would grant relief to that plaintiff. This is precisely the balance between public health and civil rights which the law should embody.

Although this statutory amendment is not necessary, it may serve some useful practical purposes. Our Nation is now grappling with the multiple consequences of AIDS. One of those consequences is an epidemic of discrimination and hysteria. In many cases, persons who have AIDS or are infected with the AIDS virus have lost their jobs and their ability to support themselves and their families because others irrationally fear the disease. The disease has disproportionately affected black and Hispanic Americans. In communities like my own, the effects of AIDS have been devastating—medically, socially, and economically. We in Congress can help eliminate this discrimination and hysteria by reaffirming that the law will not allow the firing of persons affected with AIDS who do not pose a direct threat to others and who are, in fact, able to work.

The U.S. Centers for Disease Control estimates that more than 1 million Americans today are infected with the virus believed to cause AIDS. The great majority of these Americans are asymptomatic and fully capable of working. Many have family members dependent on them. Their infection is not transmissable by ordinary interaction with those around them, whether at work or at home. In short, there is no sound medical or public health reason why they should be excluded from employment. In that regard, I am glad to see that amendment 1396 refers to individuals with contagious infections, thus clarifying that such infections can constitute a handicapping condition under the act.

In sum, amendment 1396 adds directly to the statutory language the standard for assessing the appropriateness of relief under the Rehabilitation Act when the handicapping condition involved is a contagious disease or infection. It follows the principles outlined by

the Supreme Court in the Arline case and it will convey unambiguously to the courts our intent that contagious diseases and infections not be excluded per se from coverage under the act.

Mr. EDWARDS of California. Mr. Chairman, I yield 3 minutes to our foremost champion of civil rights, the chairman of the Committee on the Judiciary, the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, I thank the gentleman very much for yielding these 3 minutes to me.

Mr. Chairman, there were several key provisions in the landmark Civil Rights Act of 1964. One of the provisions, title VI, is being amended today in the bill before us. Title VI established the principle that Federal funds would no longer be used to subsidize racial discrimination.

This prohibition of Federal assistance to discriminatory programs became an effective tool in Federal civil rights enforcement. As each new group pressed its claim for Federal Antidiscrimination legislation, civil rights advocates demanded a title VI-like provision as well. By 1975, the four civil rights laws amended by S. 557 were in place—title VI, title IX of the 1972 Education Amendments (prohibiting sex discrimination in any education progam receiving Federal financial assistance), Section 504 of the 1973 Rehabilitation Act (prohibiting handicap discrimination in any federally funded program) and the 1975 Age Discrimination Act (prohibiting discrimination against the elderly in any federally funded program). The carrot and stick approach set forth in these laws has helped to speed up the process of eliminating barriers to equal opportunity for minorities, women, the handicapped and the elderly.

The Congress had seen the promise of Brown versus Board of Education frustrated by States unwilling to comply with the Court's order to desegregate with all deliberate speed. It was Federal enforcement of title VI which turned massive resistance to public school integration into meaningful desegregation. Soon recalcitrant school districts determined that Federal financial assistance was more important than adherence to a bankrupt, racist philosophy.

In enacting title VI and its progeny, the Congress understood these laws to have broad coverage. Supporters of these laws believed all the operations of a recipient were required to comply with the nondiscrimination duty when any part of the recipient's operations was extended Federal financial assistance. The Supreme Court's 1984 decision in *Grove City College* v. *Bell*, 465 US 555, narrowly construed title IX of the 1972 Education Amendments. The Court determined that the college was a recipient of Federal financial assistance but because student aid was the only form of assistance extended to the school the Court reasoned that only the financial aid office was obligated to comply with the nondiscrimination duty. This program-specific analysis turned 20 years of executive branch enforcement of title VI and its progeny on its head. On that same day the Court applied the same narrow interpretation to section 504 in *Consolidated Rail Corporation* v. *Darrone*, 465 US 624. The Supreme Court's program-specific analysis, first hinted at in *North Haven* v. *Bell*, 456 US 511 (1982), has brought Government and private enforcement efforts of the four civil rights laws amended by S. 557 to a virtual standstill.

The bill before us today, S. 557, will restore the broad coverage of these four civil rights laws by defining the terms program and program or activity where they appear in each statute. For State and local governments coverage will be the entire agency or department when any part of the agency or department is extended Federal financial assistance. If assistance is extended to a unit of Government which then distributes the assistance to other departments or agencies, then all the operations of the distributing entity are covered as well as the agency or department to which the assistance is extended. For post-secondary institutions or public school systems coverage is college-wide, university-wide, or other post-secondary institution-wide, or public school system-wide. For elementary, secondary and vocational systems coverage is system-wide. Two or more schools are a system if there is significant linkage between them. An individual elementary, secondary or vocational school which is not part of a system is covered in its entirety under the corporate coverage section of the bill. A corporation, partnership, other private organization, or sole proprietorship is covered in its entirety if the assistance is extended to the corporation as a whole, or if the corporation, partnership, other private organization or sole proprietorship is principally engaged in the business of providing education, health care, housing, social services or parks or recreation; in all other instances, coverage is plant-wide or other comparable, geographically separate facility-wide. A geographically separate facility refers to facilities located in different localities or regions. Two facilities that are part of a complex or that are proximate to each other in the same city would not be considered geographically separate.

The bill makes clear that ultimate beneficiaries of Federal financial assistance are not obligated to comply with the nondiscrimination provisions in each of these laws. Ultimate beneficiaries include farmers receiving crop subsidies, as well as food stamp and social security recipients. Under the bill, there is also a small provider exception, which recognizes that small providers, such as pharmacies and Ma and Pa grocery stores have more flexibility in making their facilities accessible to handicapped persons. Under the 504 regulations, small providers—15 or fewer employees—are allowed a more flexible approach in meeting the accessibility requirements. Thus Ma and Pa grocers may satisfy the requirement by referring the handicapped person to a nearby accessible grocery store or by making home deliveries. The title IX religious tenet exemption is not changed; that is, it is available to education programs controlled by a religious organization; however, it clarifies that the exemption is as broad as the coverage now defined by this bill. The fund termination provision found in each of these statutes will remain in effect. In the case of Grove City College, for example, if there is discrimination in the math department, a fund termination remedy would be available because the funds from BEOG's flow throughout the institution and support all of its programs.

Mr. Chairman, the protection of civil rights is a fundamental test of justice and fairness in our Nation. Through the enactment and enforcement of our civil rights laws, we have made much progress toward eliminating many forms of discrimination. These laws are the cornerstone of the promise of equality under law—equality for all citizens, regardless of race, sex, national origin, age, or physical handicap. That promise is embodied in the Civil Rights Act of 1964, the Education Amendments of 1972, the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. In passing these laws, Congress sent a message—loud and clear—that the law of the land would not tolerate discrimination, and that those practicing discrimination should be held accountable for their actions, not rewarded with Federal funds.

Unfortunately, in 1984, in Grove City versus Bell, the Supreme Court narrowed the application of these civil rights laws by ruling that only the program or activity receiving Federal funds—not the entire institution—must comply with civil rights laws. This was not Congress' intent. This bill would restore the law to where it was before the Grove City decision.

The House in June 1984 passed legislation overturning the Grove City decision by a vote of 375 to 32. The Senate, however, did not act on the measure. Mr. Chairman, there has already been too much delay by the Congress. It is time to set the record straight.

Federal dollars collected for all of the people should not be used to dis-

criminate against some of the people. It is important to make clear that Federal tax dollars will not be used to subsidize discrimination.

I urge my colleagues to support S. 557, the Civil Rights Restoration Act of 1987.

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

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in support of the Civil Rights Restoration Act. I urge my colleagues to support it.

Mr. Chairman, I rise in support of the Civil Rights Restoration Act and urge my colleagues to vote for it.

I want to call special attention to the provisions regarding discrimination against the handicapped under section 504 of the Rehabilitation Act. While this legislation does not make substantive change in the law as it has been interpreted by both the Supreme Court and lower courts, it does add some clarity to those holdings.

The provision essentially restates the holding in the recent Supreme Court case, School Board of Nassau County against Arline. In that case the Court said clearly that persons with contagious diseases are covered by the protections of the statute. Having said that, however, the Court went on to say that if they pose a significant risk of transmitting their diseases in the workplace, and if that risk cannot be eliminated by reasonable accommodation, then they cannot be considered to be "otherwise qualified" for the job. The amendment added by the Senate to this bill places that standard in law.

I do not believe that it is necessary to make this addition to the statute; the Court's holding is easily understood and reasonable on its face, and certainly supported by the entire legislative and regulatory history of 504. This legislation does not lay out new limitations on eligibility or different standards of accommodation from those already applied. It does not change the traditional two-step analysis in which it is first determined that a person is handicapped and then that he is otherwise qualified. It appears, however, that some Members want the holding codified in statute, and I will not oppose doing so.

I would note that an amendment to limit the protections for people with infectious diseases was offered and defeated in the Senate committee. If any such limitations were offered in the House, I would fight to defeat them. Inasmuch as this provision does not limit the reach of 504 for those people infected or ill, I have no objection to it.

I want to say, however, that this does not mean that I am satisfied that discrimination protections for people with HIV infections or related illnesses are adequate, especially if we are to advance the public health agenda of counseling, testing, and medical care. While section 504 and the decisions that have addressed infectious diseases—such as Arline, AFGE versus State, Thomas versus Atascadero, and Ray versus Desoto—have made it clear that people with AIDS and HIV infections are protected if they work for an employer assisted with Federal funds, there are still no general protections for people who do not work for such employers.

This is certainly unfair, but, as important, it creates bad public health policy and bad medicine. If we want people at risk of HIV infection to volunteer for counseling, testing, and medical care, we must be able to guarantee to them that they will not lose their jobs as a result. If we do not, only those people who have nothing to fear from HIV—either because they are at the most minimal risk or because they are already sick and need the little public care that is available—will come forward. The very people that public health authorities most want to counsel, test, and provide care for will be the ones driven away by unwarranted discrimination.

I wish that it were possible in the context of this bill to expand the coverage of discrimination protections for the seropositive and ill beyond those who work for federally assisted employers. Within this bill, such a change is not possible, and I understand that. I am frustrated, however, that while the epidemic continues, killing productive citizens and draining our public health care system of dollars and staff, we must continue in the Congress and the administration to debate whether to blame people who are ill for their illness.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to a distinguished member of the subcommittee, the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, today we consider the single most important civil rights legislation of the 100th Congress: the Civil Rights Restoration Act of 1988.

The bill amends four major civil rights statutes to prohibit all the operations of an institution, not just specific programs, that receive Federal funds from discriminating on the basis of race, age, gender, or disability.

We consider today a principle that I believe is fundamental to the American constitutional scheme, and to the role of Government: Government should never support or subsidize discriminatory practices in any way whatsoever, and should do everything it can to eliminate the unfair and un-American results of discrimination.

Presidents Kennedy, Johnson, Nixon, Ford, and Carter all also believed that. That is why their administrations followed broad based interpretation of the civil rights statutes that we today seek to codify. Both the House and Senate, after 4 years of hearings and debate have voted overwhelmingly in favor of broad coverage.

A recent Supreme Court Decision, Grove City versus Bell, interpreted the civil rights laws as they were written to apply only to recipient operations and not the entire institution. This legislation overturns that decision, and the opportunities for discrimination and unequal access that the decision created.

Consider the everyday importance of the law:

A black man could be denied hypertension medication in a large clinic receiving Federal funds if those funds were not earmarked for hypertension treatment.

A victim of sexual harassment in a classroom would not be protected if Federal construction funds received by the school were not used to construct the building in which the classroom is located.

A qualified disabled employee could be denied a promotion in a nursing home corporation if the specific department involved received no Federal money though the corporation was a recipient of such funds.

An older couple could be denied flu shots in a privately built city clinic which decides to reserve vaccine for the so-called working-age population, even if the city health department got Federal health funds.

Literally hundreds of discrimination suits before the courts and administrative agencies have been dropped already—even when discrimination was found—due to the Grove City decision. According to the Department of Education's Office of Civil Rights, 834 cases in the administrative enforcement process have been affected between 1984 and 1986. Consider the kinds of cases and instances of discrimination we are debating:

A black high school student ranked fifth in her class who sued her school's chapter of the National Honor Society for allegedly denying her admission into the program due to race. The Office of Civil Rights dropped the suit because the alleged discrimination did not occur in a program directly receiving Federal assistance.

A first year medical student's charge that she had been sexually harassed by a professor who offered her good grades in exchange for sexual favors and who threatened to have other professors manipulate her grades were dismissed because no Federal money was earmarked for first year students or the department in which the professor taught.

The Office of Civil Rights also dismissed a suit against a community college which offered insurance policies that discriminated on the basis of age and sex, and which did not treat pregnancy and related disabilities the same as any other temporary disability. The case was closed because the college office which generated the mailing labels for the insurance company and the dean who wrote the letter to the students to introduce the plan were not part of the program that benefitted from Federal funding.

Clearly the primary vehicles for attacking the specter of discrimination for the last 25 years have been eroded.

The effects of discrimination, race based, gender based, are clear and undeniable. Just look at statistics on em-

ployment, income, representation in professional communities. This measure stops short of affirmative measures to correct those wrongs, it simply helps prevent the potential for more discrimination, and their lasting effects.

For those of you who do not want to fight the old battles and reopen the healed wounds from the civil rights movement; for those of you who truly want Dr. King's vision of justice and equality to become a reality in American life, the Civil Rights Restoration Act is an essential piece of legislation. I therefore urge you to vote in favor of this bill, and to oppose any substitutes or weakening amendments.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, we have the opportunity today to restore simple justice to thousands of Americans. For years, the rules were simple: Any system that received Federal funds could not discriminate. Period. But the Grove City versus Bell decision in 1984 significantly narrowed the scope of the civil rights statutes. In ruling that those statutes only applied to the specific program or activity that received Federal aid, and not the entire institution or system, the Supreme Court misinterpreted the intent of Congress. Consequently, the civil rights of women, minorities, the elderly and the handicapped have been endangered.

For 4 years, we have been working to reinstate the original intent of the civil rights statutes and to restore basic rights to these individuals. Four months after the Grove City decision was reached, this body voted overwhelmingly, 375 to 32, to overturn the Supreme Court's ruling.

In 1985, the Education and Labor Committee and the Judiciary Committee again considered, and reported out, the Civil Rights Restoration Act. Mr. Speaker, for 4 years, we have worked to pass this legislation and restore civil rights to their full strength. There have been a number of worthwhile compromises during that time, and I believe that we have a better bill because of them.

But we should never forget that hundreds of lives continue to be affected by Grove City every day. The Department of Education alone has closed, narrowed or suspended over 500 complaints and compliance reviews over the past 4 years. Opportunities have been closed, horizons have been narrowed, and lives have been put on hold because of these denials of basic civil rights.

The individual cases speak for themselves:

A worker alleged that he was discriminated against by the Massachusetts Department of Youth Services. Although he passed the exam for a "supervising group worker" and was ranked first on the list for such a position, he was not given a supervisory position accommodating his disability. Although the Department of Youth Services receives Federal funds through the chapter 1 program, no action was taken because the department's program where the complainant applied for the position was deemed not to have received Federal funds.

A maintenance worker at a university filed a complaint with the Office for Civil Rights in the Department of Education, alleging disability discrimination. The university's lawyers said that it received no Federal funds for maintenance and therefore the Government had no authority to investigate. Since 1979, that university had received approximately $3,376,182 in Federal funds from the Department of Education, but the complaint has been put on hold because the Office for Civil Rights could not link the allegation of discrimination to a specific federally funded program.

A first-year medical student at a university in California alleged that she had been sexually harassed by a professor who made explicit sexual remarks to her, offered to give her better grades in exchange for sexual favors, and finally threatened to use his alliances with other professors to manipulate her grades. Although the medical school received Federal funding through the Department of Education, no money was earmarked for the educational program for first year students or the professor's department of surgery. OCR closed the case because it decided the Grove City "program or activity" requirement could not be satisfied.

The cases go on and on: A black high school student is denied admission to her school's national Honor Society, a hospital adopts a policy of refusing to perform heart transplants on persons over the age of 55—even if the older patient is otherwise healthy, a teacher is permitted to call an emotionally-disturbed student "stupid" and "retard," a school system is permitted to place minority students in segregated classes that deny them educational opportunity.

These real-life examples represent only a small sampling of the hundreds of discrimination cases in the Department of Education, the Department of Health and Human Services, and in the Department of Housing and Urban Development that have been frustrated, or essentially ignored, in the time since the Grove City decision.

Our efforts to restore these civil rights have tremendous support from all facets of our citizenry. The NAACP, the AFL-CIO, the League of Women Voters, the American Association of Retired Persons, the United States Catholic Conference, the Disability Rights Education and Defense Fund, the Paralyzed Veterans of America, Business and Professional Women, the United Auto Workers have all endorsed this bill. The American Baptist Churches, the National Education Association, the American Jewish Congress, the National Association of Independent Colleges and Universities: The list goes on and on.

Mr. Chairman, opponents of this bill are resorting to blatant distortions of the intents of this legislation. The fact remains that under the false logic of Grove City, our Federal tax dollars are being used to fund discrimination, something that Congress never intended to allow. This legislation clarifies our original intent. We, and all of the individuals whose lives are being affected by this discrimination, have waited 4 long years for this day. The time has come to restore simple justice.

Mr. SENSENBRENNER. Mr. Chairman, I yield 6 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, as an original cosponsor of the Civil Rights Restoration Act, I am very pleased and proud to stand here today. For 4 years, I have supported legislative action to return four pivotal civil rights laws to their rightful status prior to two Supreme Court decisions which occurred on February 28, 1984. These decisions were: *Grove City College* v. *Bell, Secretary of Education* 104 S.Ct. 1211 (1984), and *Consolidated Rail Corporation* v. *Darrone*, 104 S. Ct. 1248 (1984).

The Civil Rights Restoration Act is intended to reestablish the fundamental principle that when any part of an organizational entity receives Federal financial assistance, then all of the operations of that entity are subject to the antidiscrimination requirements contained in four civil rights statutes. The four laws to which I refer are: First, title IX of the Education Amendments of 1972; second, title VI of the Civil Rights Act of 1964; third, the Rehabilitation Act of 1973; and fourth, the Age Discrimination Act.

Each of these laws prohibits discrimination in any program or activity receiving Federal financial assistance. Title IX prohibits discrimination based upon sex. Title VI prohibits discrimination based upon race, color, or national origin. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based upon a person's disability. The Age Discrimination Act prohibits discrimination based upon an individual's age.

So, if you choose to participate in Federal programs and receive Federal financial aid, you must comply with the antidiscrimination requirements of all four of these laws. This seems to me a patently logical and fundamentally fair result. The Federal Govern-

ment should not be in the business of subsidizing discrimination—inadertently or otherwise. If you choose to discriminate or ignore discriminatory activities within the realm of your organizational control, then you will not be aided and abetted in doing so through the use of taxpayer moneys.

Allow me to briefly review the problems presented by the Supreme Court decisions in Grove City and Darrone, and to explain further why I believe remedial legislation is necessary.

Grove City College, a private, coeducational liberal arts college, refused to sign the "Assurance of Compliance" certification under title IX. Grove City College asserted that it received no Federal financial assistance—that is, that it was not a recipient under title IX and, consequently, was not subject to the discrimination prohibitions of that statute. The facts in the case were that no direct Federal assistance went to the college, but that some of the students attending Grove City College received Federal basic educational opportunity grants [BEOG's].

The Supreme Court held, first, that Grove City was a recipient under title IX, because "receiving Federal financial assistance" includes Federal aid to a student who uses the funds at a particular institution. But, the Supreme Court went on to construe "program or activity" as not meaning the operations of the entire college, but only the student financial aid office, that is where the BEOG money, in fact, ultimately went. On virtually the same day, in the Darrone case, the Supreme Court also gave the same restrictive interpretation to "program or activity" in section 504 of the Rehabilitation Act of 1973.

Immediately, there was a critical reaction to the narrow and potentially damaging interpretation given to "program or activity" in both of these decisions. In an education context, the Supreme Court interpretation means, for example, that if sex discrimination occurs in the history department of a college but no Federal funds expressly go to that particularly department, then the college could continue to receive Federal assistance despite this discrimination. Importantly, since the phrase "program or activity" is also present in title VI and the Age Discrination Act, that same program-specific construction could be applied in cases under those laws.

Soon after the Supreme Court action, legislation was introduced both in the Senate and in the House of Representative to respond to the Grove City problem. These bills were intended to restore the four relevant laws to their status prior to the Grove City decision. The House bill (H.R. 5490) in the 98th Congress was favorably reported by both the Education and Labor Committee and the Judiciary Committee. This legislation passed the House of Representatives on June 26, 1984, by a vote of 375 to 32. However, disagreement over the intended and actual scope of the bill's language resulted, time ran out, and the Senate did not take final action.

That bill ran into difficulty principally because it contained a broad and arguably ambiguous definition of "recipient." The bill's definition differed in certain respects from the existing regulatory definitions of recipient for each of the four laws. Concern was expressed that this legislation was, in fact, being used to expand the coverage of these four laws to entirely new categories or classes of recipients.

Subsequent versions reflect a sincere attempt to respond to those early criticism. S. 557, the bill we consider today, is based upon a substitute developed from weeks of bipartisan negotiations in the spring of 1985. Those negotiations—involving Democrats and Republicans from from both the Judiciary Committee and the Education and Labor Committee—brought about important improvements in the bill. Under this revised and still relevant format, the existing regulatory definitions of "recipient" are left unchanged and, importantly, the exclusions for "ultimate beneficiaries"—farmers, students, medicare and medicaid recipients, food stamp recipients and Social Security beneficiaries—which are contained in three out of four regulatory definitions are retained. So, for example, entities or persons such as farmers, that are not recipients under the law now, because they are "ultimate beneficiaries," would not have their status changed.

Furthermore, S. 557 defines the phrase "program or activity" and attempts to bring that definition in line with executive branch enforcement policy as it existed prior to Grove City and Darrone. This makes good sense in that it was the Supreme Court's restrictive interpretation of that phrase which prompts our legislative reaction.

Under S. 557, coverage under the four antidiscrimination laws would extend to: First, departments or agencies of a State or a local government; second, colleges, universities or public systems of higher education; third, local education agencies or other elementary or secondary systems; fourth, corporations, partnerships, or other private or nonprofit organizations; and fifth, any other entity established by two or more of those previous entities. In the case of this last category "other entity", coverage presumably would occur depending upon whether or not the resulting entity is analogous in structure and purpose to the previous categories in the specified list.

S. 557 also intends to leave the so-called pinpointing doctrine on fund termination unchanged. See: Senate Report No. 100-64, page 20. The landmark case on pinpointing is *Taylor* v. *Finch*, 414 F.2d 1068 (1969). That doctrine holds that once a "program or activity" is receiving Federal financial assistance, and discrimination is found to exist, then only those funds which actually support the discrimination would be cut off. So, for example, if a municipal housing authority is found to be discriminating on the basis of race, or sex, or age, or handicap, only housing moneys are potentially terminated but not transportation moneys or education moneys. While as a practical matter fund termination is a negotiation tool and is utilized only as a last resort, the intent of this legislation is to limit the potential scope of fund termination to those funds which actually have a specific nexus to the discrimination that is found.

As the Members of this House know, progress on the Civil Rights Restoration Act has been stalled since early 1985 because of a dispute over the possible abortion implications of this legislation. Now, with adoption of the Danforth amendment in the Senate and the inclusion of that "abortion neutral" language in the bill before us today, that 3-year impasse is over. For many of us, a compromise on the abortion issue was a necessary prerequisite to the enactment of this legislation. While that debate was understandable and important, its unfortunate side effect was to distract many Members from focusing on the very valid and fundamental policy reasons justifying the remaining portions of the bill. But now that this issue has been satisfactorily resolved, let us not be further distracted.

With passage, colleges and universities will not be able to receive Federal aid and discriminate against women or blacks or the handicapped in their admissions policies or hiring practices. State and local governments, similarly, cannot continue to receive financial aid without assuring Federal enforcement officials about equal opportunity in employment and nondiscriminatory disposition of those funds. Components of corporations will also have to comply with the basic elements of the four applicable civil rights laws.

Today, the House of Representatives is faced with a policy choice that should not and cannot ignore the original rationale that prompted the enactment of these four laws. These statutes were intended as deterrents to institutional discrimination and that fact ought not be overlooked or abandoned in this debate. Ultimately, the question for us to answer is whether or not we want these laws to be enforced in a comprehensive and effective manner.

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Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in strong support of S. 557, the Civil Rights Restoration Act. I would like to commend the House sponsor of its companion bill, the gentleman from California, Mr. HAWKINS, the chairman of the House Civil Liberties and Constitutional Rights Subcommittee, Mr. EDWARDS, and the ranking minority members of the committees of jurisdiction, the gentleman from Vermont, Mr. JEFFORDS, and my fellow colleague from New York, Mr. FISH, for their leadership in restoring civil rights to the many discriminated sectors of our society, and for allowing for the expeditious consideration of this important legislation.

Its been almost 4 years since the Supreme Court laid down its landmark decision in Grove City College versus Bell that antidiscrimination provisions did not apply to an entire institution receiving Federal aid, only to the specific program getting the money. Clearly, this was not the intent of Congress. Discrimination must not be tolerated in any degree, shape, or form. Discrimination within an institution or organization cannot be justified simply because that institution's programs which receive Federal funds are in compliance with antidiscrimination statutes.

S. 557 amends title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 to deny Federal funds to institutions or organizations that discriminate against minorities, women, older Americans, and the handicapped. The new language redefines program or activity, broadening the scope of interpretation to include institutionwide coverage of antidiscrimination statutes.

This bill has received the support of a broad coalition of groups and organizations, including the American Association of Retired Persons, League of Women Voters, U.S. Catholic Conference, National Education Association, and the American Bar Association. I share their belief that this legislation would reestablish the basic principle that in order to benefit from Federal funding, an institution must agree to operate its programs free from discrimination. Our democratic Government must not stand idle while our Southern colleges remain segregated or our women continue to be denied jobs and scholarships because of their sex.

We are not considering a new issue here today. Many of us voted for identical legislation during the 98th Congress when we adopted the Civil Rights Act of 1984 by an overwhelming 375 to 32 margin. Hearings and committee markups were held during the 99th Congress. We can no longer delay enactment of this vital legislation. Accordingly, I urge my colleagues to join today in supporting S. 557, the Civil Rights Restoration Act.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to a distinguished member of the Committee on the Judiciary, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from California for yielding this time.

I must say as I stand here, this is not a day that I hoped it would be.

First of all, I have been a primary sponsor of the Civil Rights Restoration Act since it was first introduced in 1984. I have been impressed and proud of the civil rights community in its persistence that we have a clean civil rights restoration bill—with no substantive amendments. We have stood tall and together to make sure that no rights will be sacrificed.

That's why I have trouble with the bill before us today. While we are moving to restore rights for blacks, Hispanics, the handicapped, women, and the elderly, we are cutting back on the rights of a subsection of that group—young women of childbearing age.

We are abandoning young women when they are at the most vulnerable and crucial time of their lives. College is a time for our young women to learn, expand, and create the opportunities for their future. With the Senate language we are considering today, we may be cutting off any option they have to decide the course of their future.

I have problems with repealing longstanding title IX regulations requiring colleges and universities that choose to offer comprehensive health plans for students and employees to also provide coverage of abortion services.

Last week I talked to pregnant teens in St. Petersburg, FL, and Little Rock, AR. I want to share with you some of their comments that I find particularly relevant to today's debate. First, they saw a college education as the key to a better, more economically secure life. Second, they didn't realize the responsibility involved in having a child and that responsibility affected the choices in their lives.

As I try to decide on my vote here today, the images of those girls stick with me. I also think of my daughter who is graduating from high school this year and the girls in her graduating class.

Do we leave young women and their civil rights unprotected?

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to the bill and in support of the substitute which I shall offer at the proper time.

Let us make it perfectly clear. The bill as sent over to us by the Senate is more than a mere restorative bill. This is particularly true in the area of corporate coverage. The Senate-passed bill provides for corporationwide coverage, rather than plantwide coverage in five specifically enumerated areas. That was never anybody's idea of the law prior to the Grove City decision, so it does expand the coverage of the civil rights laws and the bill being labeled as the Civil Rights Restoration Act is a completely fallacious and misleading application of the term "restoration."

Second, it is vitally important that the religious tenets of church-affiliated schools be protected. Times have changed since title IX was passed in 1972. At that time most of the church schools were controlled by policy boards consisting of the clergy. During the 16 years that have elapsed since title IX was passed the control has shifted from clergy-dominated boards to lay boards. There is a very significant legal distinction, as it has been interpreted by the courts.

Many of the supporters of this legislation say that, well, the Department of Education will be eager to grant exemptions when it is demonstrated that an exemption is in order, and yet between 1972 and May 1, 1983 the Department of Education only exempted three colleges and universities based upon religious tenets: Brigham Young in Utah, the St. Charles Borromeo Seminary in Pennsylvania, and Harding College and University in Arkansas. The remaining exemptions for religious tenets were done during the Reagan administration, and that can easily be repealed by a succeeding administration and a succeeding Secretary of Education. That is why religious tenets have got to be statutorily protected.

Now, I do not think that we should be using Federal money to discriminate. I certainly agree with the people on the other side of the aisle that there should be strong antidiscrimination laws to protect against that, but nobody who has supported this bill has stated one instance of all of the discrimination that has occurred that would be sanctioned with the religious tenets and the corporate coverage amendment adopted in this bill, which is what my amendment proposes.

Therefore, all of the arguments that my amendment is a killer amendment are completely fallacious. The same protections will be there, but the unintended consequences will be gone and I am more confident that the President of the United States will sign this piece of legislation with my two amendments adopted than he will in

passing the bill without an amendment.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Chairman, the Civil Rights Restoration Act is an important and far-reaching measure. Its primary intent is to restore the institutionwide coverage of our civil rights laws, a goal that I fully endorse. Institutions receiving Federal funds should not discriminate. However, as the bill has been considered over the last few years, other ramifications of the bill have been identified and need to be addressed.

Perhaps the most critical of these ramifications relates to abortion. The other body adopted an amendment to the Civil Rights Restoration Act that made title IX neutral on the question of abortion. As the sponsor of this abortion-neutral amendment in the House Education and Labor Committee in 1985, I am pleased that this amendment has been adopted and is part of the bill we are considering today.

The abortion amendment states that "nothing in this Title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to abortion * * *." This provision removes any legal connection between sex discrimination and abortion rights. This is a critical provision, and I am pleased that the legislation now removes any Government mandate for abortion or abortion-related services in the name of civil rights.

Also in 1985, an amendment was agreed to by the Education and Labor Committee to clarify the religious tenet exemption in title IX. This amendment was not adopted by the other body, but I believe it is also a critical issue that should be addressed by a change in the statute. The colloquy I had earlier with the distinguished chairman of the Education and Labor Committee has served to clarify current law and to provide guidance to the Department on exemption requests.

The significance of the religious tenets provision is fundamental—it is a question of whether or not we will force education institutions with strong ties to religious organizations to compromise their religious beliefs as a condition of receiving Federal financial aid. The fact is, because of the evolution since 1972 of the administrative control of private education institutions, relying on the current law exemption for religious tenets jeopardizes the first amendment rights of these institutions.

For this reason, I will support the substitute this afternoon. It seems to me to be ironic that in a bill by which we will expand civil rights, we will jeopardize religious freedom and first amendment rights.

I am hopeful that the current practice of deference to institutions requesting exemption on the basis of conflict between title IX and religious tenets, regardless of the outcome of the substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, in 1973 Congress adopted the Handicapped Act that became a basic part of our law relating to handicapped people. During the Carter administration, around 1976, the Attorney General rendered an opinion that the definition of a handicapped person included somebody who was a drug addict or an alcoholic. In 1978, Congress corrected this aberration by saying as a matter of policy that the definition of a handicapped person did not extend to a drug addict or an alcoholic.

In 1987, the U.S. Supreme Court in the Arline decision extended the definition of a handicapped person to include someone with a communicable disease, a remarkable decision, to say the least.

This issue of whether or not the definition of a handicapped person extends to someone with a communicable disease deserves to be debated on the floor of this House for an extended period of time. This cannot be done under this restrictive rule. We need to debate the issue because we may have between 1½ to 5 million Americans with the virus for AIDS coursing through their veins, and if this bill is passed in the form that it is being presented, claims will be made around this country that persons so infected can go to court for the purpose of asserting that they come within the purview of the definition of a handicapped person, and that is not any way to run the public health policy of this country.

The data is coming in slowly, but it is coming in clearly that a person with the virus for AIDS, even through assertedly asymptomatic, 30 to 44 percent of those people in one study, over half of them in another study, are evidencing dementia, and we are supposed to adopt as a policy statement or permit to stand a Supreme Court decision that an individual with such a communicable disease is entitled to affirmative action protection. It does not make any sense at all.

As a result of the logic of the Supreme Court ruling in the case of *School Board of Nassau County* v. *Arline* (U.S. Sup. Ct, 1987), persons with a communicable disease were determined to be "handicapped" within the meaning of that term in section 504 of the Rehabilitation Act. The Court ruled that persons with such a handicap may not be discriminated against in employment. While the specific case dealt with a teacher who had tuberculosis, the principle the Court invoked would presumably apply to persons with AIDS and the Court affirmed that conclusion in dicta. In States with handicap provisions comparable to section 504, there has been a decided tendency for courts and administrative agencies to extend the law to prohibit discrimination against AIDS patients. Although most cases of AIDS in the United States have been attributed to the transmission of bodily fluids through sexual intercourse, the sharing of needles by intravenous drug users and the like, scientific knowledge of mechanisms for transmitting the disease is hardly complete enough to make us sanguine about the prospect of federally forced hiring of AIDS patients by university cafeterias and hospitals.

This clarification is especially important in light of the AIDS epidemic this Nation now faces. At present there are over 52,000 cases of AIDS of which 28,000 are already dead and a projected 1.5 million cases of AIDS infection in our population. If this bill is passed as presently written, employers will be required to accommodate victims of this fatal disease despite potential health threats to other employees.

The major threat posed by AIDS patients at this time is that they may pass on a host of opportunistic diseases which plague AIDS patients due to their compromised immune system. Many of these diseases are highly contagious and easily transferred to others. They include a deadly version of pneumonia called pneumocystis carinii, tuberculosis, cytomegolovirus, and others. In Urbana, IL, 12 nurses who were caring for AIDS patients were infected with a drug resistant strain of tuberculosis which was detected after testing.

In addition, recent evidence indicates that 30 to 44 percent of asymptomatic carriers show signs of neurological impairment. This impairment ranges anywhere from slight memory loss to schizophrenia and poses serious safety questions about the ability of these persons to function in society. In recognition of this grave threat, the Department of Defense is removing HIV-positive individuals from employment situations, such as flying certain types of aircraft, which could pose a risk to the health and safety of others. In light of the uncertain status of medical knowledge on this and other aspects of the AIDS virus, it is unwise to enact sweeping provisions that would result in federally forced hiring of these individuals.

In addition, the legislative history of the Rehabilitation Act does not contemplate inclusion of persons with contagious diseases within the antidiscrimination protections of the Reha-

bilitation Act. The lack of reference to contagious diseases in the legislative history of the Rehabilitation Act is conspicuous by its absence. The House and Senate both exhibited strong concern about the need to retain health and safety protections during floor debate on the 1978 amendment to exclude drug and alcohol abusers from the definition of "handicapped." These same concerns are tantamount to consideration of defining contagious diseases as a "handicap." It is clear that Congress did not intend the act to require this result. Unless this amendment is adopted, schools, hospitals, health clinics, and other entities will have to surrender their authority to deal with these problems to the dictates of Federal judges interpreting the Rehabilitation Act. My amendment will enable institutions to use their sound judgment to implement State or local policy dealing with the problems of contagious disease.

It is undeniable that the problem posed by the condition of persons with contagious diseases is fundamentally different than that posed by the normal meaning of handicapped. Historically, individuals with contagious disease have been isolated while persons with physical or mental impairments have maintained essential freedoms but relegated to unproductive societal roles. Even today, a stark distinction exists. Persons with contagious disease, or those who abuse alcohol or drugs are legally excluded from this country under our immigration laws while persons with physical defects are only excluded if "the disability is determined to be of such a nature that it may affect the ability of the alien to earn a living." The apparent irony of permitting the implications of the Arline decision to stand is that we will be extending affirmative action rights to individuals currently barred from this country. It is imperative that this body be permitted to debate the merits of such a distinction.

Mr. Chairman, we should reject this bill without the opportunity to debate this issue.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTLETT. Mr. Chairman, I rise to make two comments briefly on what the bill does and does not do that has not been discussed.

First of all, the bill does make a major improvement over current law. It repeals those 1975 regulations under title IX which should never have been passed in the first place, so with the passage of this bill title IX will no longer require student health centers on college campuses and universities to preform abortions if they choose not to.

No. 2, this legislation does not include, to the long-term shame of this House and of the sponsors of the bill, coverage of Congress as an institution under the antidiscrimination laws of this country.

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With the passage of this bill the Congress of the United States continues to be exempt from the laws that prohibit discrimination based on race, age, sex, or handicap. That is a significant omission in this legislation. This is an opportunity for the bill's sponsors and the committees and the Senate and this Congress to make the changes that should have been included.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentlewoman from Rhode Island [Miss SCHNEIDER].

Miss SCHNEIDER. Mr. Chairman, I rise in strong support of this bill, but I would like to ask my colleague from California for a clarification.

Is it your understanding that the purpose of the Danforth amendment is to ensure that there could not be discrimination against women who either are seeking or who have received abortion-related services?

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

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

Mr. EDWARDS of California. Mr. Chairman, I certainly agree with the gentlewoman from Rhode Island [Miss SCHNEIDER] has said. Indeed, without that assurance I would not be able to support this bill. I believe this is the intent of the chief sponsors of the amendment in the other body.

Mr. JEFFORDS. Mr. Chairman, will the gentlewoman from Rhode Island [Miss SCHNEIDER] yield?

Miss SCHNEIDER. Mr. Chairman, I am happy to yeild to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, I would like my colleagues to know that I also agree with the definition as it has been explained by the gentlewoman from Rhode Island [Miss SCHNEIDER].

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, I rise in strong support of this bill. I do it largely out of my own personal experience as director of the Office for Civil Rights at the Department of Health, Education, and Welfare in the enforcement of civil rights laws under title VI that involved in particular discrimination in education.

We have adopted a number of civil rights laws in this country including title VI, title IX, section 504 of the Rehabilitation Act, as well as laws relating to age discrimination. The fact is that the key to enforcement of these civil rights laws largely rests with our ability to terminate Federal funding if in fact it supports the discrimination which is occurring in these various institutions. Indeed, with regard to title VI, title VI was a law that could not be enforced very strongly until the Elementary and Secondary Education Act came along, and the Higher Education Act which in effect provided the funding for education throughout the country and thereby gave the Office for Civil rights the leverage to begin to enforce the antidiscrimination requirements of that law.

The bottom line is that there are no rights in this country unless there are remedies, and there are no remedies here unless this bill is adopted. The only effective leverage we have in enforcement is Federal funding. There is an administrative process that is available, allegations need to be made, they are proven through an administrative process, and they can ultimately result in termination.

The decision in Grove City essentially has stopped enforcement by allowing schools and allowing other institutions to isolate discrimination, to cubbyhole it, so that enforcement of these laws is virtually at a standstill.

Mr. Chairman, I think the point is this, if we are for civil rights we have to be for the enforcement of these rights and therefore have to be for this bill.

Mr. Chairman, I rise today to voice my support for the Civil Rights Restoration Act. This legislation was introduced in response to the Supreme Court's 1984 decision the case of Grove City College versus Bell. The Court reversed a long-standing position of the law as it relates to discrimination. Title IX, which prohibits sex discrimination by federally assisted educational institutions can be enforced by the ability to terminate Federal aid to institutions when deliberate discrimination is proven. This is based on the legally supported premise that any institution that accepts or tolerates discrimination in any of its programs should be subject to the loss of all Federal funds. This Court, however, has severely limited that enforcement power.

Passage of this legislation today will ensure that those institutions found to discriminate on the basis of race, color, national origin, sex, handicap, or age do not receive Federal financial assistance. As former head of the Office of Civil Rights at the Department of Health, Education and Welfare, I have firsthand knowledge of the leverage the Federal Government can bring to bear against discrimination by using the tool of funding termination. Strong and effective civil rights enforcement is essential if our shared commitment to equal rights and equal opportunity for all our citizens is to have any meaning.

My main concern is that the original intent of the law be restored and in the process that full civil rights enforcement become possible. We cannot allow institutions which receive Federal funding to use the Grover City decision as a means to discriminate. Our country

is built on the premise that all individuals are created equal. By allowing the 1984 Supreme Court decision to stand we are condoning discrimination at a national level. This is totally inconsistent with the efforts our country has made to insure that civil rights are enjoyed by all. We have just finished celebrating Black History Month and the Bicentennial of our Constitution. This is the ideal time to pass the civil rights restoration as a signal to all Americans that the Federal Government will not permit discrimination on the basis of race, sex, age, or handicap.

What will be the result if we do not pass this legislation today? Will we allow black children to be denied access to the college of their choice? Will we allow a medical facility to deny care to a patient over the age of 55? Will we allow handicapped children to be denied access to social service programs? Will we allow our colleges and universities to discriminate against women athletes? I believe that we must take this opportunity to allow the Federal Government to exercise the power to enforce the antidiscrimination laws we have worked so hard to establish.

We cannot ignore the responsibility that we have to insure all the people of the United States have equal access to an education, health care, social services, and employment and are not denied these things because of their sex, age, race, or handicap. I urge my colleagues to vote "yes" on the Civil Rights Restoration Act today.

Mr. EDWARDS of California. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I rise in strong support of the fundamental premise of the Civil Rights Restoration Act, but with deep concern and deep division about inclusion of the Danforth amendment in the Senate version of the bill we are voting on today.

I have been a sponsor of legislation to overturn the Grove City versus Bell decision for the last 4 years, and I regret very deeply that it has taken so long to do what should have been done the day after the Supreme Court erred so badly in interpreting congressional intent in its Grove City decision.

In the years that have passed, I've watched the destructive impact of this decision with great sorrow. What took us so long to build—equal opportunity for all citizens and an end to Government condoned discrimination—was mangled by the Grove City wrecking ball.

With the overhelming passage of this legislation by the Senate, and I predict by the House today, we will have finally corrected a 4-year-old mistake. And we will have stated unequivocally that the Federal Government will not be party to discrimination based on age, on sex, on race, or on physical ability.

I have heard the President wants to veto this bill. That, of course, is his right. But should he do so, we will override that decision. And that will be a good day, and a good outcome for so many of our people who depend on good government to open doors and promote individual opportunity.

But I cannot let this record stand without expressing my outrage, and my serious concern over the regrettable inclusion in this antidiscrimination bill, the discriminatory Danforth provision regarding reproductive rights for women in this country. Time and time again, the vagaries of the political process have presented a dilemma to supporters of civil rights who also are strong supporters of reproductive rights. We're forced to choose which of these principles is more important. In my mind they are the same. They are indivisable. Civil rights are very basic and very simple, and among them must be the right to reproductive freedom.

Instead of immediately rejecting the Grove City decision, the Congress has been tied up in knots, and civil rights have been held hostage, to the demands of some who would like to use the restoration legislation as an opportunity to further their goals of placing limits and restrictions on reproductive freedom.

We have watched a process for 4 years in which a powerful minority—not one which represents the majority opinion of the people of this great Nation—has stymied and hogtied the civil rights restoration legislation.

But today we have finally moved ahead, and because of the statements of authors of the Danforth amendment during consideration of S. 557, and only because of these statements and others which have been made by chief sponsors of the bill on the floor today, can I support this bill.

These statements have clarified what could have been a dangerous loophole in the Danforth provision. With regard to his amendment, the Senator from Missouri said, "The amendment says that * * * a college * * * is prohibited from discriminating against people who have had abortions or who are seeking abortions." And the Senator from California, a coauthor of the Danforth provision, also stated that the provision was drafted "to ensure that there could not be discrimination against women who either are seeking or have received abortion-related services."

These statements by the authors of the provision have precedence in setting the terms of legislative intent and history. And with their statements clarifying that this legislation before us today expressly prohibits, and does not in any way permit, discrimination against women who have had or are seeking abortions, I can support this bill. I regret, however, and do strongly oppose, the further diminishment in access to safe and legal abortion included in this bill.

With assurances from the authors of the Danforth amendment, and with the clarification provided by floor leaders today, it is now clear that this legislation prohibits discrimination based on a person's decision regarding abortion—in scholarships, in housing, in extracurricular activities, in student or faculty hire and tenure, and in other benefits offered to students or employees under title IX. Equally important is the fact that the bill clearly prohibits denial of provision of services related to complications arising from abortion under the terms of title IX.

I commend so many people here in Congress and outside Congress, who have struggled long and hard to restore basic civil rights to the people of this country. I salute all those individuals involved with the leadership conference on civil rights, with so many women's rights organizations, and the many religious entities which played a constructive and important role in this vital effort to reverse the Grove City decision.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. CRAIG].

Mr. CRAIG. Mr. Chairman, I rise in opposition to S. 557, the Civil Rights Restoration Act and support the substitute. Many of my colleagues are here this evening to voice their concern over various provisions of the bill. I would simply wish to emphasize one major theme that we all agree on: this is further Federal intrusion into the private sector. Is it really civil rights when the Federal Government trespasses on the rights of countless schools, churches, farms and businesses? Do we solve anything by forcing more sectors of American society to do more Federal paperwork? Or if we subject them to onsite compliance reviews by Federal agencies even in the absence of an allegation of discrimination?

Mr. Chairman, the House has not even had the opportunity to properly hear many issues in this bill; I do not see how we can bring this legislation to the floor today. This is a monumental change in civil rights enforcement policy, it makes drastic modifications, it has not been fully considered. For this and the other reasons you will hear today, I am opposing S. 557.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I urge my colleagues to join me in supporting S. 557, the Civil Rights Restoration Act of 1987. It is vital that we overturn the 1984 Supreme Court decision, Grove City versus Bell, and restore the coverage of Federal antidiscrimination laws to ensure that institutions receiving Federal aid are not

allowed to discriminate in any aspect of their operations.

After 4 years of effort to develop an acceptance compromise, the Senate bill may be our only chance to overturn the Grove City case in the near future. It is imperative that we reaffirm our strong support for our civil rights laws and make it clear that institutions which accept Federal funding cannot discriminate on the basis of race, religion, age, gender, or disability.

Mr. Chairman, I urge my colleagues to support S. 557 and restore the scope of protection against discrimination intended under title IX and all of our civil rights laws.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I support the purpose and intent of S. 557, the Civil Rights Restoration Act. Clarifying the coverage of these four civil rights laws which connect receipt of Federal funds to legal requirements not to discriminate on the basis of race, sex, age, and handicap is both necessary in light of the Supreme Court's decision in Grove City and subsequent administrative rulings, and vital to a strong Federal commitment against discrimination based on these factors.

We have found, of course, that in carrying out the fundamental purpose of the act, that there are certain specific areas that need special consideration. One such area is the issue of abortion, and I am pleased that the Tauke/Sensenbrenner, now the Danforth amendment, is included in both bills before us.

I believe very strongly that we need to address a second issue as well, the so-called "religious tenets" issue. Current law in title IX allows the Department of Education to grant an exemption for "religious tenets" to those educational institutions which are "controlled by a religious organization if the application of title IX would not be consistent with the religious tenets of such organization." The amendment which I proposed to S. 557, and which is included in identical form in the substitute bill, would simply add the words "or which is closely identified with the tenets of a particular religious organization" to that current test of "control."

It has been pointed out that one of the reasons why this amendment is necessary is that many private religious colleges and universities have changed their form of governance since 1972, so that they are no longer, strictly speaking, controlled by a church denomination or diocese. That is true, but there is a second reason, besides this "change in circumstances," why this amendment should be included in the Civil Rights Restoration Act. In 1972 and for many years thereafter, many small private religious schools whose only connection to Federal funds was through student financial aid programs, did not believe they were covered by title IX, since these were "student aid," nct "college aid," programs. This was indeed the "other" issue decided by the Supreme Court in Grove City, and unlike the definition of "program or activity," on this issue the Court held against the college. But we are now clearly extending the reach of title IX to every school, and every aspect of every school, that takes in students who receive Federal financial aid. We need to be certain that the religious tenets exemption is similarly adequate to protect the right to hold and practice religious beliefs.

Let me point out here the irony of the current statutory test for an exemption: a school which for historical reasons is still formally part of a church denomination, but is not particularly "religious" in terms of outlook and teachings would nonetheless clearly qualify under the existing test, while another school which is independent but deeply religious would not. The proposed amendment corrects this discrimination.

Let me respond briefly to a few of the claims that opponents of the amendment have been raising:

First, opponents claim that the language of the amendment creates a huge loophole for a large number of colleges and universities to discriminate as they wish. In fact, schools would still have to apply for an exemption to the Department of Education, as is the case under current law. The amendment would in fact give better guidance to the Department in evaluating requests for waivers.

Second, opponents argue that the amendment is unnecessary because no application for exemption has been denied. In fact the history of the Department's administration of this provision has not been very reassuring. For 10 years, the Department did nothing with applications, it simply sat on them. Then suddenly in 1985, the Department approved all of them which did not have technical defects. While I appreciate the Department's recent broad and flexible application of this section, and hope it will continue, the experience of the previous decade cannot be ignored.

Third, opponents have also now agreed to "legislative history" language which will in effect say that the current language of title IX should continue to be broadly construed and applied by the Department in granting exemptions. I certainly hope the Department does follow this advice. Indeed, I would argue that the Department must do so in order not to violate the first amendment rights involved. And while I hope that this is the exception, we are all well aware of the "respect" accorded to "legislative history" by executive departments and courts which disagree with it. So I do not believe that this is an adequate substitute for doing our job, which is to shape the legislative language, not to depend on the Department of Education to do it for us.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, in the two decades between passage of the Civil Rights Act of 1964 and the Grove City decision, this nation was finally making progress in exorcising discrimination from our society.

For racial minorities, for American women, for handicapped persons, passage and enforcement of antidiscrimination laws meant the doors of opportunity were no longer legally locked. Under title IX, as an example, girls and women have been able to experience the growth in character and health from competitive sports that had previously been the almost exclusive domain of men.

And, of critical importance, enforcement of these laws was helping to challenge and change the limitations which society assumed existed for American women and others.

What, then, was the problem? I would suggest that there wasn't one. It was not a situation of unwarranted Federal intrusion, particularly since various institutions certainly welcomed the intrusion of Federal tax dollars. The Grove City decision solved a problem that didn't exist, yet in so doing created substantial ones in its wake.

Essentially, the Supreme Court rewrote the protections against discrimination in a manner that defied congressional intent. I find irony in the fact that those who oppose our efforts today to restore Congress' intent on discrimination are usually the ones who object most vehemently to the usurpation of our powers by the courts.

At heart, the Grove City decision eviscerated antidiscrimination efforts. In less then 2 years after the decision was issued, some 674 title IX complaints were either dropped or scaled back. Fighting discrimination became a bureaucratic nightmare, a matter for accountants who could trace the flow of Federal funds at an institution.

The Civil Rights Restoration Act only seeks to return to the pre-Grove City situation. It was not a situation, I will remind my colleague, that prompted an uprising in the Nation to limit the protections against discrimination. The Supreme Court did that.

In effect, opponents of this legislation are seeking to retain the narrowest possible protection against discrimination. They oppose discrimination when its unavoidable to do so, not

whenever its possible. Even when the trumpets of celebration for our Constitution's bicentennial have scarcely grown silent, opponents of this bill would effectively limit the coverage of that Constitution.

They are reduced, again I note with some irony, to making the argument that this bill expands discrimination protections. Legislative intent, committee report language, and court precedent refute this red herring. The core of their argument is that discrimination is acceptable, except under very narrow circumstances.

I suggest that is a perversion of the Constitution itself and the will of the American people. We have a responsibility to do everything within our power to see that Federal funds do not in any form support discriminatory actions. If an institution permits discrimination to exist, why then should it receive tax dollars? An institution that refuses adherence to publicly define laws and values has no claim on publicly provided funds.

Mr. Chairman, can the Congress be in the position of knowingly and willingly condoning discrimination? Do we not attack discrimination, instead of accepting its existence? Opponents of this bill are using the Supreme Court decision to make discrimination easier. That is a shameful proposition, so I urge my colleagues to support this legislation.

Mr. EDWARDS of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I join my distinguished chairman of the Judiciary Committee and my good friend and colleague, Chairman HAWKINS, in bringing S. 557, the Civil Rights Restoration Act of 1987 to the floor for a vote. Except for two amendments added during Senate debate on the legislation a few weeks ago, this bill is virtually identical to its companion in the House, H.R. 1214.

Let me remind my colleagues that this legislation was drafted with the cooperation of civil rights advocates and Republican and Democratic members and staff from the House and Senate over a period of several months in 1984 for introduction in the 99th Congress. Indeed, the scope of coverage outlined in this legislation—especially as it relates to corporate coverage—is a result of direct bipartisan negotiations over a period of months between the members of the Judiciary and Education and Labor Committees in 1985. Senate and House sponsors agreed to honor that compromise by introducing the Civil Rights Restoration Act of 1987 in the 100th Congress.

An extensive congressional record on the need for this legislation and a full description of its purpose and effect have been made in the 98th, 99th and 100th Congress. Twenty-one days of legislative and oversight hearings have been held on this bill since the Grove City decision was handed down in 1984. Thirteen met in a building constructed with Federal funds. In another case, a teacher is without a remedy of her discrimination complaint unless the computer software used in the computers purchased with Federal funds was also purchased with Federal aid.

The Grove City ruling is gutting executive branch enforcement of these laws; pending litigation is also being frustrated by the absurdities of the Court's analysis. For example, on October 6 of last year, the Fifth Circuit Court of Appeals cited Grove City in dismissing the Justice Department's race discrimination suit against the State of Alabama's higher education system. This complaint, which alleges racial discrimination in every aspect of the university system—employment, resources allocated to white and black schools, etc., has been winding its way through the Federal administrative process for many years. Private parties who had intervened in the case were also blocked in their effort to obtain relief. This bill applies to all pending cases. It is of great concern that it has taken this long to pass this legislation. I wish that no cases had been lost because of this delay. Of the 21 hearings were conducted by the Judiciary and Education and Labor Committees in joint hearings conducted in Washington, DC, and across the country. S. 557 is a product of these committees' labors.

This legislation must be passed. Preliminary findings by civil rights investigators of the Committee on Education and Labor show that the Department of Education's Office of Civil Rights [OCR] has closed 70 percent of its higher education cases because of the Supreme Court's ruling. The Senate report accompanying S. 557 finds OCR has closed or narrowed at least 674 of the civil rights complaints it had on file. In addition, 156 Department-initiated civil rights compliance reviews have been dropped or narrowed following the Grove City decision.

In the wake of Grove City, Federal civil rights specialists now spend their time tracing the flow of Federal dollars rather than investigating and remedying civil rights complaints. As the Senate report notes, Federal officials have encountered serious difficulty complying with the Grove City decision. Not only does the Government's available data system prevent it from tracing Federal funds—so that the Government must rely on the alleged discriminating institution's representations as to where the funds were spent—the results of this audit approach, when tried, is often absurd. For example, it was reported to Education and Labor Committee investigators this year that in a complaint involving university housing and student services, OCR had to determine if the university's Committee on Appeals of Residences

The bill before us is a simple restoration bill. The distinguished chairman of the Judiciary and Education and Labor Committees have carefully explained the scope of coverage of these four laws set forth in S. 557. Let me stress that the provisions in S. 557 do not become operative unless there is a "recipient" of "Federal financial assistance"; these are terms of art defined in existing Federal regulations. The Civil Rights Restoration bill does not change the meaning of those terms of art; it broadly defines the scope of coverage of title VI of the 1964 Civil Rights Act, title IX of the 1972 Education Amendments, section 504 of the 1973 Rehabilitation Act, and the 1975 Age Discrimination Act by defining the terms "program" and "program or activity" wherever they appear in each of the four laws.

During Senate debate on S. 557, two amendments were adopted on the floor. The Harkin-Humphrey amendment is a clarifying amendment with respect to employment under the 1973 Rehabilitation Act; the Danforth amendment is in a substantive change regarding insurance coverage for abortions.

The Senate amendment concerns coverage of individuals with contagious diseases and infections under section 504 of the Rehabilitation Act, insofar as that law covers employment. This amendment clarifies that Congress intends the Rehabilitation Act to apply to persons with that kind of handicap unless they pose a direct threat to the health or safety of others or are unable to perform the essential duties of the job. This amendment essentially places into the statute the standard and approach of the recent Supreme Court decision in School Board of Nassau County versus Arline. The colloquy in the Senate between the two cosponsors of the amendment clarifies that it is the intent of Congress that the amendment result in no change in the substantive law with regard to assessing whether persons with this kind of handicapping condition are "otherwise qualified" for the job in question or whether employers must provide "reasonable accommodations" for such individuals.

This amendment is necessary solely to allay the fears of some employers who have misinterpreted the Arline decision as requiring them to take unwarranted risks in hiring individuals with contagious diseases or infections. This amendment therefore places the requirements of current law into statute. It does so by codifying the "otherwise qualified" framework for courts to utilize in these cases. This is identi-

cal to what was done in 1978 when employers had similar unjustifiable concerns regarding employment of drug and alcohol users who were not qualified for employment positions.

The framework to be used was explained by the Supreme Court in School Board of Nassua County versus Arline. It requires a medical assessment of whether exclusion is necessitated by the degree of risk involved in the particular situation. A court's determination of whether a risk of transmissibility is significant, and thus poses a direct threat to the health or safety of others, will be highly fact-specific. So, too, will be the determination of whether a reasonable accommodation by the employer can eliminate the risk. The outcome of each case will depend on the medical facts concerning the particular infectious condition, how that infection is transmitted, and the nature of the job in question. If a court were to find, based on medical evidence, that the employment of an individual with a contagious disease or infection did present a significant risk of transmitting that condition to others, and no reasonable accommodation could eliminate that risk, it would be proper to deny that individual relief under section 504. As I noted, this amendment is designed to place this framework into the statute. Thus, this amendment affirms—without modifying or changing—the current substantive protections for people with contagious diseases or infections.

I commend the Members of the Senate for fashioning this amendment in such a way that the courts will continue to adjudicate cases involving AIDS, HIV infection and other communicable conditions on a case by case basis. I also wish to point out that the law under section 504 has long had to deal with situations other than contagious diseases or infections in which claims were made that the employment of a person with a handicap create a risk of harm to others in the workplace. Such cases have included, for example, school bus drivers with hearing impairments, *Strathie* v. *Department of Transportation*, 716 F.2d 227 (3d Cir. 1983), and machine operators with epilepsy, *Montolete* v. *Bolger*, 767 F.2d 1416 (19 Cir. 1985). In these and other cases, the courts have adopted a standard requiring that defendants show a significant or substantial risk of harm in order to prove that the plaintiffs were not otherwise qualified under section 504 for the job in question. These cases demonstrate that determining risk of harm in these situations is well within the capacity of the courts.

The amendment which we are enacting today concerning contagious diseases or infections thus logically and appropriately parallels current law governing the risk of harm from employing individuals with other kinds of handicaps. I am pleased that our desire to prohibit discriminatory employment policies which are medically unjustified is being preserved in such a way that the nature of the handicap does not lead to a greater leeway for discrimination. Although, as I have noted, this amendment is essentially unnecessary because it restates current law, I believe it can serve a useful clarifying function.

It is unfortunate in my view that the Senate failed to adopt an abortion-free bill. House sponsors of this legislation could have reported a bill with such an amendment in the 98th Congress. However, we knew that abortion was wrongly tied to this legislation, and therefore, we urged Senate sponsors to present us with a clean bill—something they were unable to do.

I do not believe that the Danforth amendment belongs on this bill. But I will support the bill, including the amendment, because of the critically important statements made by Senator DANFORTH in describing its purpose and effect. He said, and I quote:

> The amendment says that * * * a college is prohibited from discriminating against people who have had abortions or who are seeking abortions. (135 Cong. Rec. S. 163, Jan. 27, 1988)

Senator WILSON, who had a role in drafting the amendment, said that it was drafted:

> To ensure that there could not be discrimination against women who either are seeking or have received abortion-related services. (135 Cong. Rec. S. 227, Jan. 28, 1988)

Such assurance, that the Danforth amendment clearly prohibits any covered institution from discriminating against a woman who is seeking or has had an abortion, is critical to my support of this provision. Whether it be scholarships, promotions, extracurricular activities, student employment or any other benefits offered to students or employees, under title IX benefits cannot be withheld from a student or employee because she received or is seeking an abortion.

Finally, it is important to keep in mind not only what the Danforth amendment does, but what it does not do.

Under its provisions, a covered institution does not have to include the costs of an abortion procedure in insurance for its students or employees.

But does not mean that it can exclude, for example, medical complications related to an abortion. Under the Danforth Amendment, Title IX still requires those complications to be covered.

I do not take the loss of health insurance to cover the costs of an abortion procedure lightly. Nor do I approve of the Danforth amendment's exclusion of the performance or use of facilities for performance of an abortion. But at least we in the House have the assurance that is the limit to the damage that Danforth does. And it is only because of this assurance that I am supporting the bill.

THE RELIGIOUS TENET AMENDMENT

Title IX currently provides an exemption for educational institutions that are "controlled by a religious organization if the application. * * * [of title IX] would not be consistent with the religious tenets of such organizations." The religious tenet amendment would extend the exemption to schools that are "closely identified with the tenets of a religious organization." The National Center for Education Statistics reports that at least a quarter of the more than 3,000 institutions of higher education report a religious affiliation. Because of the loose wording of this amendment it would appear that even more educational institutions could qualify for an exemption as they would not have to be associated with any religious organization just with a religious tenet. In addition the amendment invites, if not requires, Federal officials to evaluate the religious beliefs and activities of an educational institution in order to determine whether the institution is "closely identified with the tenets of a religious organization." The proposed amendment thus raises serious 1st amendment problems.

Federal law does not generally grant immunity from antidiscrimination laws to religious organizations. Title VII of the Civil Rights Act of 1964, which outlaws employment discrimination, contains certain exemptions for religious organizations, including schools, but limits those exemptions to "religious discrimination," that is, favoring members of the same religion in employment, and has not generally been interpreted to permit race or sex discrimination on the grounds that religion requires it. In contrast, if the religious tenet amendment is approved, institutions with tenuous religious connections would be free to discriminate in the admission of students, in rules regarding the marital and parental status of students and employees, and in providing access to particular course offerings and extracurricular activities. For example, such an institution could with impunity invoke a religious tenet that it is unseemly for women to participate in athletic activities. Such a broadening of the exemption would tear a gaping hole in title IX protections. It is critical that the control test remain in effect, and enforced severely for that aspect of the test is the linchpin for assuring that only a limited number of institutions may discriminate with Federal funds.

Further, the amendment is unnecessary as the Department of Education has not denied any statement of exemption filed by a school under the current statutory language and rules.

The real question that must be asked is since resolving the abortion issue no longer hinges on religious tenet, the desire to be out from under title IX regulations via a broadened religious tenet exemption must mean that these schools wish to discriminate in some manner against women. It would be interesting to know what forms of discrimination this might be?

I reluctantly support this bill because for the first time there will be an antiabortion provision in a permanent civil rights law. The assurance from sponsors of the Danforth amendment that it is limited in scope moves me to support the bill at this time.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time, 2½ minutes, to the gentleman from Pennsylvania [Mr. WALKER].

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

(Mr. WALKER asked and was given permission to read from papers.)

Mr. WALKER. Mr. Chairman, we have heard this bill described as a civil rights bill. I would tell my colleagues that from what I can tell it is a civil wrongs bill because from what I see we are now going to have the Government intruding into places that Government ought never be. I refer specifically to groups in this country with uniquely religious heritages that could be dramatically undercut by this bill.

It just makes no sense to me at all that in the name of politics, and this is largely a political exercise, I am afraid, in the name of politics we would destroy religious liberty from uniquely religious groups that have survived in this country for 200 and 300 years.

But let me quote to my colleagues what is at least a portion of the problem from the preeminent authority in this country, Mr. William Ball, the man who has tried more cases on behalf of the Amish and the Mennonites than any other man. He testified in the Senate about this bill. He was not permitted, of course, to testify here because we had no hearings on the bill. But he has some devastating things to say, and he says:

> Reference has been made to the "tenets" exception in the bill. We do not find this satisfactory; it never was satisfactory in Title IX, because it expresses a rather naive concept of religion. In a number of major religious liberty decisions by the Supreme Court of the United States, an established policy or practice was not found in the formal language of some black letter "tenet". In *Wisconsin* v. *Yoder*, the Amish case, a landmark religious liberty case decided by the Supreme Court, no "tenet" was found. Instead, at stake was the immemorial practice of a faith community, based upon its religious motivations, to respecting the lives of its young people.

He went on to say that in order for this bill to help the Amish, help the Mennonites preserve their religious heritage, what we would have to have is language in there referring to religious tenets, convictions, practices or ministries of such program or activity.

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

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am a little bit concerned about the colloquy that went on between the gentlewoman from Rhode Island and the gentleman from California relative to the Danforth amendment in section 3(b) of the bill. My understanding of the Danforth amendment is that there is no penalty for one who seeks an abortion imposed but there is no exception to the prohibition that nothing in the title should be construed to require or inhibit any person, public or private entity, to provide for, pay for any abortion or services related to abortion. Is that the gentleman's agreement?

Mr. WALKER. That is certainly my understanding of it, and it appears that that colloquy was designed to undermine it, and perhaps permit abortion referral services to be provided as a part of an educational exercise on the campuses that should never be.

Mr. SENSENBRENNER. Mr. Chairman, as one of the House authors of that amendment 2 years ago, I agree with the analysis of the gentleman from Pennsylvania.

Mr. JEFFORDS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me his time.

Mr. Chairman, what we are witnessing here today is an effort by Members of this body to legislate sweeping changes in our society by what I call buzzword blackmail.

We're calling this bill by a name that makes most people think it is something good, something to restore important rights to those who have been abused. And, of course, who doesn't favor real civil rights in this country? We all do.

But the problem we have is that we've perverted the concept of civil rights and are using it as an excuse to bring the heavy hand of the Federal Government down on a wide range of schools, churches, farms, businesses, and other organizations.

Many Members will feel good about themselves for voting for civil rights, but if they would take a minute to look at the consequences of this misnamed bill, they might reconsider.

One example will illustrate just how far-reaching this legislation will be, its effect on grocery stores. I'm not necessarily talking about huge, chain grocery stores like Safeway; I'm talking about a typical Mom and Pop small corner grocer.

These stores will be covered in their entirety by this legislation simply because they participate in Government's Food Stamp Program. A grocery store falls within the definition of an entity receiving assistance as a whole under section (3)(A), or under (3)(B) as a geographically separate facility.

Our former colleague, PAUL SIMON, admitted that grocery stores are intended to be subject to coverage under this type of bill. The small provider provision in the bill does not exempt grocery stores. It only relieves them of one burden under section 504, and only under very limited circumstances. Has anyone suggested that there are problems with discrimination in buying food?

The grocery store example only illustrates how extreme this legislation is. There is, of course, no exemption for churches and synagogues that may be required to enforce policies that go against the very nature of their faith. We would be using this civil rights bill to trample on the rights guaranteed in the first amendment.

Family farms that receive price supports could be subjected to the same grueling paperwork requirements to comply with this law.

All these devastating requirements could be put into effect even if the employer has never had a complaint registered for violating any civil rights statute. We are in effect violating their due process by passing this civil rights bill.

A better name for this bill would be The Comprehensive Federal Instrusion Act of 1988. If this bill becomes law, without doubt there will be an open floodgate of lawsuits, making it extremely difficult for small businesses to stay in business.

I strongly urge my colleagues to vote "no" on this bill.

Mr. JEFFORDS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Vermont is recognized for 2 minutes.

Mr. JEFFORDS. Mr. Chairman, I am not all sure what issues the gentleman from Pennsylvania was raising, but it is my belief with respect to the abortion provision no benefit or service is required or prohibited. Therefore, I do not think that it in any way would require abortion services to be offered.

Mr. Chairman, also I would point out that under the ultimate beneficiary language, and I am not sure whether this applies to the Mennonite situation, if the gentleman were asserting that being a conscientious objector somehow involved receipt of benefits under a Federal program it is my understanding that the recipient would be an ultimate beneficiary. Therefore, under this bill, with the

modifications that we put in it this time, the gentleman's concerns would not apply.

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

Mr. JEFFORDS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the Selective Service already issued the regulations under the present Civil Rights Act, so there is absolutely no doubt that it does apply under this and the modifications in this law do nothing to change that because the religious tenets do not go far enough, because tenets are not necessarily spelled out in black and white.

Mr. JEFFORDS. But the religious tenets exemption only applies to colleges under title IX.

Mr. WALKER. No; let me say to the gentleman if he will look at the bill it talks about school systems. The Amish run a school system, for example, and Mr. Ball, when he testified in the Senate, and I am sorry of course we did not have that testimony here, he pointed out that the language was so imprecise that it causes great damage. That is exactly what we are worried about, imprecise language in the case of these people who we are trying to protect who are religious minorities and it is exactly the wrong thing to be doing. This language throughout this bill is imprecise as to exactly what we mean when we are dealing with these areas.

Mr. JEFFORDS. I am sorry, but I just cannot follow the logic of this argument. The issue is one of "ultimate beneficiary" and in no way pertains to the operation of a school system. I do not follow the argument of the gentleman.

Mr. HAWKINS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Senate bill is considered as having been read for amendment under the 5-minute rule.

The text of the Senate bill is as follows:

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Restoration Act of 1987".

FINDINGS OF CONGRESS

SEC. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

SEC. 3. (a) Title IX of the Education Amendments of 1972 is amended by adding at the end the following new sections:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"SEC. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

(b) Notwithstanding any provision of this Act or any amendment adopted thereto:

"NEUTRALITY WITH RESPECT TO ABORTION

"SEC. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.".

REHABILITATION ACT AMENDMENT

SEC. 4. Section 504 of Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "SEC. 504."; and

(2) by adding at the end the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

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"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

SEC. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable geographically separate facility to which Federal financial assistance is extended, in

the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

SEC. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"SEC. 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

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"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

SEC. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

ABORTION NEUTRALITY

SEC. 8. No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal Funds to perform or pay for an abortion.

CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

SEC. 9. Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after subparagraph (B) the following:

"(C) For the purpose of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job."

The CHAIRMAN. No amendments to the bill are in order except an amendment in the nature of a substitute printed in House Report 100-508 by, and if offered by, Representative MICHEL, or his designee. Said amendment is considered as having been read, is not subject to amendment, and is debatable for 60 minutes, equally divided and controlled by the proponent and a Member opposed thereto.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, by designation of the gentleman from Illinois [Mr. MICHEL], I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. SENSENBRENNER:

Strike all after the enacting clause, and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Preservation Act of 1988".

FINDINGS OF CONGRESS

SEC. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and longstanding executive branch interpretation and broad, institution-wide application of those laws as previously administered.

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"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

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"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(B) the entire single plant or other comparable, geographically separate single facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3); any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by, or which is closely identified with the tenets of, a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization".

(b) Notwithstanding any provision of this Act or any amendment adopted thereto:

"NEUTRALITY WITH RESPECT TO ABORTION

"SEC. 909. Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

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"(c) Small providers are not required by subsection (a) to a significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection."

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"SEC. 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State and local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

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"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

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"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3); any part of which is extended Federal financial assistance."

RULE OF CONSTRUCTION

SEC. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

ABORTION NEUTRALITY

SEC. 8. No provision of this Act or any amendment made by this Act shall be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion.

CLARIFICATION OF INDIVIDUALS WITH HANDICAPS IN THE EMPLOYMENT CONTEXT

SEC. 9. (a) Section 7(8) of the Rehabilitation Act of 1973 is amended by adding after subparagraph (B) the following:

"(C) For the purpose of sections 503 and 504, as such sections relate to employment, such term does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job."

The CHAIRMAN. Under the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, the unfortunate fact is that some proponents of Grove City legislation are putting many fine people on both sides of the aisle and on the question in the uncomfortable position of confrontation. The rule deprives members of a fully informed view on the issues and simply pits a so-called Republican substitute against the Senate-passed bill, which I suppose by implication makes it a democratic bill. Confrontation and partisanship should not be part of civil rights law in America.

The substitute I offer is not a Republican substitute, but a bipartisan, moderate one. This substitute is offered in the spirit of reconciliation. It addresses two major problems. It avoids the unintended consequences of an unamended Senate-passed bill while still meeting the goal of restoring full coverage of civil rights laws.

I emphatically support overturning Grove City and support stronger enforcement of civil rights. I want to see a Grove City bill pass and I am prepared to do all I can to do so. But the Senate bill is not perfect and I have full confidence in my colleagues on both sides of the aisle that we can do just as good a job as the Senate in improving the bill.

I recognize that some proponents feel they made a huge concession by continuing to move this bill with an abortion neutral amendment. But it should also be recognized that this substitute represents a huge concession on my part. In 1987, I introduced H.R. 1881, the Administration Alternative to the Civil Rights Restoration Act. I have moved from that position and I am now prepared to accept coverage as it existed before Grove City in toto. However, I still support a religious tenets amendment and do not support coverage of the private sector that is beyond pre-Grove City scope.

My substitute is a compromise position. It is the Senate-passed bill with a religious tenets amendment similar in nature to the one offered by Congressman JEFFORDS in 1985 and a corporate coverage amendment similar in nature to the one offered by Congressman FISH and BARTLETT. This substitute builds more consensus and more reconciliation. With the ordeal we have had with this bill, we owe it to the people we are trying to help to proceed with this bill in a positive, conciliatory way.

This morning the Secretary of Education sent Mr. MICHEL a letter endorsing my substitute. It is my feeling that if we pass this substitute the President is much more likely to sign the bill. We know he will veto the Senate-passed bill in its current form.

Anyone who doubts my motives on this substitute, let me say this:

If a religious tenets amendment and corporate coverage amendment are adopted, I will support the bill and vote for final passage. After 4 years we need to pass a bill, but we need to do it in a way that advances civil rights for all and not at the expense of some.

RELIGIOUS TENETS

An amendment needs to be made to expand the current religious tenet exception in title IX from an entity that is controlled by a religious organization to an entity which is closely identified with tenets of a religious organization when the religious tenets are an integral part of such operation. This is the same language adopted by Congress in the Higher Education Act of 1986. In 1985 an amendment to provide such relief was offered by Congressman JEFFORDS, the ranking minority member of the Education and Labor Committee and a cosponsor of the Grove City bill in the 99th Congress. It was adopted by a vote of 18 to 12.

Currently, section 901(A)(3) of title IX allows recipients "controlled by a religious organization" relief from complying with provisions in title IX and its regulations if such regulations "would not be consistent with the religious tenets of such [religious] organizations". With an ever-increasing number of religious colleges and religiously affiliated institutions such as hospitals being controlled by lay

boards or otherwise church organizations, this amendment is essential to prevent some bureaucrat Federal judge from forcing church-affiliated entities from taking action they feel is morally repugnant. At its essence, this is an issue of religious freedom and liberty as expressed in the first amendment.

To see how out of date the religious tenet exception is, one need only look at the testimony from the House hearings in the 99th Congress. In 1985, Father William Byron, president of Catholic University, on behalf of church-related and/or independent colleage and university associations, testified that the "control" test is not an appropriate yardstick. He stated:

We believe that the conditions relating to the governing body and financial support are no longer appropriate. Over the years, as colleges and universities matured as educational institutions, colleges once tightly linked to churches began to expand the makeup of their governing bodies. They began to include members who could help promote and administer quality education but who were independent of the controlling religious group. This result, which we see as a positive trend, points to the conclusion that since many of these boards of directors are now independent and self-perpetuating, requiring the governing body to be appointed by the religious organization is no longer relevant or appropriate. * * *

The issue of an adequate or effective religious tenet exception is seen as essential to the U.S. Catholic Conference. In addressing Grove City, Father Hehir of that organization stated that the absence of a broader religious tenet exception was "a fundamental flaw in the legislation."

In the name of the first amendment, religious liberty and freedom, language to protect religiously affiliated entities is necessary. The language adopted by the House Committtee on Education and Labor must be kept in the bill. This language has the strong support of various associations of private schools, colleges, and universities.

CORPORATE COVERAGE

There is a significant expansion of corporate regulation resulting from S. 557. One major new provision is the creation of a whole new regulatory category singling our certain businesses for ultra-comprehensive coverage of their business operations without restriction to the plant or geographically-separate facility receiving the Federal assistance. This category encompasses any company engaged in the business of providing "education, health care, housing, social services, or parks and recreation." This regulatory concept is entirely new, and is certainly no part of any "restoration" of pre-Grove City law.

Under this new provision, a corporation operating a nationwide chain of realty offices, nursing homes, or rehabilitation clinics would be subject to coast-to-coast regulatory coverage in all of its operations, even those unrelated to the divisions or plants receiving Federal assistance.

The justification for this especially expansive coverage set forth in the committee report is revealing. The report says that these private corporations are doing business in areas "traditionally regarded as within the public sector." Therefore, even though they are privately owned businesses, they are to be regulated as though they are providing a "public service." This explanation reveals the underlying philosophy of this provision for what it really is: an attempt to obliterate the distinctions between the private and public aspects of society and the economy, and expand Federal civil rights regulation beyond any meaningful limits.

CONCLUSION

In sum, I urge my colleagues to support my substitute as a way to improve the Grove City bill, build more consensus, and let the House have some input rather than rubberstamp.

□ 1830

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

The CHAIRMAN. Does the gentleman from California [Mr. HAWKINS] oppose the amendment?

Mr. HAWKINS. I am opposed, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. HAWKINS] is recognized for 30 minutes.

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, the substitute offered by the gentleman from Wisconsin should be defeated. The religious tenet amendment contained in the substitute is unnecessary and unwise, and that will be the focus of my remarks.

Mr. Chairman, under title IX, an institution "controlled by a religious organization" may secure an exemption from title IX's prohibition of sex discrimination if the application of a provision of title IX "would not be consistent with the religious tenets of such organization." An amendment to broaden the religious tenet provision is not only unwarranted and unprecedented, but in thousands of private schools throughout the country would seriously undermine title IX's protection.

Such an amendment was defeated by a vote of 56 to 39 in the Senate. It is opposed by leaders of major religious organizations, including the United Methodist Church; the Presbyterian Church [USA]; the National Council of Churches; the American Baptist Churches, USA; and the American Jewish Congress. The U.S. Catholic Conference has expressly opposed the substitute, which includes the religious tenet amendment.

Under the proposed amendment, the exemption would be extended to institutions "closely identified with the tenets of a religious organization." This is a loose definition, which could be interpreted to allow many private institutions to qualify. This is so because an institution need only claim a close identification with a religious tenet of a religious organization in order to justify a discriminatory policy it wishes to pursue. I do not think the Congress wants to put its stamp of approval on such a license.

In contrast, the Civil Rights Restoration Act as passed this year by the Senate and as reported by the Judiciary Committee in 1985 makes an important clarification in the religious tenet provision. The religious tenet provision that has been in title IX since 1972 applies only to education institutions. Before us is a title IX that applies not just to educational institutions receiving Federal financial assistance but to educational programs operated by noneducational institutions such as nurses training in a hospital.

S. 557 provides that a religiously controlled education program or activity that is not part of an educational institute would still be within the protective scope of the religious tenet exception. That is as far as we should go.

The key in the religious tenet exemption is the control test. A Government inquiring into the nature of a religious tenet asserted by an institution is fraught with difficulties. Therefore, the assurance that an institution is actually controlled by the religious organization whose tenets it relies upon is essential to keep this exemption from becoming an escape hatch from title IX.

There has been no showing that any further changes are needed. No application to the Department of Education has ever been denied. No administration has ever required any institution seeking an exemption to change a practice it claimed conflicted with its religious tenets. The Department of Education has granted religious tenet exemptions to 150 institutions.

The National Center for Education Statistics reports that 786 out of 3,301 higher education institutions consider that they are religiously affiliated. Even if the proposed loosening of the standard for this exemption applies only to these 786 schools, 559,053 full- and part-time women students will be affected. Not even counted in these figures are the employees in these schools, or the many students and employees in private elementary and secondary schools who would also be affected.

It has been argued by supporters of this amendment that it has been adopted in other legislation—particularly the Higher Education Act amendments. However, in fact no

other Federal law has ever permitted sex discrimination under these circumstances. The Higher Education Act amendment deals only with allowing institutions to favor individuals of a particular religion—it has nothing to do with sex discrimination.

I reiterate my opposition to the substitute. Its potential for abuse is alarming—for it opens the door to discrimination against thousands of women and girls in our country, discrimination supported by our own tax dollars.

At this point I include the following letters:

U.S. CATHOLIC CONFERENCE,
Washington, DC, March 1, 1988.

DEAR REPRESENTATIVE: On behalf of the Catholic Bishop's Conference, I would like to share our views on the Civil Rights Restoration Act. We were deeply gratified that the Senate recently adopted by a wide margin an "abortion-neutral" amendment and then passed this important legislation overwhelmingly. We now hope that this vital civil rights legislation with the necessary improvements made in the Senate can also be quickly and overwhelmingly approved by the House of Representatives.

We wish to renew our consistent support for a Civil Rights Restoration Act, which strengthens our national commitment to combat discrimination without requiring any institution to violate deeply held convictions on human life. We believe government has the fundamental duty to protect the life, dignity and rights of the human person.

We support the Senate Bill for what it does to strengthen federal civil rights protections and for what it does in making clear that institutions are not required to provide abortion benefits and services as a condition of receiving federal funds. Therefore, we oppose the substitute since it could seriously jeopardize ultimate Congressional enactment of these critically important improvements in federal law and regulations.

Sincerely yours,
Rev. Msgr. DANIEL F. HOYE,
General Secretary.

FEBRUARY 29, 1988.

Members of the U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: We are writing to ask you to support the Civil Rights Restoration Act without additional amendments.

However, we are deeply concerned about the need for clarifying language in the Danforth amendment regarding the possible discrimination against women who have had abortions. As presently worded, the Danforth amendment is vague and could be construed to permit such discrimination. While we believe that the amendment's sponsors intended to insure that no discrimination against women will occur, we believe it is imperative that a vehicle (such as a colloquy) be found to clarify that the amendment expressly prohibits discrimination.

We also are concerned that there would be no change in the existing understanding of religious tenets. Any amendment to expand religious institution exemptions goes beyond restoration and needs very serious debate before consideration.

We urge you to support the Civil Rights Restoration Act, oppose further amendments and find a way to clarify the language of the Danforth amendment to insure that there will be no discrimination against women who have had abortions.

Sincerely,

American Baptist Churches; American Ethical Union, Washington Ethical Action Office; The Christian Church (Disciples of Christ), Church in Society of the Division of Homeland Ministries; Church of the Brethren; Church Women United; Friends Committee on National Legislation; Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America; National Council of Churches; NETWORK, A National Catholic Social Justice Lobby; Presbyterian Church USA, Washington Office; Union of American Hebrew Congregations, Religious Action Center; Office of Public Policy, Women's Division, United Methodist Church; General Board of Church and Society, United Methodist Church.

AMERICAN BAPTIST CHURCHES, USA,
Washington, DC, February 24, 1988.

DEAR REPRESENTATIVE: On behalf of American Baptist Churches USA, a Protestant denomination of one-and-a-half million members, I urge you to support the Civil Rights Restoration Act without any weakening amendments.

This legislation is needed in order to reverse the growing trend of discrimination against women, minorities and disabled persons that has been occurring in this country since the Grove City case decision.

It is important that you oppose attempts to expand the religious institution exemption or to alter substantially the religious tenets provisions of the bill.

One aspect of the Senate-passed bill needs some clarification: the "Danforth amendment" concerning abortion. We believe that the intent of the amendment is to prohibit discrimination against women, and hope that a clarifying colloquy on that point will occur on the House floor.

Sincerely,

ROBERT W. TILLER.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I support the substitute by the gentleman from Wisconsin [Mr. SENSENBRENNER]. First, I do want to note to the House that the so-called substitute is not really a substitute. The gentleman is offering two amendments to the bill that had been considered and in at least one case had been passed by the Committee on Education and Labor and he is offering these two amendments to the main bill in the only form that he was given the opportunity to offer those.

So as members come to vote I think they need to understand that by voting for the Sensenbrenner so-called substitute they are really not voting for a substitute for the bill, they are voting for two amendments in the only way in which the rule was constructed that they could vote for those two amendments.

Now it is also important to note that in fact the Sensenbrenner substitute or the Sensenbrenner two amendments are closer to a restoration of pre-Grove City law than the main bill.

The main bill either with or without the substitute will not be a precise restoration of pre-Grove City. But the Sensenbrenner amendments brings us much closer to nearly restoring pre-Grove City law which on the surface is purported to be the purpose of this legislation.

So what do the two amendments do? First, the religious tenent amendment, that amendment was considered by the Committee on Education and Labor 3 years ago and was adopted by a 21-to-18 vote. The language of the bill presently tracks current law which says that an entity may get an exemption if it is controlled by a religious organization, if the application of the operation would not be consistent with the religious tenents of that organization. That was the original law passed in 1972.

What has happened, and the purpose of the Sensenbrenner religious tenent amendment, is that the world has changed. Since 1972 in order to achieve the intent of Congress, and that is to allow a religious college or university to have an exemption for their religious tenents from title IX, to have that exemption, in order to achieve that exemption we now have to change the law to meet the current practice among religious colleges and universities and that is to permit those colleges and universities that are affiliated with the religious organizations and not nearly or narrowly controlled.

Second, the second of the Sensenbrenner amendments adopts a more narrow corporate coverage that is much more consistent with pre-Grove City. In pre-Grove City the law, nowhere in the law were any industries or types of activities singled out for special or broad coverage. But that is what this bill does in a wholesale revision and expansion of the law, when the law provides for businesses that are engaged, and I quote the bill, "in providing education, health care, housing, social services or parks and recreation," to have one type of extremely broad test and everyone else to have a more narrow test that is more consistent with pre-Grove City. What the Sensenbrenner amendment does is it says that all business activities regardless of whether they fit in these five neat and narrow-sounding categories in fact will have only—the law will only apply to that facility that accepts those Federal funds.

I urge a "yes" vote for the Sensenbrenner amendments.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the gentleman for yielding.

I would like to say at the outset that although I oppose the amendment being offered by the gentleman from Wisconsin, I want to salute his efforts

on this issue, because I know he spent many, many hours dealing and grappling with very, very difficult issues and he offers this amendment in good faith in an attempt to try to resolve a very difficult choice which we face tonight on the floor of the House of Representatives: The choice between the diversity of religion which is guaranteed by our Constitution and the basic human freedoms guaranteed by that same document.

As I tried to assess this issue after working on it myself for some time I think what we are about this evening can be characterized as an attempt to make sure that as religion should not be a victim of our efforts to overturn Grove City, neither should it be a shield which exalts discrimination in the name of theology. It is virtually impossible for us to craft legislative language which guarantees this distinction, which makes certain that good faith religious tenets are not violated in the name of prohibiting sexual discrimination. What we have done instead is to require good faith proof to the Department of Education to qualify for an exemption. The track record of this Department of Education I think is clear and unequivocal. They have never denied an application for a religious tenet exemption. As a result of that track record I think we find that this legislation without the adornment of the Sensenbrenner amendment has attracted the support of virtually every religious group in the United States.

My colleague from New York, Mr. FISH, recounted in specific terms all of the religious groups that endorse the effort this evening without the Sensenbrenner amendment.

One group in particular, the United States Catholic Conference, has specifically by correspondence to Members to the House of Representatives stated that they are in opposition to the substitute being offered by Mr. SENSENBRENNER.

It is interesting to note that the Catholic Conference speaks for a religion which has universities which gave up direct control long ago.

If the Catholic Conference can speak so clearly and unequivocally against the Sensenbrenner amendment, representing institutions which gave up direct control by the Catholic Church years ago, I think it is a clear signal that the procedure we are putting in this bill is sufficient to satisfy their needs.

I would also question whether or not the gentleman wants to go so far as to take an exception from control by religious tenets and merely to open it up widely to organizations closely identified with.

I think that opens the door far too wide. It invites mischief. It may invite discrimination in the name of theology. And I hope that those of my colleagues who view this as a good compromise coming from the Senate will oppose the Sensenbrenner amendment and vote for the bill, the resolution as it is offered.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Civil Rights Restoration Act of 1987 and support for the Sensenbrenner Amendment. I oppose this bill on two grounds: It deceives the American people into believing that it restores civil rights when in fact it jeopardizes them. Furthermore, it sets a bad legislative precedent for future civil rights legislation by side-stepping the House committee process. If we are to consider seriously civil rights legislation in this Chamber, let us allow the appropriate committees to review this bill. Let us hold the proper hearings on the House side. And let us legislate responsibly, adhering to the procedural standards of the House.

Under the House and Senate bills, all beneficiaries of direct and indirect Federal assistance would be compelled to prove that they do not discriminate on the basis of sex, age, handicap, or race. Placing the burden of proof on the entities receiving Federal assistance contradicts our country's judicial tenent of innocent until proven guilty. On a more practical level, this bill would increase Federal paperwork as well as result in random Federal onsite inspections, even in the absence of a complaint.

Grove City trespasses upon the civil rights of our churches, schools, farms, and businesses, and it restricts much of the good many of these institutions are able to do in helping our Government attend to those in need. Imagine the ironies involved here: A church which accepts federally subsidized cheese for its soup kitchen is susceptible to a Federal investigation. Not only is this an intrusion, but it also wastes time that could be spent feeding people. The grocer who accepts food stamps for those customers who need them would also be susceptible to a Federal investigation.

This legislation which seeks to protect civil rights threatens them. I urge my colleagues to vote "no" on this bill.

□ 1845

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I want thank the gentleman for yielding this time to me.

There are several things on which I want to set the record clear. First, we had heard that there had been no committee hearings, and I want to point out that the Subcommittee of the Committee on the Judiciary had 21 hearings on this issue. We not only had them in Washington, they did a road show and went all over America. We literally ran out of funds. We looked for everybody who wanted to talk.

I suppose we could duplicate that again, but I think what we would find is just more cases of discrimination. People may not like what we turned up in the hearings, but the hearings were very thorough and accurate. I believe 21 hearings is more than most people have on any bill. Second, let us not forget what we are talking about here. I hope Members vote against this substitute. We are talking about tax money collected equally in America. This is an equal tax-paying opportunity Government. They do not give blacks a break or give women a break or anyone else because they turn around and give our tax money to groups that discriminate. So if we are going to collect money equally from women and everyone else, then certainly when that money is given to an institution, they ought to make sure they do not discriminate against the groups they collect the money from. If people do not want to abide by those rules, they do not have to take the money.

Third, it is pointed out that it is very clear in the law that if an institution is controlled by a certain religious group, then we can give them an exemption. So there is an exemption there if they are controlled. I think that is very fair. But beyond that, any other institution that is getting Federal money—and if they do not want to get Federal money, then they do not have to worry—if they are getting Federal money because that money is collected from everyone, I think we have to make sure that they have an opportunity to get the benefits back. As a woman, if they want to come and say they will cut my taxes 30 percent because they are going to give it to groups that discriminate against women, I might negotiate, but no one from IRS ever comes and negotiates that way.

Let me also point out something else that I think is important. I remember the title IX hearings, and I remember the crazy things we heard. We heard Ph.D's who were the head of universities telling us the reason they could not let women in equally is they would have to buy more diminutive furniture, and that women ate more often and they had to put in more cooking facilities, and that the best way to keep grades up was to have long stag lines on Saturday nights. I do not know any area in the country that still has stag lines. I think all that stuff has been proven very out of date since we put title IX into effect.

Furthermore, we just finished the Olympics, and one of the great changes in title IX was opening up gymnasiums to women, and, oh, my, was there a fight on that. The "Jockocracy" went crazy. I want to say that I think everybody has been very proud of the medals American women have won. Those American medal winners have been here in this House and in the Senate talking to people about how important title IX was for that beginning.

So, Mr. Chairman, I ask the Members to please vote no against the substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, today we decide the fate of the Civil Rights Restoration Act of 1987. It is legislation that has aroused strong sentiments among friend and foe alike. Throughout the debate and discussion, S. 557 has inaccurately been referred to as the Grove City bill. It is important for my colleagues to understand clearly and completely that at no time was there ever an allegation or even a suspicion that the college discriminated on any fashion.

Grove City College is located in my district in western Pennyslvania. This fine institution of higher learning has never discriminated in any of its programs or policies. Grove City College is a private liberal arts college, which was founded by strongly religious members of the Presbyterian Church. This affiliation has helped to shape the academic, social, and spiritual aspects of the college. It is this very fact that as a Christian institution, Grove City College considers discrimination of any type to be inherently inconsistent with its Judeo-Christian beliefs. It has operated for over 100 years with strict policies of nondiscrimination.

Grove City College filed suit against the Government because of its longstanding belief that the intrusion of the Federal bureaucracy into the day-to-day affairs of a private institution was unnecessary and against their cherished freedom, not in defense of discriminatory policies. After the Supreme Court reached its now famous interpretation of title IX which narrowed the view of title IX to a program specificity, Grove City College, under the fine leadership of its president, Dr. Charles McKenzie established the "Student's Freedom Fund" to provide private financial grants for those students that would need Federal financial aid to attend the college. This fund has allowed Grove City College to be free from any Government monies, thus permitting it to retain its much valued autonomy.

The college in the past has appealed for strong civil rights legislation, however, at the same time allowing America's private schools the right to retain their independence and distinctive educational traditions. They will continue this stance in the future. In a campus speech in December of 1986, Dr. Clarence M. Pendleton Jr., Chairman of the U.S. Commission on Civil Rights, pronounced that Grove City College "cherishes freedom, clearly abhors discrimination and that nothing could be further from the truth than to suggest that discrimination existed on campus."

I represent seven private, church affiliated colleges and am proud of their historically unique and distinct academic, social, and spiritual beliefs and tenets. They have helped to shape the towns and communities where they are located and have produced fine men and women who strive for the best that America has to offer. I regret so few of my colleagues have a complete understanding of the specific facts and issues involved in the lawsuit. It is used as a point of reference in this debate without regard to the actual facts. There were never any allegations of discrimination and I appreciate my colleagues giving me this time to correct the record.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, at this point in the debate I think it is important to make the record clear about religious tenets exemptions granted by the Department of Education.

Between 1976 and 1984 there were only five religious tenets exemptions granted, and 215 applications were not acted upon. While it is true there never was a denial of the religious tenet exemptions by the Department of Education, the failure to act is the same as a denial. It is only the Reagan administration that has approved the vast bulk of the religious tenet applications that have been filed, and we know that that administration has less than a year to go. Another administration can easily take away what the Reagan administration has granted, and that is why I believe the religious tenets need to be statutorily protected rather than left to the whim of the Secretary of Education or the people who work with him.

Mr. FISH. Mr. Chairman, will the gentleman yield to me so I may respond?

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. SENSENBRENNER] has expired.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I thank the gentleman for the time, and I appreciate it because it certainly was my prior remarks that prompted my friend from Wisconsin to say what he said, and I would just like to underscore the fact that the legislative history of the religious tenets exemption shows that what the Congress had in mind was seminaries, and the vast bulk of the numbers of exemptions granted have been to seminaries. I think there are only two colleges I saw on the list that have ever been applied and granted exemptions, so I think the purpose of this thing that we have lost sight of was seminaries rather than the dates and other matters.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, of course I rise in opposition to the substitute offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] and I want to point out that this is another attempt to go past simple restoration. Our agreement many years ago was to have a bill that would legislate simple restoration of the law before the Grove City decision, and here is another attempt to piggyback another issue, another exemption on it.

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

Mr. EDWARDS of California. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, where in the pre-Grove City law was there corporationwide rather than plantwide coverage rather than the five specific enumerated areas in your bill, to wit: education, health care, housing, social services, or parks and recreation? I cannot find any interpretation of the law prior to Grove City that had broader application in these 5 years than in another five areas, and what your bill does is provide different strokes for different folks.

Mr. EDWARDS of California. Mr Chairman, in response to the gentleman, the section he refers to was a compromise worked out by himself and a group of us a number of years ago.

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will yield further, that does not answer my question. Where in the pre-Grove City law was there broader coverage for these five areas than for the other areas in the private sector?

Mr. EDWARDS of California. Mr. Chairman, it is our understanding that the commitment was made not to go beyond the law as it was before the Grove City decision of the Supreme Court.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman from California still has not answered the question.

Mr. EDWARDS of California. Mr. Chairman, I only have 3 minutes. I will not yield further.

Mr. Chairman, I oppose the amendment offered by the gentleman from Wisconsin. The amendment would emasculate the title IX prohibition against sex discrimination in a federally funded education program by exempting hundreds, possibly thousands,

of schools from compliance with this nondiscrimination duty. In addition, it would severely weaken the application of all four laws to private entities operating federally funded programs. If this amendment is adopted, the Federal Government will find itself in the untenable position of providing Federal assistance to programs that discriminate against minorities, women, the handicapped, and the elderly.

The amendment opens up a giant loophole in the existing title IX religious tenet exemption. Since its enactment in 1972, title IX has permitted very narrow exceptions from the prohibition against gender-based discrimination in any federally funded education program. One of the exceptions is available to an educational institution if it is "controlled by" a religious organization and there is a title IX requirement which conflicts with the religious tenets of that organization.

Since this bill was introduced in 1985, supporters of this loophole amendment have argued that such a change is necessary because otherwise these institutions, which they claim are no longer religiously controlled, will have to pay for or perform abortions. They can no longer make that claim in light of the Danforth amendment. Now, at last, they must confess their true motives which is they simply want to be exempt from title IX coverage.

In fact, they have lobbied for this change each time title IX has been amended. Congress, in its wisdom, has rejected this effort. During consideration of this bill a few weeks ago, the Senate rejected their claim by a vote of 56 to 39. The House refused to accept this proposal during floor consideration of the restoration bill in 1984.

Virtually every private school can establish some affiliation with a religious organization. Adoption of such a loophole would defeat the purpose of title IX. Not only is such a proposal unacceptable, on policy grounds, it is also unnecessary. Proponents of this amendment cannot cite a single instance in which legitimate exemptions have been denied. It is critical that the control test remain in effect and enforced seriously—for that aspect of the test is the linchpin for assuring that only a limited number of institutions may discriminate with Federal funds.

The proposed change to the corporate coverage section in S. 557 is unacceptable and unwarranted. The corporate coverage provision in the bill represents an accommodation which Democratic supporters in the House made to our Republican colleagues in the Judiciary and Education and Labor Committees during consideration of this bill in the 99th Congress. We agreed to abide by this compromise and convinced Senate supporters to do the same when the bill was introduced in the 100th Congress last year.

The corporate coverage in the bill is a compromise in that the record presented to the Congress supported corporatewide coverage in all instances. The compromise provides for corporatewide coverage in only two instances: First when Federal financial assistance is extended to the corporation "as a whole," or second, when the corporation is "principally engaged in" five business areas—education, health care, housing, social services or parks and recreation—services which in the past have been provided by the government but through increased privatization, are likely to be available through the private sector.

Adoption of this amendment is likely to encourage entities to create discriminatory schemes which will go unchecked by Federal civil rights enforces. For example, under the gentleman's substitute, a nursing home chain could create racially segregated facilities free from Federal review by confining all Medicaid recipients to one or some of the facilities rather than throughout the chain. We should not encourage the development of such creative techniques to avoid compliance with these civil rights laws.

For these reasons, I urge my colleagues to reject this substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Chairman, I rise in opposition to S. 557, the so-called Civil Rights Restoration Act of 1988, more commonly known as the Grove City bill.

"Civil rights restoration." That really has a nice ring to it, doesn't it? An affirmative vote on this bill would seemingly "restore" lost civil rights. Who can oppose a bill that would protect people from discrimination due to their race, creed, color, sex, national origin or handicap status? Who is against establishing justice and securing the blessings of liberty? No one.

But, justice and liberty are not what this bill is about.

The mantle of the Civil Rights Restoration Act of 1988 has been used as a cloak for one of the most outrageous attempts at a Federal power grab in our Nation's history. This bill does not simply overturn the Grove City decision, as is claimed by the bill's cosponsors; it goes far beyond that limited objective. S. 557 would allow the Federal bureaucracy to lay jurisdictional claim to levels of American society until now thought beyond its constitutional limits.

The Grove City bill would expand the Federal Government's range of authority for the enforcement of civil rights laws and regulations to every church, school, college, farm, business, or any other institution that receives direct or indirect Federal funding. With 1 trillion Federal dollars sloshing around out there every year, few institutions can remain secure in the knowledge that they would be exempt from the harrassment and expense of burdensome paperwork, bureaucratic compliance reviews, or costly legal fights with individuals or advocacy groups due to an oversight in complying with complex and arcane Federal regulations.

Where will the burden of compliance with the provisions of this bill fall the heaviest? The burden will not fall heaviest on State governments or large corporations, but on institutions that can ill-afford the costs of compliance: private liberal arts colleges, small businesses, and farmers .

What will happen to religiously affiliated colleges like Wheaton or Judson Colleges in Illinois? If a present or future Federal civil rights bill were to violate the religious tenets of these two colleges, should the Federal Government force these institutions to comply, even though compliance may violate deeply held convictions?

What will happen to small businesses that have received assistance from the Small Business Administration or grocery stores that accept food stamps? Not very far from my home is a mom-and-pop grocery store that has been in business for over three generations. They couldn't even hire their grandson to pack groceries without having the burden to prove that they complied with Federal regulations with regard to hiring practices.

I have approximately 10,000 farm families in my distrct, and many of the family farms are incorporated for tax purposes. Those farms that receive crop subsidies, price supports, or similar assistance would come under the scrutiny of Federal agents to ensure that they are fulfilling their obligations in documenting compliance the Federal civil rights laws. It is unfair to expect someone as hard hit as the American farmer to comply with regulations that simply are inappropriate on the farm.

To paraphrase Chief Justice John Marshall, the power to regulate is the power to destroy. The bedrock of American constitutional government is the independence of the individual, and the associations into which he or she freely enters, from the coercive power of the state. When we relinquish the independence of our businesses, our schools, and even our churches to the intrusiveness of the Federal bureaucracy, then we have truly surrendered a piece of our hard-won liberty.

Mr. Chairman, no one in Congress is opposed to civil rights; but we should be against the intrusion of the Federal bureaucracy into areas where it does

not belong. I urge my colleagues to defeat this bill.

□ 1900

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, even when protecting civil rights, we obviously don't want to interfere with the true exercise of religious beliefs. That's why title IX has a specific exemption for religious institutions.

But while the legislation today seeks only to restore protections against discrimination, this substitute would significantly diminish those protections through a vastly expanded exemption.

The amendment suggests that, somehow, that before the Grove City case there was a problem with the religious exemption. That simply isn't the case. As the Department of Education itself wrote in May 1987, in this administration, they "have never denied a request for religious exemption * * * (and) no requests for exemption are pending at this time."

With this amendment, however, upward of 786 of the Nation's 3,000 higher education institutions, ones which still receive Federal assistance, might be able to disregard antidiscrimination laws—no matter how tenuous the religious connection, since there is no reasonable test as to what can be claimed. Without responsible criteria to an exemption, the laws themselves become meaningless.

Finally, as to the corporate coverage issue, I just don't see the logic, frankly, in allowing a company, part of an overall organization, that receives tax dollars in one part to discriminate in another. As former Education Secretary Bell wrote, "If you take Federal money, you must comply. If you receive no Federal funds, you need not. It was as simple as that."

It was as simple as that then and it is as simple as that today.

We are here to set the higher standards, not the lower standards. The burden should be on those who seek to discriminate, not on the victims of discrimination.

We as Representatives of the people should be in the business of not creating loopholes for prejudice. Make no mistake, that is what this amendment represents, and that is why I urge you to oppose it.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I rise in support of S. 557 as presented to the floor by our committee and ask my colleagues to vote to oppose all of these amendments that are offered, whether they are offered en bloc or individually.

I am distressed by how terribly familiar some of the rhetoric tonight sounds to those of us who were here in the sixties when we were passing landmark legislation.

I find it, as some would say, amazingly strange to hear coming from that side of the body the plaintive cry of "we can't do this, it won't work, and it's going too far" of a law that was signed by someone that certainly has not gone into the books as any extremist in promoting civil rights.

I was a part of the committee when we put title IX in the Higher Education Act, and it was Richard Nixon who signed it into law proudly. I wish that his party had a better memory for the good things he did while he was here.

Mr. Chairman, as a cosponsor of H.R. 1214, the House bill which responds to the Supreme Court's 1984 decision in Grove City College versus Bell, I rise today in support of an identical bill. S. 557, passed by the Senate on January 28, 1988.

Although the Grove City decision ostensibly applied only to title IX of the 1972 Education Act amendments, it cast doubt on the scope of similarly worded civil rights laws barring discrimination on the basis of race, age and handicap.

The first of these statutes to be enacted was title VI of the 1964 Civil Rights Act, prohibiting racial discrimination in federally funded programs, and since that time every administration, no matter which political party was in the White House, has interpreted these laws to mean that whenever a program or activity of an institution received Federal funds, all of the institution's other programs and activities had to comply with the nondiscrimination policy. At the Reagan administration's urging, however, the Supreme Court adopted a very narrow view which, if it remains uncorrected, puts the Federal Government in the untenable position of providing Federal assistance to discriminating entities.

Because of the court's decision, we find ourselves here today in an effort to pass legislation that will restore the pertinent civil rights stautes to their former meaning and interpretation.

If we do not pass S. 557 today, then our Federal civil rights enforcers will be nothing more than auditors. Instead of correcting and eliminating discrimination, these "auditors," along with the victims of discrimination themselves, will have to trace the flow of Federal dollars—an almost impossible task, and a task that will prove to be unconscionably costly to the Federal Government.

Passage of S. 557 will give meaning to the longstanding national policy that Federal funds shall not be used to support discrimination.

In May of 1985, when H.R. 700, the previous restoration bill introduced in the House, was reported by the Education and Labor Committee, it carried two amendments. One was the so-called Tauke-Sensenbrenner abortion-neutral amendment, and the second was an expansion of the religious tenet waiver.

Mr. Chairman, the Senate bill that is before us, S. 557, carries with it only one of the above-mentioned amendments—that relating to abortion. Specifically, S. 557 includes the following language: "nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion."

The effort today will focus largely upon amending the religious tenent provision currently barring discrimination against women and girls in federally funded education programs. Title IX of the Education Act Amendments of 1972.

Under current law—title IX—an institution "controlled by a religious organization" may secure an exemption from title IX's prohibition on sex discrimination if the application of the title "would not be consistent with the religious tenets of such organization." The amendment to expand it would exempt any school merely "affiliated" with a religious group.

The effort to broaden the exemption is unwarranted, and would seriously undermine title IX's protection in thousands of private schools throughout the country.

In passing S. 557, the Senate defeated an expansion of the religious tenent waiver by a vote of 56 to 39 on January 28, 1988.

The bill before us clarifies that the current religious tenet exemption is as broad as the title IX coverage of education programs and activities. No further assurances are needed.

Of the 3,301 higher education institutions in this country, 786 are "religiously affiliated." But even if the loosening of the religious tenet provision only affected those 786 schools, it would impact on 559,053 full- and part-time women students. We can only imagine the numbers of elementary and secondary schools and employees in such schools that would be affected should the exemption be loosened to that extent.

Finally, Mr. Chairman, leaders from more than 20 religious organizations have called upon Congress to defeat any substantive amendments to the Civil Rights Restoration Act, and particularly the expansion of the religious tenet waiver under title IX.

Mr. Chairman, as I have stated, I am opposed to any substantive amendments to the Civil Rights Restoration Act, and I find myself in a most difficult position of supporting the Danforth amendment—the abortion-neutral amendment—which is attached to S. 557 as passed by the Senate. We each have our beliefs concerning the abortion question—and some of us are strongly in favor of women's choice in the matter while others are just as strongly in favor of making abortions illegal altogether.

In fact, the Supreme Court ruling in Roe versus Wade made it legal for women to seek and to obtain clean, safe and painless abortions. It was this remarkable decision that bro. ht women out of the dark alleys and butcher shops where they were once consigned, should they choose not to carry a pregnancy to term.

The Danforth amendment as adopted by the Senate does not seek to nor does it overturn the Court's decision in Roe versus Wade.

In the plainest language, the Danforth amendment "permits universities and hospitals that receive Federal funds to refuse to pay for or to perform abortions.

Having stated my feelings concerning the one amendment on the Senate bill, I will go on to say that my longstanding interest in and concern for educational equity, civil rights and the rights of the handicapped, bids me to support the Civil Rights Restoration Act as amended—but no more than that.

I am strongly opposed to any so-called substitute for S. 557 that might be offered here, and to any other damaging amendments that may be called up.

S. 557 is marred by its equivocation on civil rights for women under the Danforth amendment; but it is important for me—for all of us—to renew our commitment to restoring the scope of the interpretation of antidiscrimination laws under title IX, under section 504 of the Rehabilitation Act, under title VI of the Civil Rights Act, and under the Age Discrimination Act.

Mr. Chairman, I rise in support of S. 557, and recommend to my colleagues that it do pass.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Chairman, the Civil Rights Restoration Act has many flaws that need to be addressed. The bill does not adequately protect, under title IX, the policies of many educational institutions that are based on religious tenets. The 1972 exemption only applies to institutions controlled by a religious organization. If the Department of Education applied a strict control test, only two universities would qualify: Brigham Young University and Catholic University. Due to composition of governing boards or funding sources, almost all other religious tenet based institutions could lose their protection. For this reason, language should be included—in title IX only—to provide the exemption to institutions controlled by or closely identified with the tenets of a religious organization.

If we don't include this language, institutions all over the country could have their exemptions revoked by the bureaucracy, and will certainly be sued by advocacy groups seeking to overturn them.

However, not only will private schools be affected by this bill, but almost every aspect of our lives will be touched. From the community hospital to the corner grocery store, to farmers, factories, charitable organizations—anyone that receives any Federal aid in any form will be engulfed by the cancerous growth of government in their private lives. This is not the original intent of the Civil Rights Act.

Civil rights are for everybody not just a select few.

In addition, it would appear that the sponsors of the bill believe that the Supreme Court was right in defining Federal aid as aid to a single student but wrong to apply the definition of program very broadly. It amazes me that the court can be so right on one part of the ruling and so wrong on the other part.

Support the Sensenbrenner amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 10 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I am afraid that if my substitute is not adopted the consequences of passage of this legislation will be to harm the very people who it is intended to help, those people at the lower end of the socioeconomic scale that need the assistance of the Federal Government and need the opportunity that the strict application of the nondiscrimination provisions provide.

For example, if this bill is passed without a religious tenets amendments, the church-related college or university will be forced in choosing between adhering to the religious tenets of the sponsoring denomination or denying students who use guaranteed student loans or VA benefits admission because they do not want to be poisoned by the Federal money. The result of that is that people of the low and lower middle income brackets who might want to attend a church-related college or university and who need the Federal assistance in order to pay for the expenses of higher education will be denied that choice of an educational opportunity.

We might have the mom and pop grocery store that accepts food stamps from qualified customers. If they are subjected to the rules and regulations contained in this bill, they may very well put a sign in their window, "No food stamps accepted," and that will just close the door to the poor people who use food stamps to feed themselves the choice of shopping at the mom and pop grocery store.

We have heard the example of the national chain that has some facilities taking Medicaid patients in their nursing home facilities. If they are forced between corporationwide coverage or not getting involved in taking Medicaid patients, they may very well opt to close the doors to Medicaid patients so that they do not have to be subjected to the paperwork and the investigation and all of that that is contained in this bill and that will be just that many fewer facilities available for people who are ill who need nursing home care and who have to receive Medicaid payments to pay for it.

So I think we should think long and hard about rejecting the Sensenbrenner amendment. The bill is designed to protect people who require the protection of civil rights laws. I am afraid that the consequences will have exactly the opposite effect.

Finally, there is the question of how to phase a religious tenets amendment. My bill is a good faith effort to bring the law up to date to reflect the change from clergy-controlled boards of directors to lay-controlled boards of directors and the legal interpretations that the courts have placed on that change.

If we have a doubt, I think we should resolve that doubt in favor of religious liberty, not to be unduly restrictive, but to resolve it in favor of religious liberty.

Not one case of discrimination that has been talked about by those who are opposed to this substitute that would still be condoned if my substitute with the religious tenets amendment were adopted.

I would like to quote the President in a letter that he sent to the gentleman from Illinois [Mr. MICHEL] said:

The bill poses a particular threat to religious liberty. It interferes with the free exercise of religion by failing to protect the religious tenets of schools closely identified with religious organizations. Further, the bill establishes unprecedented and pervasive federal regulations of entire churches or synagogues whenever any one of their many activities, such as the program to provide hot meals to the elderly, receive any federal assistance. Moreover, and in further contrast to pre-Grove City coverage, entire private elementary and secondary school systems, including religious systems, will be covered if just one school in such a private system receives federal aid.

Mr. Chairman, I ask the Membership of this body to vote to preserve religious liberty, to give the benefit of the doubt to religious liberty and to support the Sensenbrenner substitute.

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

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

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

It is important as we go into this final vote that we focus on exactly what the gentleman's amendments do. What they do precisely firstly with regard to religious tenets is that it says that an organization or a college which is closely identified with the tenets of a religious organization is entitled to the exemption. That should be and always has been the intent of the sponsors.

With regard to corporate coverage, it says that facility which is receiving the Federal funds will be covered, but not everything else in the world. That has also always been the intent of these four laws.

One other thing. What the gentleman is trying to do, I would say to the sponsors and the proponents of the legislation, is to save the legislation. The gentleman said that there is a veto message out on this bill. It only takes 146 votes to sustain that veto.

These two amendments are worthy, have been adopted by the committee, and ought to be adopted by the Sensenbrenner substitute as a way of in fact improving this legislation.

Mr. Chairman, I commend the gentleman for those improvements.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, I yield back the balance of my time.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I rise in strong support of S. 557 and against the pending amendment.

Mr. Chairman, I rise in support of S. 557, the Civil Rights Restoration Act. This important legislation will bring the law back to the original intent of Congress, declaring, once and for all, that public funds should not be spent to subsidize discrimination.

Our Nation was governed effectively for 20 years by the principal civil rights laws first enacted in 1964. Title VI of the Civil Rights Act of 1964 was a vital component of the most far-reaching civil rights legislation since the reconstruction era, outlawing discrimination in schools, voting, and housing on the basis of race, color, or national origin. Title IX of the education amendments addressed discrimination on the basis of sex, section 504 of the Rehabilitation Act championed the rights of the disabled and finally, the Age Discrimination Act of 1975 protected the elderly.

Then, in 1984, a restrictive Supreme Court ruling, Grove City College versus Bell, narrowed the coverage of all these laws, reversing years of enforcement practices and limiting the options for citizens excluded from jobs, housing, or educational opportunities. That decision made it permissible to continue Federal funding of an institution even though it discriminated in one or more of its programs. That is, Federal funds could be withheld only from the program that was discriminatory. Surely, Congress did not intend to say that the rest of the college could discriminate when its athletic programs excluded women. Nor did it intend to continue funding an institution that in any way continues racial discrimination, or excluded the handicapped from jobs.

The impact of this ruling has been most unfortunate. The Department of Justice has applied the Grove City limitations to other statutes and the Department of Education has halted numerous investigations. We in Congress must reverse this situation.

It should be clear to all of us in this Chamber that the commitment to civil rights must be ongoing and vigilant. Every day another newspaper story reminds us that discrimination is, unfortunately, still alive throughout the Nation. Our policies cannot alter attitudes deeply entrenched, but they can cease to subsidize the practices that are an outgrowth of these attitudes. As President Kennedy stated:

Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.

Let us continue the progress that we have made in civil rights and support S. 557. To do otherwise means that Federal taxpayers' dollars will be subsidizing invidious discrimination.

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

I believe that it is rather clear cut now that the Sensenbrenner substitute would certainly gut the bill both in terms of the religious tenet exemption that he would allow and also the broad coverage that would be permitted under corporate coverage.

I think that one should remember in terms of the Grove City incident itself that this distinguished college, and we do not accuse it of having discriminated or seeking to discriminate, but that it did receive substantial financial funding. As a matter of fact, between 1974-75 through 1983-84 the Grove City College students brought to the university more than $1.8 million in basic educational opportunity grants.

In addition to that, it did receive financial assistance through guaranteed student loans.

Now, that is a very substantial amount of financial assistance being given to a university that refused to at least assure the Department that it did not seek to discriminate, and it was that failure that brought about in a sense this whole debate and the narrowing of the definition in the Grove City decision.

May I remind the Members also that the supporters of this amendment have not really identified the discriminatory policies that they are seeking to protect by obtaining exemptions for such a large number of institutions and entities. I think throughout the debate there has been no identification of how they intend to pursue these discriminatory policies and to protect them or to give to us a real answer as to when and where should discrimination and such policies actually end.

It is a clear-cut and I think rather obvious theory in government that those who dip their hands in the public till should not object if a little democracy sticks to their fingers.

What the Sensenbrenner substitute seeks to do is to dip their hands into the till and yet not require any obligations or any promises that those who do so will not discriminate against those whose taxpayer's money they seek to use.

So I think that in order that that theory can be upheld that we should reject the Sensenbrenner substitute and not allow such temptation to prevail in our economy and in our society.

Mr. Chairman, I yield back the balance of my time.

Mr. MARLENEE. Mr. Chairman, because I am not a member of the Education and Labor Committee or Judiciary Committee, I might not normally be expected to speak on legislation of this sort. However, as a farmer-rancher and member of the House Agriculture Committee I was appalled to learn that the definition of "program or activity" under this bill would certainly cause farmers and ranchers participating in Federal farm programs to be classified as ultimate beneficiaries of Federal assistance.

This would mean additional, onerous, Federal paperwork requirements and random, Gestapo-like, on-site compliance inspections by Federal bureaucrats without a search warrant on privately owned farms and ranches. This Member will have no part of such an assinine scheme.

Mr. STENHOLM testified before the House Rules Committee yesterday requesting to offer a bipartisan amendment, drafted by members of the House Agriculture Committee to effectively exempt family farms and ranches from coverage under this bill.

Unfortunately, the rule granted yesterday by the House Rules Committee prevents Mr. STENHOLM'S amendment from being offered. As a result, they have paved the way for more regulation, paperwork, fines, and lawsuits against farmers and ranchers. Will we ever learn?

Mr. Chairman, I was frankly not at all surprised by the insensitivity of the leadership in the House on this issue yesterday. After all, this is the same leadership that would not allow even one single committee of the House to have a legislative hearing on the bill. Imagine that, we are ready to pass one of the major overhauls of the Civil Rights Act in a quarter century without one single legislative hearing in the House.

To add insult to injury, the leadership had the arrogance to try to bring this bill to the House under suspension of the rules. After one-fourth of the Members of the House protested to the leadership, we were granted today's gag rule which is not much better.

If we do not want this legislation to cover every farm in America, why don't we just say so? We should not leave it to the whim of some Federal judge or Washington bureaucrat to determine whether a farm is or is not covered. The American Farm Bureau Federation certainly thinks that they are going to be covered according to their thorough analysis of the bill.

The reason why we need language in the bill specifically addressing farmers is that legislative history is not enough to protect farmers. While farmers may have been regarded as ultimate beneficiaries under the current statutes, these statutes are being completely rewritten.

Before, the statutes covered programs or activities receiving Federal aid. Under this bill, private organizations, businesses, partnerships, and sole proprietorships are expressly covered if they receive Federal aid. Farms are obviously businesses.

So I am not at all persuaded that legislative history is adequate to retain the pre-Grove City exclusion of farmers. I am told that in 1964, when debating the 1964 Civil Rights Act, its leading sponsors, Senator Hubert Humphrey, said he would eat the pages of the CONGRESSIONAL RECORD if the bill permitted quotas. We now know the Supreme Court

would make Senator Humphrey eat those pages.

Moreover, even if I believed section 7 excluded farmers, it only applies to those regarded as ultimate beneficiaries prior to enactment of the Civil Rights Restoration Act. What happens when the 1985 farm bill expires in several years? At best, it is very unclear that farmers will be excluded from coverage under a new farm bill, and, in fact, I think it is clear they would not be, no matter what we say in the legislative history.

So if we don't want to cover farms just because they get crop-loan subsidies or price supports, the Rules Committee should have listened to Mr. STENHOLM yesterday. Because they didn't, the onerous regulations and massive paperwork requirements facing farmers will be mind boggling.

Mr. Chairman, if America's farmers and ranchers could see what the Congress is doing to them this afternoon they would load their .357's and bring us to justice. Let's defeat this outrageous bill and keep the Washington bureaucrats in their offices and off Montana's farms and ranches.

□ 1915

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 266, not voting 21, as follows:

[Roll No. 19]

AYES—146

Archer	Edwards (OK)	Lancaster
Armey	Emerson	Latta
Badham	English	Lewis (FL)
Ballenger	Erdreich	Lipinski
Bartlett	Fawell	Livingston
Barton	Fields	Lott
Bateman	Flippo	Lowery (CA)
Bentley	Gallegly	Lujan
Bereuter	Gallo	Lukens, Donald
Bevill	Gekas	Lungren
Bilirakis	Gingrich	Madigan
Bliley	Goodling	Marlenee
Broomfield	Gordon	McCandless
Brown (CO)	Grandy	McCollum
Buechner	Grant	McEwen
Bunning	Gregg	McMillan (NC)
Burton	Hall (TX)	Michel
Callahan	Hammerschmidt	Miller (OH)
Chandler	Hansen	Molinari
Cheney	Harris	Montgomery
Coats	Hastert	Moorhead
Coble	Hefley	Myers
Coleman (MO)	Henry	Nichols
Combest	Herger	Nielson
Craig	Hiler	Ortiz
Crane	Hopkins	Oxley
Dannemeyer	Houghton	Packard
Daub	Hunter	Parris
Davis (IL)	Hutto	Petri
DeLay	Hyde	Quillen
Derrick	Ireland	Ravenel
DeWine	Kasich	Regula
Dickinson	Kolbe	Rhodes
Dornan (CA)	Konnyu	Ridge
Dreier	Kyl	Ritter
Duncan	Lagomarsino	Roberts
Rogers	Smith, Denny (OR)	Tauke
Roth	Smith, Robert (NH)	Taylor
Saxton	Smith, Robert (OR)	Thomas (CA)
Schaefer	Solomon	Upton
Scheuer	Spence	Vander Jagt
Schuette	Stangeland	Vucanovich
Sensenbrenner	Stenholm	Walker
Shaw	Stump	Weber
Shumway	Sundquist	Whittaker
Shuster	Sweeney	Wolf
Skeen	Swindall	Wortley
Slaughter (VA)		Wylie
Smith (NJ)		Young (FL)
Smith (TX)		

NOES—266

Ackerman	Foley	Miller (CA)
Akaka	Ford (MI)	Miller (WA)
Alexander	Frank	Mineta
Anderson	Frenzel	Moakley
Andrews	Frost	Mollohan
Annunzio	Garcia	Moody
Applegate	Gaydos	Morella
Aspin	Gejdenson	Morrison (CT)
Atkins	Gibbons	Morrison (WA)
AuCoin	Gilman	Mrazek
Barnard	Glickman	Murphy
Bates	Gonzalez	Murtha
Beilenson	Gradison	Nagle
Bennett	Gray (IL)	Natcher
Berman	Gray (PA)	Neal
Bilbray	Green	Nelson
Boehlert	Guarini	Nowak
Boggs	Gunderson	Oakar
Boland	Hall (OH)	Oberstar
Bonior	Hamilton	Obey
Bonker	Hatcher	Olin
Borski	Hawkins	Owens (NY)
Bosco	Hayes (IL)	Owens (UT)
Boucher	Hayes (LA)	Panetta
Boxer	Hefner	Pashayan
Brennan	Hertel	Patterson
Brooks	Hochbrueckner	Pease
Brown (CA)	Horton	Pelosi
Bruce	Howard	Penny
Bryant	Hoyer	Pepper
Bustamante	Hubbard	Perkins
Byron	Hughes	Pickett
Campbell	Jacobs	Pickle
Cardin	Jeffords	Price (IL)
Carper	Jenkins	Price (NC)
Carr	Johnson (CT)	Pursell
Chapman	Johnson (SD)	Rahall
Chappell	Jones (NC)	Rangel
Clarke	Jones (TN)	Ray
Clay	Jontz	Richardson
Clement	Kanjorski	Rinaldo
Clinger	Kaptur	Robinson
Coelho	Kastenmeier	Rodino
Coleman (TX)	Kennedy	Roe
Collins	Kennelly	Rose
Conte	Kildee	Roukema
Conyers	Kleczka	Rowland (CT)
Cooper	Kolter	Rowland (GA)
Coughlin	Kostmayer	Roybal
Coyne	LaFalce	Russo
Crockett	Lantos	Sabo
Darden	Leach (IA)	Saiki
Davis (MI)	Lehman (CA)	Savage
de la Garza	Lehman (FL)	Sawyer
DeFazio	Lent	Schneider
Dellums	Levin (MI)	Schroeder
Dicks	Levine (CA)	Schumer
Dingell	Lewis (CA)	Sharp
DioGuardi	Lewis (GA)	Shays
Dixon	Lloyd	Sikorski
Donnelly	Lowry (WA)	Sisisky
Dorgan (ND)	Luken, Thomas	Skaggs
Downey	MacKay	Skelton
Durbin	Manton	Slattery
Dwyer	Markey	Slaughter (NY)
Dymally	Martin (IL)	Smith (FL)
Dyson	Martin (NY)	Smith (IA)
Early	Martinez	Smith (NE)
Eckart	Matsui	Snowe
Edwards (CA)	Mavroules	Solarz
Espy	Mazzoli	Spratt
Evans	McCloskey	St Germain
Fascell	McCurdy	Staggers
Fazio	McDade	Stallings
Feighan	McHugh	Stark
Fish	McMillen (MD)	Stokes
Flake	Meyers	Stratton
Florio	Mfume	Studds
Foglietta	Mica	Swift
Synar	Valentine	Whitten
Tallon	Vento	Williams
Tauzin	Visclosky	Wilson
Thomas (GA)	Volkmer	Wise
Torres	Walgren	Wolpe
Torricelli	Watkins	Wyden
Towns	Waxman	Yates
Traficant	Weiss	Yatron
Traxler	Weldon	Young (AK)
Udall	Wheat	

NOT VOTING—21

Anthony	Gephardt	Lightfoot
Baker	Holloway	Mack
Biaggi	Huckaby	McGrath
Boulter	Inhofe	Porter
Courter	Kemp	Roemer
Dowdy	Leath (TX)	Rostenkowski
Ford (TN)	Leland	Schulze

□ 1930

The Clerk announced the following pairs:

On this vote:

Mr. Boulter for, with Mr. Anthony against.

Mr. Kemp for, with Mr. Gephardt against.

Mr. Holloway for, with Mr. Leland against.

Mr. Schulze for, with Mr. Ford of Tennessee against.

Mr. SMITH of Florida and Mr. MATSUI changed their votes from "aye" to "no."

Mr. GINGRICH and Mr. BEVILL changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker, having resumed the chair, Mr. SWIFT, chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the Senate bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, pursuant to House Resolution 391, he reported the bill back to the House.

The SPEAKER. Under this rule, the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the Senate bill.

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

Mr. HAWKINS. 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 315, nays 98, not voting 20, as follows:

[Roll No. 20]

YEAS—315

Ackerman	Florio	McHugh
Akaka	Foglietta	McMillen (MD)
Alexander	Foley	Meyers
Anderson	Ford (MI)	Mfume
Andrews	Frank	Mica
Annunzio	Frenzel	Miller (CA)
Applegate	Frost	Miller (WA)
Aspin	Gallo	Mineta
Atkins	Garcia	Moakley
AuCoin	Gaydos	Molinari
Bartlett	Gejdenson	Mollohan
Bates	Gibbons	Montgomery
Beilenson	Gilman	Moody
Bennett	Glickman	Morella
Bentley	Gonzalez	Morrison (CT)
Bereuter	Goodling	Morrison (WA)
Berman	Gordon	Mrazek
Bevill	Gradison	Murphy
Bilbray	Grandy	Murtha
Boehlert	Grant	Nagle
Boggs	Gray (IL)	Natcher
Boland	Gray (PA)	Neal
Bonior	Green	Nelson
Bonker	Gregg	Nichols
Borski	Guarini	Nowak
Bosco	Gunderson	Oakar
Boucher	Hall (OH)	Oberstar
Boxer	Hamilton	Obey
Brennan	Harris	Olin
Brooks	Hatcher	Owens (NY)
Broomfield	Hawkins	Owens (UT)
Brown (CA)	Hayes (IL)	Panetta
Brown (CO)	Hayes (LA)	Pashayan
Bruce	Hefner	Patterson
Bryant	Hertel	Pease
Buechner	Hochbrueckner	Pelosi
Bustamante	Hopkins	Penny
Byron	Horton	Pepper
Campbell	Houghton	Perkins
Cardin	Howard	Petri
Carper	Hoyer	Pickett
Carr	Hubbard	Pickle
Chandler	Hughes	Price (IL)
Chapman	Hutto	Price (NC)
Chappell	Jacobs	Pursell
Cheney	Jeffords	Rahall
Clarke	Jenkins	Rangel
Clay	Johnson (CT)	Ray
Clement	Johnson (SD)	Regula
Clinger	Jones (NC)	Richardson
Coelho	Jones (TN)	Ridge
Coleman (MO)	Jontz	Rinaldo
Coleman (TX)	Kanjorski	Robinson
Collins	Kaptur	Rodino
Conte	Kasich	Roe
Conyers	Kastenmeier	Rose
Cooper	Kennedy	Roukema
Coughlin	Kennelly	Rowland (CT)
Coyne	Kildee	Rowland (GA)
Crockett	Kleczka	Roybal
Darden	Kolbe	Russo
Daub	Kolter	Sabo
Davis (MI)	Kostmayer	Saiki
de la Garza	LaFalce	Savage
DeFazio	Lancaster	Sawyer
Dellums	Lantos	Saxton
Derrick	Leach (IA)	Scheuer
Dicks	Lehman (CA)	Schneider
Dingell	Lehman (FL)	Schroeder
DioGuardi	Lent	Schuette
Dixon	Levin (MI)	Schumer
Donnelly	Levine (CA)	Sharp
Dorgan (ND)	Lewis (CA)	Shays
Downey	Lewis (GA)	Sikorski
Durbin	Lipinski	Sisisky
Dwyer	Lloyd	Skaggs
Dymally	Lowry (WA)	Skeen
Dyson	Lujan	Skelton
Early	Luken, Thomas	Slattery
Eckart	Lungren	Slaughter (NY)
Edwards (CA)	MacKay	Smith (FL)
Edwards (OK)	Manton	Smith (IA)
English	Markey	Smith (NE)
Erdreich	Martin (IL)	Smith (NJ)
Espy	Martin (NY)	Snowe
Evans	Martinez	Solarz
Fascell	Matsui	Spratt
Fawell	Mavroules	St Germain
Fazio	Mazzoli	Staggers
Feighan	McCloskey	Stallings
Fish	McCollum	Stark
Flake	McCurdy	Stokes
Flippo	McDade	Stratton
Studds	Udall	Wheat
Swift	Upton	Whitten
Synar	Valentine	Williams
Tallon	Vento	Wilson
Tauke	Visclosky	Wise
Tauzin	Volkmer	Wolpe
Thomas (GA)	Walgren	Wortley
Torres	Watkins	Wyden
Torricelli	Waxman	Yates
Towns	Weber	Yatron
Traficant	Weiss	Young (AK)
Traxler	Weldon	Young (FL)

NAYS—98

Archer	Hefley	Ritter
Armey	Henry	Roberts
Badham	Herger	Rogers
Ballenger	Hiler	Roth
Barnard	Hunter	Schaefer
Barton	Hyde	Sensenbrenner
Bateman	Inhofe	Shaw
Bilirakis	Ireland	Shumway
Bliley	Konnyu	Shuster
Bunning	Kyl	Slaughter (VA)
Burton	Lagomarsino	Smith (TX)
Callahan	Latta	Smith, Denny (OR)
Coats	Lewis (FL)	Smith, Robert (NH)
Coble	Livingston	Smith, Robert (OR)
Combest	Lott	Solomon
Craig	Lowery (CA)	Spence
Crane	Lukens, Donald	Stangeland
Dannemeyer	Madigan	Stenholm
Davis (IL)	Marlenee	Stump
DeLay	McCandless	Sundquist
DeWine	McEwen	Sweeney
Dickinson	McMillan (NC)	Swindall
Dornan (CA)	Michel	Taylor
Dreier	Miller (OH)	Thomas (CA)
Duncan	Moorhead	Vander Jagt
Emerson	Myers	Vucanovich
Fields	Nielson	Walker
Gallegly	Ortiz	Whittaker
Gekas	Oxley	Wolf
Gingrich	Packard	Wylie
Hall (TX)	Parris	
Hammerschmidt	Quillen	
Hansen	Ravenel	
Hastert	Rhodes	

NOT VOTING—20

Anthony	Gephardt	Mack
Baker	Holloway	McGrath
Biaggi	Huckaby	Porter
Boulter	Kemp	Roemer
Courter	Leath (TX)	Rostenkowski
Dowdy	Leland	Schulze
Ford (TN)	Lightfoot	

□ 1954

The Clerk announced the following pairs:

On this vote:

Mr. Gephardt for, with Mr. Kemp against.

Mr. Anthony for, with Mr. Boulter against.

Mr. Huckaby for, with Mr. Baker against.

Mr. McGrath for, with Mr. Holloway against.

Mr. Porter for, with Mr. Schulze against.

Mr. McCOLLUM and Mr. BUECHNER changed their votes from "nay" to "yea."

So, the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF S. 557, CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, the Clerk be authorized to make corrections in section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending S. 557, the Senate bill just passed.

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

There was no objection.

REQUEST FOR GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 557, the Senate bill just passed.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so simply to inquire of the gentleman whether or not we might be able to just have a statement at this point to indicate that no one is to use Extensions of Remarks on this bill in order to make legislative history.

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield, I hesitate because I am very doubtful if I can limit the Members' right to make such a request.

The SPEAKER. May the Chair comment: In the opinion of the Chair, it would be impossible for anyone to establish by unanimous consent whether or not a court at some future undisclosed date might construe something placed in the RECORD as legislative history or legislative intent. But I think the Chair would indicate to the gentleman from Pennsylvania that courts sometimes are inclined to make a distinction in their evaluations between those things that were said actually in debate and other things that may have been inserted following the passage of the bill and it would be clear to a court in the future the distinction between the two. Those things inserted pursuant to the gentleman's request within the next five legislative days obviously would appear as additions to the CONGRESSIONAL RECORD which would make it clear to any future court that they had been inserted rather than spoken during the debate.

Mr. WALKER. Further reserving the right to object, I appreciate the Chair's explanation. But do we have some assurance that the extensions that we are talking about here all will appear in the Extensions of Remarks and none of those will find their way into the body of the RECORD as a part of the debate of this bill?

The SPEAKER. If they should, they would be in a different type style, the Chair is advised.

Mr. WALKER. Further reserving the right to object, even if they are extensions where the Member spoke, say, briefly on the floor, did a 1-minute speech on the floor, could that not end up being a speech that is added on to and, therefore, could, in fact, govern legislative history?

The SPEAKER. Well, yes; the gentleman is theoretically correct in that Members are given the privilege of revising and extending remarks they have made on the floor. It is conceivable that a change could be made in the manner in which the remark might have been transcribed earlier.

Mr. WALKER. Further reserving the right to object, additions could be added under those circumstances too.

What this gentleman is trying to assure, we are dealing with a very, very important bill that some people, looking at it, say that the language is somewhat imprecise in it and that we could have a situation where legislative history will play a very important role.

□ 2000

This gentleman wants to be assured, having sat here during a good part of the debate, that that which we heard on the floor today is that which will be the legislative history of the House with regard to this bill, and that we will not have legislative history created through an extension of remarks at some point in the future.

I have no objection at all to Members extending their remarks if they are commenting about whether or not they are supporting this bill, but I do think in this particular case, because of the nature of some of the provisions of it, that it would be a travesty for us to find out later on that legislative history was made where their words were not actually spoken on the floor and agreed to, and I am just wondering if we can get some kind of an assurance and some kind of a statement from the gentleman that that material which appears in the Extensions of Remarks does not constitute legislative history on this bill.

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

Mr. WALKER. I am glad to yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, if the gentleman yields under this reservation of objection, I might suggest that the gentleman from Pennsylvania has an awfully good point with regard to the making of legislative history. Perhaps the way to resolve it would be for the gentleman to object, but then to make it clear that he would object tomorrow or on a subsequent legislative day for additional material to be inserted, and then the courts would have it crystal clear that no changes were made as to this day's legislative day. So on any subsequent days we could have material on this subject inserted.

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

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I would point out that in many instances where the Committee on Standards of Official Conduct has brought recommendations to the floor disciplining an incumbent Member of the House, it has been made quite clear by the chairman of the committee that there are to be no extensions of remarks made to the body of the debate, but that extensions of remarks should appear either in the appendix of the CONGRESSIONAL RECORD or in the subsequent day's CONGRESSIONAL RECORD. Just so that there is no confusion, I would hope that that procedure would be followed in this instance because of the paucity of legislative history at the committee level.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Wisconsin.

That is exactly the point this gentleman is trying to make. All I would hope we could have is a statement similar to that precedent referred to by the gentleman.

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

Mr. WALKER. I am glad to yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, having been involved a number of times in legislative history before the U.S. Supreme Court, et cetera, I would point out that you have lawyers on each side, and I would also point out that you now have a video history of the House floor events which gives lawyers an option to examine as to what actually happened in the floor debate.

Mr. WALKER. Mr. Speaker, the gentleman is correct insofar as those cases which come up in 6 months are concerned, but those video tapes are destroyed after 6 months, so, therefore, there is not a permanent record, and the actual permanent record is that which appears in the RECORD. All this gentleman is seeking is some assurance that that which appears in the RECORD will be that which is the true legislative history on the floor. I will simply take a statement from the chairman of the committee that that is the intention that the committee would have with regard to establishing legislative history.

The SPEAKER. The Chair will instruct that the Official Reporters of Debates shall adhere strictly to the official rules of the Joint Committee on Printing in which the precise formula for distinguishing between that which was part of the debate on the floor and that which is inserted subsequently, not part of the debate on the floor, shall be made clear.

Mr. WALKER. Mr. Speaker, further reserving the right to object, do I understand the Chair is saying that if some Member adds material to the body of the RECORD, even though he spoke on the floor, that material will be italicized so it can be distinguished, and so it, therefore, would not necessarily constitute legislative history? Is that what I understand the Chair is telling me?

The SPEAKER. The rules of the Joint Committee on Printing, if the Chair fully understands them, do not require a revision, if within the parameters of the speech, to be so distinguished; they do require, if the Chair is correctly informed, that anything extraneously added and not a part of a speech officially made, nor a revision, presumably a correction made by a Member who had addressed the House, shall be so distinguished.

Mr. WALKER. Mr. Speaker, further reserving the right to object, this gentleman has no problem with that. This gentleman is concerned about a possible extension of remarks. If I understand what the Chair is saying, with regard to an extension of remarks under that situation; for instance, if a Member decides to add five pages of material, that would not fall under the rule as the Chair has stated it, and, therefore, it would be italicized. This gentleman is satisfied with that if that is the case.

If we are talking about grammatical changes, I do not have a problem with that. If we are talking about making incomplete sentences into complete sentences, I do not have a problem with that. But I do have a problem about adding pages of material that could end up being legislative history.

So do I understand that if some Member attempts to add substantial new material over what he or she spoke on the floor, that at that point that would be distinguished in a way that it would not appear that it was actually spoken on the floor?

The SPEAKER. The Chair would want to be somewhat precise in responding to the gentleman's inquiry. The Official Reporters of Debates have been asked to adhere strictly to the rules of the Joint Committee on Printing. I think the appropriate rule is rule No. 7. The CONGRESSIONAL RECORD shall contain a substantially verbatim account of remarks actually made during proceedings of the House subject to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved. The substantially verbatim account shall be clearly distinguishable by a different typeface from material inserted under permission to extend remarks.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, as the Chair well knows, we had a fairly lenient interpretation of that rule around here for a long, long time with regard to how much Members can put

into the record after having spoken only a few words on the House floor. We have allowed them to insert volumes of material from time to time having just spoken a few words of debate on the House floor.

This gentleman is very much concerned about this. We have no committee report on this bill. There is language in this bill that is, in the opinion of some lawyers, very difficult to understand. If in fact the whole history of this bill as established in the House is to be the legislative history on the floor over the last couple of hours, then I think we have some right to be assured that we will have a verbatim transcript of what went on on the House floor in the RECORD, and the fact is that when we deal, as the gentleman from Wisconsin has pointed out, with Official Standards around here, that is something we adhere to. I do not understand why, when we are dealing with a matter this serious, with this many questions, we cannot have that same standard apply.

All I am asking is for the chairman of the committee to give me some assurance that that is the intention. If we could get that kind of assurance, I am perfectly willing to grant the request. But if I do not get the assurance, then I am going to have to assume that what we have is the potential for material being added to the RECORD that will establish legislative history that goes beyond anything that was debated in the House over the last couple of hours.

Mr. Speaker, I guess I am asking, can we get that kind of assurance?

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

Mr. WALKER. I am glad to yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Speaker, certainly as I understand it, it is only a verbatim account which ought to be used as legislative history. I agree with the gentleman 100 percent, and I would praise him for bringing this issue up. I would again point out that I hope that advocates on either side of this issue would get a verbatim account of the proceedings and keep that record so that any possibility that it would be manipulated could be taken care of.

I am certain also that the chairman would agree that there should be no deliberate attempt on either of our parts, and certainly I, as a supporter of the bill, would not in any way want to attempt to alter or change the legislative history. That is why I read about 55 miles an hour when I was trying to get everything in the RECORD under the few minutes I had been allowed under the rule, and it was unfortunate that the rule was in that way so we could not get more direct legislative history in. So I certainly would not allow anyone that I knew in any way to alter the meaning of the words that I put in.

Mr. WALKER. Mr. Speaker, the gentleman points out another difficulty we have. The short amount of time we had to debate is in fact one of the problems.

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield, I cannot give any assurance about what a Member may do that might be in violation of the rule. I would think, if you would grant this unanimous-consent request on the condition that it not in any way violate the rules, including the joint committee rules on printing, then we could give the gentleman that assurance. I do not know of any other assurance that I could offer the gentleman. I do not know what will conform to the rules and what will not.

Mr. WALKER. Mr. Speaker, further reserving the right to object, is it the gentleman's intention as chairman of the committee that no material that is inserted in the RECORD under this request shall be regarded as legislative history for the bill?

Mr. HAWKINS. Mr. Speaker, if the gentleman will yield, I would think that is the final analysis. The courts are going to give what weight they would give to this as opposed to what else might be given.

Mr. WALKER. Mr. Speaker, I am seeking just basically a yes or no answer here. Is it the gentleman's intention that none of the material inserted into the RECORD after the debate is over, in other words, pursuant to the gentleman's particular request, should be considered as legislative history, that we will not have legislative history there?

Mr. HAWKINS. No. If the gentleman will yield, not as it conforms to what was previously said in the House and it was based on something factual with respect to that Member. I cannot give the gentleman any such assurance. That is the answer.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PERMISSION FOR SUBCOMMITTEE ON CRIMINAL JUSTICE OF COMMITTEE ON THE JUDICIARY TO SIT ON TOMORROW DURING 5-MINUTE RULE

Mr. BOUCHER. Mr. Speaker, I ask unanimous request that the Subcommittee on Criminal Justice of the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on tomorrow, March 3, 1988.

This request has been cleared by the minority, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PERMISSION FOR MEMBER TO INSERT EXTRANEOUS MATERIAL IN GENERAL DEBATE ON S. 557, CIVIL RIGHTS RESTORATION ACT OF 1987

Mr. FISH. Mr. Speaker, I ask unanimous consent that I be permitted to insert extraneous matter consisting of three letters immediately following my comments under general debate on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, did I understand the gentleman's unanimous-consent request to be that he wanted to insert material in the debate on the Grove City bill?

The SPEAKER. The Chair will point out that the request was made by the gentleman from New York [Mr. FISH].

Mr. SENSENBRENNER. Mr. Speaker, I would ask, is the gentleman attempting to insert material?

Mr. FISH. Mr. Speaker, if the gentleman will yield, that is correct. We have to wait until we get in the House in order to make the request. These are letters I referred to in the course of my remarks.

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

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT AS MEMBER OF COMMISSION ON RAILROAD RETIREMENT REFORM

The SPEAKER. Pursuant to the provisions of section 9031 of Public Law 100-203, the Chair appoints on the part of the House the following individual from private life to the Commission on Railroad Retirement Reform:

Mr. Robert J. Myers, of Silver Spring, MD.

□ 2015

WOMEN'S HISTORY 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 Senate joint resolution (S.J. Res. 262) to designate the month of March 1988, as "Women's History Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, the minority has no objection to this legislation.

Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI], formerly from the State of Maryland, who is the chief sponsor of House Joint Resolution 473, to designate the month of March as "National Women's History Month."

Ms. PELOSI. I thank the gentlewoman for yielding.

Mr. Speaker, it is my pleasure today to speak on the House floor in support of the first piece of legislation I have introduced as a Member of the House of Representatives.

Today, the House will act on House Joint Resolution 473, which my distinguished colleague, Representative OLYMPIA SNOWE, and I introduced. This resolution proclaims the month of March 1988, as "Women's History Month."

Women's history provides a new perspective for looking at the past, a perspective which honors the richness and diversity of the lives of the many women who came before us. It also presents a vision for the future, a vision that shows us there are no limits to achievement.

From Susan Brownell Anthony, who led women to the voting polls in 1872, only to be arrested and while awaiting trial, tried to vote again in city elections; to Eleanor Roosevelt, who emerged as a striking symbol of strength and good will during a tumultuous period of our Nation's history; to Rosa Parks, who defied a racist society and refused to move to the back of a bus, women have been at the forefront of revolution and change. As a mother of four daughters, I want all doors of opportunity open to them. The struggle for freedom and for rights by women in history has brought inspiration and determination for women in the present and in the future.

I ask my distinguished colleagues to join me in the celebration of "Women's History Month" and to support House Joint Resolution 473.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I rise in support of Senate Joint Resolution 262 and its House counterpart, House Joint Resolution 473, a resolution designating the month of March, 1988 as "Women's History Month."

Women have played a major role in all facets of American life. Throughout our history, women of all backgrounds, classes and ethnic heritages have contributed to our cultural, economic and social life. Women of every race were involved in the abolitionist and civil rights movements. American women are known worldwide for their philanthropic endeavors. And it was the struggle of dedicated women who secured voting rights for all qualified citizens; now women make up over 50 percent of the registered voter population in our country.

There are presently 54,520,000 women—45 percent—in the American work force. These are women, who continue to contribute to the social, cultural and economic growth of America in the pioneer spirit of their predecessors.

It is only fitting that women in our country be recognized.

I commend my colleague from California, Congresswomen PELOSI, for sponsoring this thoughtful measure in this House. And I would also like to take this opportunity to recognize the gentlewoman from Maine, Congresswoman SNOWE, for her tireless efforts on issues for the betterment of women and children.

Mr. Speaker, I am proud to be an American woman, and to have cosponsored this measure. I urge my colleague to support this resolution.

Mr. Speaker, I would also like to take the opportunity to recognize the gentlewoman from Maine, Congresswomen SNOWE, for her tireless efforts on issues for the betterment of women and children.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I withdraw my reservation of objection.

Mrs. KENNELLY. Mr. Speaker, it is with great pride and enthusiasm that I cosponsored this bill proclaiming March 1988 as Women's History Month. I feel this is a small but significant way to pay tribute to the many women whose influence and accomplishments have helped to shape American History. Women's achievements have gone virtually unnoticed by traditional historians.

During Women's History Month, we seek to encourage both men and women to look back in history, to look beyond the traditional history books to discover the interesting and important things women have done. Women's contributions and influence were, and continue to be, great in so many areas: the art of Bertha Morisot, Mary Cassatt, and Georgia O'Keeffe; the writings of Jane Austin, Virginia Woolf, and the Bronte sisters; the drama of Lillian Hellman and Lorraine Hansbury. All of these women, and many others, have made tremendous contributions in the fields of art and literature.

Women like Dr. Elizabeth Blackwell have paved the way for women in the field of science and medicine. More recently, Carol Gilligan has challenged the findings of Freud and the early developmental psychologists, offering a new perspective on women's psychological and moral development. Great athletes such as Wilma Rudolph have proven that women can compete and excel in the Olympic games.

And, let us not forget the hard work and dedication of suffragettes such as Elizabeth Cady Stanton and Alice Paul. Because of the efforts of these women, all American women can take part in our electoral process by exercising their right to vote. And, of course, the work of Frances Perkins, the first woman in the Cabinet and author of the bill that eventually became Public Law C531, known more commonly as Social Security. During the month of March, it is our hope that men and women alike will remember and honor these and other special women for their important role in shaping our Nation.

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. 262

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of the Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in this country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American History: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March 1988, is designated as "Women's History Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month 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.

DEPARTMENT OF COMMERCE DAY

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Commit-

tee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 251) designating March 4, 1988, as "Department of Commerce Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation being considered.

I do want to commend the two sponsors of the legislation, the gentleman from Washington [Mr. FOLEY] and the gentleman from Illinois [Mr. MICHEL] for sponsoring House Joint Resolution 447, designating March 4, 1988, as "Department of Commerce Day."

Mr. FARLEY. Mr. Speaker, in the early 1900's, it was President Theodore Roosevelt who, with business and Government leaders, first envisioned what would become the Department of Commerce; a Federal agency which would establish the United States as a leader among our industrial competitors. Seventy-five years later we join with the Senate in honoring this occasion by designating March 4 as "Department of Commerce Day."

The first Secretary, William C. Redfield, assumed the responsibility for this most versatile of all departments. Its many components include:

The International Trade Administration which supports commercial representatives in foreign capitals and industrial centers as well as administering our Nation's trade laws;

The Census Bureau which will be conducting its bicentennial poll of social and economic statistics for business and Government planners;

The U.S. Patent Office which is the final clearinghouse for all intellectual property rights;

National Oceanic and Atmospheric Administration which is our Nation's weather bureau and is responsible for plotting large portions of the Earth's surface;

The National Bureau of Standards which helps to advance the Nation's science and technology and ensures their availability to the public. This year NBS will be administering the first Malcolm Baldridge Quality Award to recognize efforts by business to achieve the highest level of quality; and

The Minority Business Development Administration which assists the growth of minority enterprises.

Although the responsibilities and operations of the Department have changed over the years, promoting the economic growth of the United States remains the fundamental duty of the Commerce Department. Gouverneur Morris, during the Constitutional Convention in 1787, was one of the first advocates of a Secretary of Commerce. Over 200 years later, the original concept of a steward to guide the commercial interests of the United States still endures.

Mr. MICHEL. Mr. Speaker, I am pleased to join the majority leader in sponsoring House Joint Resolution 447 and endorsing the companion measure here, Senate Joint Resolution 251, honoring the Department of Commerce on its 75th Anniversary by declaring March 4, 1988, to be "Department of Commerce Day." This commemorative for one of our distinguished executive branch departments was cosponsored by 230 Members of this House and 63 Senators in the other body.

Such widespread support is indicative of the important role the Commerce Department has played in 75 years of service to the Nation. Its mission of fostering, promoting, and developing the foreign and domestic commerce of these United States is indeed worthy of recognition, perhaps now more so than ever.

Not until early in the 20th century when the United States had become an industrial power in the world did Congress finally establish a Department of Commerce to promote industry and trade. The Department's true beginnings, and many of its component programs precede its official birthdate by more than a century. In the critical period between the Articles of Confederation and the ratification of the Constitution, the common interest in expanding commerce was the strongest link which bound the newly independent States.

As the Nation commemorates the 200th anniversary of the oldest written constitution still in use and the Department of Commerce begins the celebration of its own 75th year, the strength and importance of this link remain. The expansion of commerce is still the key to the development of the United States as the most productive and prosperous country in the world.

My congratulations to Secretary Verity and all his distinguished colleagues on this occasion.

Mrs. MORELLA. 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. 251

Whereas the ability of the United States to provide for the economic security of the American people depends primarily upon the vitality of the private sector and the competitive free enterprise system;

Whereas the ability of the private sector to generate jobs and a constantly improving standard of living depends heavily on the policies which the Federal Government pursues and the services it provides;

Whereas the Congress of the United States, recognizing the importance of these policies and services, on March 4, 1913, reestablished as the Department of Commerce the executive agency created by the Act of February 14, 1903, and directed it to "foster, promote, and develop the foreign and domestic commerce" of the United States;

Whereas the Department of Commerce has been charged with many important responsibilities, including the effective administration of the trade laws, providing social and economic statistics for business and government planners promoting the protection of intellectual property at home and abroad, advancing the Nation's science and technology and facilitating their use for public benefit, working to improve our understanding of the Earth's physical environment and ocean resources, helping the private sector take advantage of commercial opportunities in space, assisting in the growth of minority business, promoting domestic economic development, assessing policies and conducting research on telecommunications, and encouraging foreign travel to the United States; and

Whereas the officers and employees of the Department of Commerce, by their dedication, diligence, loyalty, and integrity, reflect the finest traditions of public service and, along with the important work they perform deserve public recognition as the Department of Commerce celebrates its seventy-fifth birthday: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States in Congress assembled That March 4, 1988, is designated as "Department of Commerce Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that 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.

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 two Senate Joint Resolutions just passed.

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

There was no objection.

PERMISSION TO INCLUDE AN EXTENSION OF REMARKS IN TODAY'S RECORD

Mr. HOYER. Mr. Speaker, in light of the action that has just been taken, I had a revision of remarks which I now ask unanimous consent to have included in the Extension of Remarks in today's RECORD. I had talked to the gentleman from Pennsylvania, and I showed the remarks, by the way, to the gentleman from Pennsylvania, although he has not had an opportunity, obviously, to study them, but they do deal with the specific section giving a colloquy of essentially the things that occurred in the Senate.

My unanimous-consent request, Mr. Speaker, is that they appear in today's RECORD under Extensions of Remarks.

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

Mr. WALKER. Reserving the right to object, Mr. Speaker, it is my understanding the gentleman is requesting not that these remarks be put in the body of the debate, but rather that they be included in the Extensions of Remarks in the back of the RECORD, is that correct?

Mr. HOYER. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

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

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

There was no objection.

GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Illinois [Mr. ANNUNZIO].

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

There was no objection.

THIRD WORLD DEBT RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, on February 29, James D. Robinson III, chairman and chief executive officer of American Express Co., outlined a detailed and comprehensive proposal to ease Third World debt burdens by creating a new international institute that could purchase commercial bank debt at a discount.

Benefits from these discounts could then be passed along to debtor countries, provided that agreement could be worked out, on a case-by-case basis, with individual countries to assure that necessary economic reforms would be taken to promote the long-term development prospects of these countries.

In making this proposal, Mr. Robinson has put out the "Open for Business" sign for those who have ideas on confronting the Third World debt crisis which is now well into its sixth year.

This problem has resulted in deteriorating terms of trade for the United States; the loss of hundreds of thousands of American jobs; substantially lower living standards for hundreds of millions of Latin Americans, Africans, and Asians; uncertainty in world financial markets; and increased political instability in many newly established democracies in developing countries.

Last year, I introduced legislation to begin the process of establishing an International Debt Management Facility to act as a mechanism to deal with this issue on a comprehensive basis, and to stick with the problem until it became manageable. In effect, I proposed an "International Chapter 11" bankruptcy procedure to replace the ongoing process wherein debtor countries and their creditors engage in a series of protracted rescheduling negotiations in which nothing is ever truly resolved, but the mountain of debt is simply pushed forward into the future.

I believe that Mr. Robinson's plan is fully consistent with the approach I suggested last year; and even better, his proposal has been worked out in significantly greater detail to demonstrate that it is financially feasible. What is presently lacking, however, is the political will to make it happen.

Unfortunately, my concept has been strongly opposed by the administration during the past year, and it will, I expect, also oppose the Robinson approach. Instead, the administration continues to insist on its current approach which, while long on rhetoric, has produced very little in reality.

The administration insists that circumstances are improving; that there is light at the end of the tunnel; but the World Bank issued a report in February documenting the opposite.

The administration maintains that additional lending—and additional debt—is the answer; but commercial banks are going in the opposite direction. They are reserving more; writing off more; and lending less.

In December, the administration finally found a "market-oriented" voluntary debt relief program which it liked in the Mexico-Morgan Guaranty plan. Unfortunately, it has apparently not met initial expectations.

The administration is now calling for a massive increase of World Bank resources, much of which would go to something called "structural adjustment lending"—a code word for balance-of-payment loans to enable developing countries to pay interest on their debts. In short, the World Bank is becoming less of a development institution, and more of a short-term financing mechanism—a trend which should be more carefully examined.

Because of the timeliness and extreme importance of Mr. Robinson's remarks last night before the Overseas Development Council, let me take a few moments to summarize the details of how the plan would work, and then place the entire text of his speech in the RECORD.

Essentially, the Robinson proposal is to convert at least part of the developing countries' commercial bank loans into longer term, more reliable securities. The Institute for International Debt and Development would be sponsored by the governments of the larger industrial countries, which would contribute the initial capital. Both the World Bank and the International Monetary Fund may also contribute. Commercial banks who choose to participate would receive preferred stock from the Institute in exchange for their existing LDC loans.

Under this innovative plan, the Institute would be governed by representatives of the sponsoring governments, the World Bank, the IMF, and the banks. Administration of the Institute would be in the hands of a general manager through a joint venture of the IMF and the World Bank. Voting power in the agency would be according to each government's financial contribution.

The value of the loans bought by the Institute from the banks would be at a substantial discount, to be determined by the Institute's directors and not necessarily equal to the current secondary market valuation of the debt.

After arranging to buy a country's debt, the Institute would negotiate an agreement providing relief either through lower interest rates or reduced principal. In order to guarantee a positive cash flow for the Institute, each participating LDC would be required to pay—for at least 2 years—more than the interest payments made by the Institute on the debt it holds. An important feature of the plan is that all debt acquired by the institute would be subordinate to any subsequent obligations incurred by the debtor nations.

In exchange for the debt relief provided by the Institute, LDC's would have to accept limitations on new borrowing, fiscal and monetary reforms promoting economic growth, and minimum percentages of export revenues to be dedicated to servicing their external debt.

Since participating banks will incur a significant loss as a result of the discount on their existing LDC loans, it should be clear that the Robinson plan is not a "bail-out" of private financial institutions. The proposal does not let either the borrower or the lender off the hook. Instead, it brings everyone together—debtors, creditors, and industrialized countries—in an effort to deal with this vexing problem in a comprehensive manner.

Mr. Robinson has met with a number of Japanese and European officials who have expressed a willingness to discuss their participation in this enterprise. Their interest in participating in the Institute appears to contradict the administration's contention that such a multilateral agency would have little support in these creditor nations.

I hope and believe that the Robinson proposal will initiate a new round of debate and discussion on appropriate ways to deal with the debt problem. We continue to "muddle through" at a very high risk.

The full text of Mr. Robinson's speech follows:

A COMPREHENSIVE AGENDA FOR LDC DEBT AND WORLD TRADE GROWTH

(By James D. Robinson III)

While we in the United States have enjoyed the longest sustained period of peacetime economic growth in our history, there is widespread agreement that the world economy today suffers from chronic structural imbalances—imbalances which have grown dramatically over the past several years.

The U.S. twin deficits;

The trade surpluses of Germany, Japan, and the newly industrialized countries of Asia;

The consumption bias of the U.S. versus the savings bias of its trading partners.

Another imbalance is the debt burden of less developed countries, and the fragility of the world financial system related to these troubled loans in bank portfolios.

Economic growth and prosperity around the world have been hurt by these imbalances. The pain has ranged from less exports and fewer jobs in developed countries, to poverty and political instability elsewhere.

Reductions in the budget and trade deficits are top priorities in the U.S. political agenda and have been for several years. They are getting serious attention, actually progress has been slow—embarrassingly slow.

Easing the LDC debt burden has had a much lower national priority. Indeed, LDC debts seem to be a faraway problem for most Americans. Some think of them solely as an issue for the big banks or as some foreign problem that will one day correct itself.

The blunt reality is that LDC debt has taken a heavy toll on the world economy. For many less developed countries, it has

choked off growth and development. The opportunity cost for the developing countries is beyond measure in economic, political, and human terms.

For the developed countries, LDC debts are a silent burden, constricting trade and economic activity. At any time, the LDC debt problem could deteriorate into a financial crisis, triggering world-wide recession

Now, I am not predicting an imminent financial or economic crisis. But I am saying these imbalances, despite many good efforts, have proven highly resistant to self-correcting market remedies to date. Our best antidotes have been case-by-case reschedulings, IMF austerity programs, and the Baker plan.

The current strategy of case-by-case negotiations among the banks, the central banks, the LDC's and the IMF has so far held a crisis at bay. It's been a good strategy for its time, and must continue to be a major part of any future strategy. But it has not brought with it adequate resources to support sustained growth in LDC economies and the consequent gain in living standards.

The case-by-case approach has bought time and set the stage for a solution. But many believe it has not helped the LDC debt problem get much better. As the World Bank said in its report on LDC debt in January, the participants in LDC negotiations are suffering from "debt fatigue."

I believe the time has come to develop new approaches—approaches that are comprehensive—and that's what I want to talk about tonight.

My objective is to shift the dialogue and the focus to the comprehensive level—a level that acknowledges the interrelationship between trade and debt, growth and national security, prosperity and peace.

What I am suggesting is a new approach that seeks to share the burdens, risks and benefits of LDC debt restructuring. The approach that my associates and I at American Express and Shearson Lehman Hutton have developed centers on the creation of a new entity—an entity that will serve as an international reorganization facility.

We've called the facility "The Institute of International Debt and Development." Its purpose is two-fold: First, to provide the IMF and World Bank with new options, powers, and incentives in negotiating programs for LDC economic growth and reform. Second, to act as a reorganization entity for LDC debts, by acquiring outstanding sovereign bank debt, at a discount, country-by-country, in exchange for new, long-term high-quality obligations.

Tonight, I offer this presentation as an example of the type of comprehensive solution we believe is necessary. I hope it can serve as a catalyst to start an active dialogue.

Before describing the proposal, however, permit me to discuss why I believe the LDC debt problem calls for such an approach. Agreement on the need for action is in many ways just as important as agreement on specific solutions.

When the LDC debt crisis surfaced five-and-a-half years ago, the response adopted in Mexico, and subsequently elsewhere, was the classic solution to a liquidity crunch: Temporary rescheduling of loan repayments, belt-tightening by the debtor countries to free up funds for debt service, and new loans by the banks to tide the debtor countries over until improved conditions allowed normal debt servicing.

This ad hoc policy, labeled by some as "muddling through," was put into place with the original Mexican crisis. It has remained the predominant approach to the LDC debt crisis since 1982. Now, "muddling-through" is not meant as a perjorative. When faced with difficult choices, small-steps and crisis management may well be the right strategy. But, unless time in fact will solve or ease the problem, "muddling-through" may simply allow conditions to grow worse and the problem to get larger.

For several years, this case-by-case approach worked. The austerity programs many LDC's adopted under IMF prodding sharply cut their imports. A pick-up in world growth from 1983 to 1985 and large devaluations of LDC currencies helped their exports. As a result, many debtor countries were able to run large enough trade surpluses to generate funds for debt servicing. Finally, the secular fall of interest rates helped by reducing financing costs.

But has progress been an illusion? The LDC debt burdens that sparked the crisis have not gone away. Certainly major confrontations have been avoided, so the case-by-case approach has not failed; but have the results been adequate?

In almost all cases, LDC debts are higher today than they were in 1982:

Mexico, for example, had total debt at that time of $88 billion; in 1987, it was $104 billion.

For Brazil, total debt expanded from $84 billion to $105 billion in 1987.

For eight major Latin American debtors, total debt grew by more than $65 billion over this period.

Of course, growth in debt by itself may not be a sign of trouble, if economic growth or the ability to service the debt increase more rapidly. Generally, this has not happened. Debts of LDC's have risen faster than either their economies or their exports. Debt to GNP ratios have worsened for problem LDC's from 43% in 1982 to 49% in 1986. Ratios of debt to exports—an important measure of the ability to generate income to service debt—have gone up.

As LDC debts have grown, so have their burdens.

On the LDC's, both economically and politically;

On world trade in general;

On U.S. exports in particular; and

On the world's financial system.

Many LDC's have experienced several years of austerity. Real per capita income declined over the 1981-1987 period for all major debtor LDC's, except Brazil. Inflation rates have been high, poverty has worsened. The economic and social costs of trying to generate export earnings principally to meet debt payments have grown. These are the ingredients of political instability.

World trade has also been distorted. Since 1981, U.S. exports to LDC's have fallen. For example, U.S. exports to Latin America alone were $11 billion lower in 1987 than in 1981.

U.S. exporters have suffered and American workers have lost jobs. If the U.S. could regain just the $11 billion in lost exports to Latin America, up to 200,000 jobs could be recovered. If it could regain the $150 billion in total lost exports recently estimated by the overseas development council, 1.7 million U.S. jobs could be created. Clearly, the benefits of a comprehensive solution can be significant.

Finally, LDC debts have been a burden on the world financial system.

Questions about the value of LDC loans have hurt the credibility of bank income statements and balance sheets.

Stock prices of money center banks are below book value, limiting their access to much needed new equity capital.

So, despite many positive contributions from the case by case approach, the risk of a debt crisis still hovers over the financial markets. Can "muddling-through" continue to keep it at bay, awaiting a better tomorrow? What happens when interest rates go up, which they will one day? What happens when U.S. imports start to fall because of our high trade deficit?

What will happen? No one knows. Debt repudiation, a term no one utters, except behind closed doors, has always been a risk. As debt service burdens remain heavy and prospects for new loans and growth stay limited, debtor countries are left with difficult options. Any uptick in interest rates on the larger debt bases will seriously increase the pressure.

Prolonged nonaccrual, much less debt repudiation, would of course be dangerous to banks in the U.S. and elsewhere. In some cases, LDC loans are more than the bank's total capital. The U.S. Government, which insures deposits, or the taxpayers may be forced to act as lender of last resort.

Debt repudiation is obviously a serious matter for debtor countries as well. It would mean the loss of new trade credit; it would impair access to capital markets for many years; capital flight would surely accelerate.

Debt repudiation by one or more major LDC's remains highly unlikely. But, debt repayment moratoriums or suspensions, ceilings on repayment, and other unilateral actions by debtors are possible if conditions deteriorate.

Brazil last year unilaterally suspended its interest payments on certain commercial bank loans. Clearly, it's good news to learn Brazil will soon complete negotiations with the IMF and the banks on a new package of economic reforms, renewed debt service, and new loans. We also hope that the recent IMF/Argentina negotiations on economic reforms have a similar outcome.

Case by case agreement by LDC's on their debt service responsibilities is absolutely necessary to any long-term solutions. But the economic cost of servicing all their existing debts, without sufficient capital for much needed growth, continues to be a "Catch 22."

In the face of this reality, banks, both in the United States and elsewhere, have been increasing reserves and writing off or selling LDC loans, especially since May of 1987. Secondary market valuations for LDC loans, admittedly in a thin market, have moved in one direction—downward. Regional banks with less exposure have been able to write off or sell most or all of those debts.

That action places pressure on larger banks to do the same. Yet, the magnitude of losses that such banks would have to take makes similar acitons more difficult. Of course, if the Financial Accounting Standards Board goes ahead with its proposed requirement that U.S. banks mark down loans, including those to LDC's, to secondary market value, there would be little choice.

Now, loan write-offs or credit reserve increases are not really a blessing for the LDC's. A written-off loan remains a legal obligation of the LDC, and banks will try to collect whatever they can. New credits that LDC's desperately need are even less likely to occur under these conditions. Also as regional banks and others exit the business, the pool of banks ready to make international loans grows smaller and smaller.

The danger in the present situation is that the banks and the LDC's can fall into a war of attrition, grinding each other down in the effort to gain a negotiating advantage. At some point, that struggle could then turn into a mutual suicide pact, crippling both banks and LDC's.

The bright side is that the banks' increase of reserves and the LDC's recommitment to debt service have provided flexibility for new approaches. New initiatives have been launched to promote private investment in the LDC's, such as the Multilateral Investment Guarantee Authority, "MIGA". Also approval of the enhanced structural adjustment facility within the IMF offers much needed help to the poorest debtor countries, especially in Africa.

Are we at a turning point? Does success with Brazil or Argentina and other initiatives in fact give us a new window of opportunity? Is there, or should there be, an alternative to "muddling-through" . . . A new, more comprehensive approach that supplements and goes beyond the capacity of efforts to date? I think there is. Indeed, there must be.

The Baker plan with its shift in emphasis from austerity to growth, was a good intitial step. It's an important approach, which has proved its worth over the past few years—and still provides a valuable framework. Debt/equity swaps, and other initiatives, have expanded the menu of options. All of these represent important contributing pieces. What the Baker plan has lacked, however, are:

Mechanisms to encourage adequate new lending and investment:

Adequate incentives for LDC's to adopt market-oriented policies; and

The means to assist these countries during a difficult adjustment period when both debt service and growth have to be accommodated.

Where is the light at the end of the tunnel, where banks and capital markets voluntarily extend new credit to LDC's on commercial terms?

More recently, the Morgan/Mexican plan has attracted attention as a way for Mexico to reduce sovereign bank debt. We all hope the tended is successful. Yet even this plan will have only a limited impact for Mexico, and its applicability elsewhere is confined to LDC's with access to sufficient foreign-exchange reserves. Nevertheless, initiatives like this should all be welcomed for whatever individual or collective contribution they can make.

But we still need, in my view, a more comprehensive approach to deal with the major imbalances and present realities.

A market-oriented approach that allows present initiatives to continue, yet establishes an additional framework of broader potential and promise?

A mechanism that allows the creditor and debtor countries, together with financial institutions and central banks to come together on a country-by-country basis in a program that involves significant contributions by each party, in expectation of major benefits for all?

The Institute of International Debt and Development, or I2D2 as we call it for convenience, is such a program. I offer I2D2 tonight as an example—a starting point—as a challenge to others to improve it or to put forth sounder comprehensive solutions. My purpose in describing the proposal is also to highlight the issues that need to be addressed and how in a comprehensive approach they can be knitted together.

I would now like to summarize the features of I2D2. Please bear with me through some detail. We do have a booklet available for you that covers the program in great depth.

Our proposal calls for:

1. The creation of I2D2 as a joint venture of the IMF and World Bank. By drawing substantially from their staffs and capabilities, the need to build a new bureaucracy is avoided.

2. In terms of organization, the I2D2 Board of Directors would include representatives of the sponsoring governments, the IMF, the World Bank, the participating debtor countries, the creditor financial institutions and central banks. The managing director would come from the IMF or World Bank or be hired by them.

3. Major developed country governments—called the sponsoring governments—are asked to provide the initial capital of I2D2, either directly, by call or through arrangements made with the IMF or World Bank. On-going supplemental contingent support would also be provided.

4. I2D2 will seek to negotiate agreements on a case by case basis. Debtor governments that elect to participate would agree to implement economic and financial policies that lead to noninflationary growth, open markets and build creditworthiness.

5. I2D2 would also negotiate with creditor banks to purchase their LDC loans at a discount in exchange for high-quality obligations issued by I2D2. These obligations would be in the form of floating rate consols (perpeptual bonds) and participating preferred stock. Because of the contingent commitments from the sponsoring country governments, the rating on the debt would be among the highest given.

6. Because I2D2 buys LDC debt from the banks at a sizeable discount from face value, its own debt servicing needs would be considerably less than present debt service requirements. Because of this, I2D2 will be able to provide meaningful debt concessions to the LDC's during the adjustment period.

7. A key feature of I2D2—a powerful feature—is that, once it buys the LDC debt from the banks, it subordinates that debt to all new debt issued. That means that new loans would have a prior claim on resources over debt purchased by I2D2. The subordination step is a key factor in opening up new sources of credit for the country.

8. Debt subordination and the concessionary terms negotiated with any participating country are major tools that are presently unavailable to the IMF or World Bank. I2D2's powers to grant debt relief and debt subordination are very attractive incentives for LDC's to "stay the course" on the reforms needed to restore economic health and creditworthiness. Subordination and concessions can be suspended if a country does not meet I2D2 covenants on structural adjustments, or whatever the agreement in force provides, such as limits on the amount of new senior borrowing.

9. In short, the scope of incentives and the mechanisms for discipline are well beyond anything presently available. The increased credibility of the LDC's economic reforms generated by the use of those two features should not only open LDC access to credit markets, but also represent a "safe harbor" attraction for direct foreign investment and increased foreign aid.

Now, what's the size of the program I'm talking about? Sovereign bank debt of the seventeen rescheduling countries covered by the Baker plan is about $250 billion. Suppose for the moment that I2D2 negotiated over a period of time to buy all $250 billion.

If I2D2 ultimately acquired all of that debt at, say, an average of 60 percent of face, only $150 billion of I2D2 securities would be needed in the exchange. We've arbitrarily split the securities into $125 billion of consols and $25 billion of participating preferred stock. This would be supported by $12.5 billion in equity capital raised from the sponsoring governments. The equity capital would serve as a reserve. It may be paid in or callable.

While I have referred to $250 billion as the size and scope of the proposal, that is simply a framework—in fact, it could turn out to be much smaller. I2D2 would be implemented voluntarily, so some countries may choose not to participate; or they might not reach mutually acceptable terms; or I2D2 might decide a particular country was ineligible; for instance, because its actions were those of a "rogue" debtor. In addition, the amount of capital the developed countries are prepared to commit may not allow I2D2's ultimate size to be that large.

The concept is what I want to establish—the actual size will depend on a number of considerations. The program is modular, although part of its flexibility and strength comes from a pooling of cash flows from a number of participating LDC countries who pay their negotiated debt requirements to I2D2.

While negotiating with a particular LDC on market-oriented reforms, I2D2 would seek bank consensus on an exchange package for that country. The discounted price that I2D2 would pay the banks will take into account several factors, including estimates of the debtor's ability to pay interest, concessions determined appropriate, and the value of the loans in the secondary market.

Please note that to make subordination feasible, free riders can't be allowed; therefore, all sovereign bank debt owed by a contracting debtor country must be acquired by I2D2. To encourage bank participation in full, an acquisition premium over the secondary market would be appropriate. Also, bank regulators would be directed to allow the discount from the debt's face value to be treated as a reserve in a bank's capital base and/or amortized over several years. Banks that choose not to participate would be offered lower yielding exit bonds, or would be required by the regulators to mark down the loans to market value without the benefit of the special reserve treatment or the longer amortization period.

We have included more detail and a variety of additional considerations in the booklet I imentioned earlier.

As you can tell, in our effort to offer a more constructive solution to the LDC debt problem, we did not reinvent the wheel. Some very bright people around the world have been thinking about this question. Government officials, members of Congress, experts in the IMF and World Bank, economists, academicians and members of the banking community—too many to mention by name—have devoted time and energy to developing proposals for dealing with LDC debts. We have benefited from their ideas, as we have from discussions with a number of government and business leaders in several countries.

What's unique about our plan?

First, it addresses new money needs and it establishes ongoing discipline. The subordination feature opens the doors for new money sources. The plan also creates ongo-

ing discipline by making subordination, as well as concessions, contingent on achieving the structural, market-oriented reforms agreed to by the participating LDC's.

Two weeks ago, in a speech at the Bretton Woods committee meeting, Secretary of State John Whitehead said that an issue "which merits creative thinking in the period ahead is how to encourage developing countries to adopt better economic policies that promote growth." I2D2 not only does that, it also encourages countries to stick to those policies.

Second, a major objective of a comprehensive approach is to get the United States and other G-7 governments more directly involved. World trade growth depends on it; more market-opening trade policies can flow from it.

Third, it provides the IMF and the World Bank with an international reorganization facility that is presently lacking—one that can offer meaningful incentives. Such a facility can negotiate and execute comprehensive solutions on a case-by-case basis. The private banking community cannot do that. Someone must.

Fourth, it strengthens the world banking system. I2D2 does that, country-by-country, as agreement is reached and I2D2's high-grade securities are exchanged for lower quality debt presenty in bank portfolios. This reduces the uncertainty plaguing bank income statements, balance sheets and stock prices.

Fifth, since the banks take a sizeable loss, it is not a bank bailout.

That's enough on the details of I2D2. I hope you believe as I do that it is time to develop comprehensive concepts. As to I2D2, I'm sure you have questions. Let me try to answer some in advance.

First, "Why would the governments put in any money and take an ongoing contingent risk?" The answer, in my view, is that it's in their best interest to do so.

Timely involvement by the G-7 governments can not only lead to greater growth in world trade and economic prosperity but also strengthen the world's banking system and reduce the risk of a possible and more costly rescue effort in the future. Remember, an ounce of prevention is worth a pound of cure.

For those who believe the "muddling through" approach and time is all that is needed, I ask, what happens if you are wrong?

Why not develop comprehensive programs and have them ready? Test them for effectiveness now; roll them out as conditions permit, have them available, if not in place, before problems get out of hand.

Another question might be, which governments will play?

Based on my personal discussions with a number of Japanese Government and business leaders, I'm convinced the Japanese are clearly looking for approaches to recycle funds in a major way and to take a more substantial role in world financial affairs. I think there is a chance they would be a major participant. It's possible, in fact, they would consider taking * * *

A significant share of the equity. What's needed is for the United States to endorse the concept of a comprehensive approach—one that seeks a partnership with the Japanese and other key countries.

In fact, I believe that LDC debt and trade should be a centerpiece for the next G-7 summit.

We think the Institute of International Debt and Development is a workable and comprehensive solution to the LDC debt problem. It is widely applicable, yet can be implemented country-by-country—when needed.

There are certainly other comprehensive approaches. For instance, the debtor governments themselves could offer to exchange consols directly with banks under an I2D2 framework. Under such a plan banks would be asked to pay sizable insurance premiums to I2D2 which when combined with some callable equity from the sponsoring governments, and, as some have suggested, perhaps further supported by private reinsurance, would serve to guarantee the interest flow. Perhaps that route would be more readily acceptable, and less costly, than the I2D2 proposition I've just outlined.

Again, my point tonight is to shift the dialogue to a comprehensive level. In the weeks and months ahead, I hope there will be active participation in that dialogue by governments, international institutions, the financial and business community, academia and knowledgeable media.

Certainly, there are many ideas in this room and elsewhere. Let's put up an "open for business" sign and seek them out.

In conclusion, it's time to support the general capital increase of the World Bank. It's time to expand our support of the Uruguay round of the GATT negotiations. And it's time to take the next step in the Baker initiative by finding workable, comprehensive approaches. All of us have a vested and collective interest in doing so.

Yes, it is time to expand our vision to the interrelationship between trade and debt, growth and national security, prosperity and peace.

Remember, George Marshall was right: without economic prosperity there can be no lasting world peace. Thank you.

COAST GUARD BICENTENNIAL MEDAL ACT COSPONSOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, it is my great privilege and honor to add our distinguished colleague from Florida, the chairman of the Subcommittee on Coast Guard and Navigation, Mr. HUTTO, as the first cosponsor on H.R. 3919, a bill I introduced to authorize the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard in 1990. These medals will join with bicentennial medals authorized in 1975 in commemoration of the bicentennials of the U.S. Army, Navy, and Marine Corps.

The members of the Coast Guard and its predecessor services have a long and distinguished record of service to the United States, and particularly to mariners.

The Coast Guard is worthy of commemoration as part of our bicentennial celebrations.

Under the rules of the Consumer Affairs Subcommittee, medal bills cannot be considered until they have at least 218 cosponsors. I urge all Members of this House to join with the chairman of the Subcommittee on Coast Guard and Navigation and myself in cosponsoring this legislation by calling the Consumer Affairs Subcommittee at extension 6-3280.

Mr. HUTTO. Mr. Speaker, I am pleased to join with the distinguished gentleman from Illinois, Mr. Annunzio, in cosponsoring H.R. 3919 to provide for a commemorative medal in honor of the bicentennial of the U.S. Coast Guard, which will celebrate its 200th birthday on August 4, 1990.

The Coast Guard is the oldest continuous sea-going service of the United States, and Coast Guard personnel have fought alongside the Navy in every war since the United States conflict with France in 1799.

All Americans benefit from the services of the men and women of the Coast Guard, whether it be directly as the result of search and rescue missions or indirectly through enhanced port security, the cleanup of oil spills, the safe transport of consumer goods made possible by the Coast Guard's system of aids to navigation, or the interdiction of illegal drugs plaguing our Nation.

The many missions of the Coast Guard are critical to the health and safety, as well as the national security, of our Nation. As the fifth branch of our Nation's Armed Forces, the Coast Guard is a 24-hour-per-day, 7-day-per-week service whose personnel put in 96 hour work weeks, without overtime pay, if that's what it takes to get the job done. Despite ever-increasing missions and cuts in their funding, the dedicated men and women of the Coast Guard continue to live up to their motto—Semper Paratus—Always Ready.

In addition to the commemorative medal proposed by the gentleman from Illinois, the members of the House Merchant Marine and Fisheries Committee have recommended to the Citizens' Stamp Advisory Committee that a commemorative stamp be issued in 1990 in recognition of the bicentennial of the Coast Guard. We have also introduced a resolution, House Joint Resolution 456, directing the Postmaster General to issue a Coast Guard commemorative stamp, and I invite all Members of the House to join in cosponsoring that resolution honoring the Coast Guard, also.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, I have information that the gentleman from California [Mr. SHUMWAY] has laryngitis. He is going to do his special order tomorrow and I am going to do a little piece of it tonight in mine.

I ask unanimous consent that this may be the order of business.

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

There was no objection.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, the gentleman from Indiana [Mr. BURTON] has a special order following mine.

Mr. Speaker, I ask unanimous consent that we reverse our order and he be allowed to go ahead of me. The gentleman has some pressing business this evening.

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

There was no objection.

REPORT ON PANAMANIAN INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. DORNAN] for being so kind by letting me go first.

Mr. Speaker, I just returned from Panama. While I was down there I had some interesting information conveyed to me by a number of people who reside in Panama, including members of our Government who are stationed down there in the military and in our embassy. The information that I learned was that Mr. Blandon who has been testifying before a committee in the other body has a Marxist background.

Many people with whom I talked said flat out that he is a Communist.

Mr. Blandon has made some very interesting revelations during his testimony before the committee in the other body regarding the military strongman, the head of the Narco military complex down in Panama, General Noriega.

He has also made some allegations regarding the Vice President of the United States who is now running for President, Mr. BUSH.

Because Mr. Noriega is perceived to be everything that he has been depicted to be by Mr. Blandon and others who have been involved in the indictment of Noriega by our Government in Miami, our U.S. Attorney in Miami with the assistance of the Drug Enforcement Agency, it has given Mr. Blandon a great deal of credibility.

Now, I do not take issue with what Mr. Blandon has said regarding General Noriega, because I think his statement and the indictment together speak for themselves, but what I do question are the comments and allegations that he has made regarding the Vice President of the United States, i.e., that the Vice President called General Noriega the night before we invaded Granada. General Noriega contacted Mr. Blandon. Mr. Blandon contacted Fidel Castro at 2 in the morning and Castro then called General Noriega back around 4 a.m.

The Vice President has vehemently denied this took place, but Mr. Blandon has received a great deal of credibility in the media because of his denunciation of General Noriega and the revelations about General Noriega; so the credibility he has gained while attacking General Noriega I think gives him a modicum of credibility in other areas, that is, the allegations against the Vice President of the United States.

Now, I have a great deal of concern about that. We are in an election year. The Vice President of the United States is running for President. He appears to be the frontrunner right now and very well may be our nominee. The allegations that Mr. Blandon has made may very well come up in the Presidential campaign this fall if Mr. BUSH is our nominee for President.

For that reason and not because I have any real concern about his testimony regarding General Noriega, I believe that the other body and this body collectively should request that Mr. Blandon be given a polygraph. The testimony that he has given according to sources with whom I have talked is not essential to the case against General Noriega that is pending in Miami, FL, right now. That case I understand has enough corroboration from other witnesses to pretty much have an airtight case against General Noriega. At least that is what I have been told. So Blandon's testimony is not absolutely essential to that case; but even if it were, I think it is absolutely essential since he has made these statements about the Vice President that he be given a polygraph.

So I say to my colleagues in this body, Mr. Speaker, and all who are concerned, let us get Mr. Blandon polygraphed so we will eliminate any doubt once and for all whether or not he is telling the truth. I think it is absolutely essential not just because of General Noriega, but because of the Vice President of the United States, but I do not have much doubt about Noriega.

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

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, the gentleman and I have made different selections of two honorable men in this Presidential season. One of them, the gentleman's candidate, is a good friend of both of us and is an outstanding leader in this Chamber, was our number three in the Republican leadership until he resigned for the Presidential race, JACK KEMP of California, by birth of New York, by the gridiron and by his great congressional service now in his 18th year.

I would wholeheartedly support our colleague, JACK KEMP, to be the President of the United States and an exciting President. I wish him well in the coming primaries.

But my man, the Vice President of the United States, has been about as loyal a Vice President as this country has ever seen just in this century ever. The gentleman would also support the nominee of our party if it is the distinguished and honorable GEORGE BUSH, correct?

Mr. BURTON of Indiana. Obviously, I would.

Mr. DORNAN of California. So what the gentleman is saying is that with all these rumors and everything floating around, generating out of Panama, which said rumors are now being stated as fact on the Columbia Broadcasting System, they are stating, I have heard it come from the mouth of Ghunga Din Dan Rather that Ollie North is a bosom buddy of this drug-running thug, Noriega, all sorts of innuendoes of ties to the Vice President.

□ 2030

I want some of this Blandon testimony and I agree with my colleague, if this man is not a liar then he will not be afraid to be polygraphed. I would like to give him truth serum on top of it, because the networks tend to hang any type of a case on just the testimony of one person, no matter how flawed his background, and they do not do an investigation on him or follow him around as they did one of the former Senators, Mr. Hart.

I just think the gentleman from Indiana [Mr. BURTON] is absolutely correct. People are telling me that probably my candidate is going to win, maybe even on Super Tuesday he will get enough delegates to put him over the top, or be within reach of it, and then they turn around, these liberals, and say, "but we have got him and this administration in the Iran/Contra issue and look what is coming out of Panama."

I had my staff go back and get all of my speeches, but unfortunately we cannot get those from the Subcommittee on the Panama Canal on which I have served in my first 4 years, 1977, 1978, 1979, and 1980, but in my very first congressional delegation, a fact-finding trip like one that the gentleman from Indiana [Mr. BURTON] has just returned from in Panama, I went down there in February 1977.

We found out then that Torrijos was not very bright, and the man who was then Governor Reagan had called him a tin-pot dictator, and that he was run by Noriega, that he organized the demonstrations on our Canal Zone property at that time that we had in perpetuity, and that this guy was about as big a low-life that we had in Central or South America. This has been my understanding as we discussed it for 4 years as we gave away the canal, and as we have still discussed that whole situation, and GEORGE BUSH had said, no way, Jose, Joe, or anybody else that will listen, has he had anything to do with this drug-running thug, and of course until we hear from Lt. Col. Oliver North we do not know.

But I think the gentleman from Indiana [Mr. BURTON] is absolutely correct, let us nail this guy down.

I would inquire of my colleague, if he went down to Southern Command?

Mr. BURTON of Indiana. Yes; I spent quite a bit of time with the commander.

Mr. DORNAN of California. And you stood in front of the deposed President's house?

Mr. BURTON of Indiana. Yes; the Ambassador and I tried to go in to see President Delvalle but they would not let us in.

Mr. DORNAN of California. And the gentleman became aware of the Noriega secret police, the Dobermans, as in attack dogs, the Dobermans running around?

Mr. BURTON of Indiana. Yes.

Mr. DORNAN of California. Did our excellent Ambassador, Ambassador Arthur Davis, an excellent man, a master sergeant in the Weather Office in World War II, an NCO up in Alaska? He showed me pictures of our Embassy, and I saw it with my own eyes, covered with red paint thrown by Noriega's Dobermans. Then Manuel Noriega's thugs broke the windshields and windows of every single U.S. car in Panama City that had Government plates on it.

This is back in the summer when I went down there with the gentleman from California [Mr. HUNTER], and the gentleman from California [Mr. DREIER]. So we have a strange situation here where the media without proof is suddenly trying to wrap this thug around the necks of those of us who were totally opposed to giving away the canal precisely because of the instability of drug running in Panama even then in 1977. They had all these apartment buildings that were called see-throughs. There were no occupants. They were big business buildings and apartment buildings, and they had all gone bankrupt.

The Midland Marine Bank was financing all sorts of loans, and I forget the name of the guy that was on President Carter's team to give away the canal, and in a closed committee hearing, I said, "How come your bank, Marine Midland, that your board of directors is on, Ambassador Linowitz, how come you are on the board of directors there? You have got all these loans down there. Of course you want to see Panama try to get money out of the canal."

He said, "Funny you should ask that, Congressman," and this was in closed session, but it can be released 11 years later, "I have decided today to resign from the board of directors of Marine Midland Bank."

I wonder if he would have resigned if I had not asked the question?

So all that nightmare we are reliving except for JESSE HELMS, who was so out-front pounding on the late Torrijos and the thug Noriega about the canal. Only JESSE HELMS seems to get an excuse slip from the liberals who are revisionist historians, and I want CBS to prove to me that Colonel North or particularly the Vice President of the United States or the Central Intelligence Agency had any dealings with this guy Manuel Noriega.

Mr. BURTON of Indiana. Mr. Speaker, if I may reclaim my time, I think the gentleman from California [Mr. DORNAN] makes some salient points, and that is why I think it is absolutely imperative, if we are going to get at the truth, that we have Mr. Blandon polygraphed, and I will urge my colleagues here and in the other body to do just that.

I would like to say that after my visit to Panama, in reflecting upon it, we really have some fine people down there. I think our Ambassador, Ambassador Davis, and his staff are very hard working and are accomplishing this work under very trying circumstances and are doing an outstanding job. And I want to include in that General Woerner, the head of Southcom down there.

Mr. DORNAN of California. Terrific people.

Mr. BURTON of Indiana. They are doing a great job. I have great confidence that whatever happens in the immediate or foreseeable future that they will be able to deal with it.

I would just like to make a couple of brief comments about the Panama Canal because some of our colleagues in the other body and I think some in our body as well are advocating immediate sanctions or immediate embargoes against the government down there and against the people of Panama because they want to stop what is going on, and I agree. We want to get Mr. Noriega out because narcomilitary organizations like his should be stopped, particularly since they are sending drugs in to kill and maim the children of the United States and other parts of the world. But the people down there do not particularly care for General Noriega. The people down there generally like Americans.

I was very surprised to find out that there are very favorable attitudes toward this country down there.

Their currency is the U.S. dollar. They do not have a currency of their own, they use the U.S. dollar, so they are closely tied to us. If we in a knee-jerk fashion impose an economic embargo or sanctions against Panama I think it could create an anti-American sentiment among the people, not among the Government but among the people, that could have long-term effects that we do not really want to see.

I think pressure applied to the Government itself is already underway. We cut off economic and military aid to that Government I think back in June. They are in trouble with their loans, the country's loans to banks, and I think Panama is going to have difficulty even paying interest on their loans to the World Bank and to IMF. Some of their banks in Panama are in deep trouble. They tell me the Government revenues are down to such a degree they may have to lay off as many as 20,000 employees in the Government within a month.

If we just take a deep breath and hold on for a little bit I think Mr. Noriega may face all kinds of problems of his own making and because of previous pressures that are still ongoing that are being exerted on him he may find it in his own interest to leave Panama as quickly as possible.

Conversely, he controls all of the television, the radios, the newspapers, and the only thing one sees in the newspapers down there now are stories to the effect that the Gringos, the United States of America, is trying to undermine Panama's economy so that they can forcibly take back the Panama Canal and abrogate the treaty we have with Panama, and that we are going to put economic hardship on the vast majority of the people down there in so doing.

If we go ahead and impose these sanctions unilaterally or impose an embargo unilaterally, Noriega will say, "I told you so." I think it will give him more of a solid position than he has had in the past and it might keep him in power longer than he otherwise would be able to stay.

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

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. I would like to inquire, your mind was not made up on that point when you went down there?

Mr. BURTON of Indiana. I say to the gentleman from California, no it was not at all.

Mr. DORNAN of California. If the gentleman will continue to yield, I defer to your judgment. That is interesting. I would have been inclined like some Members in the Senate were saying, to sock it to them but sometimes a little fine-tuning to help the people is very important.

Mr. BURTON of Indiana. If I might reclaim my time, let me say I think it may be something we might have to do later on. We may have to do a lot of things. I do not think military intervention is necessary now or in the foreseeable future. I do not think we should impose sanctions unilaterally by ourselves now, but we may have to later on.

The interests of the United States and the free world and this part of the world are very closely tied to the Panama Canal and the Isthmus of Panama. I think we should take a long hard look at what we are going to do and see what ramifications that has

not only for the people of Panama and the Government of Panama but what it might portend for the people of the United States as well.

We have a lot of American business down there, a lot of American investment, a lot of American citizens, 10,000 military troops, and I have been told as much as two-thirds of U.S. commerce is affected directly or indirectly by what happens in the Canal Zone. So if we impose economic sanctions unilaterally or impose an embargo unilaterally which leads to an escalation of the problem and maybe a military conflict, we could see the ships going through that canal slowed down or maybe even stopped and that would have a real bad impact on the United States and every State in this Union.

We have to think of the long-term ramifications of our actions before we jump into any situation down there.

I am not saying it may not have to be done at some time, but we should not do it in a knee-jerk fashion. We should take a little time and decide when it is the right time and when it is the right course of action for us.

A lot of our Latin American neighbors feel the same way. They think that democracy should flourish in Panama like it is in other countries down there. They have come out in favor publicly of President Delvalle and I think if we do it in concert with them, even if they do not impose sanctions, but if we make a move in concert with our friends in Latin America I think it will have more of a positive impact. If that does not work we may have to do something else.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield to me?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. All of our Latin American neighbors, and a lot of our European friends use the Panama Canal. They are well aware that since President Woodrow Wilson pressed an electric button in the Oval Office at the White House in 1914, that until now in all that time when we were the builders, the financers, and the caretakers of the canal, that we have only raised the tolls three times. That is remarkable given the inflation that has gone on in this world since 1914. Since Teddy Roosevelt launched that project and since in his second year Woodrow Wilson got the honor of opening the first canal gate with an electric system that went from Washington, DC, all the way to the Canal Zone, these people are well aware of how well we have managed that canal. They are very worried about an unstable government taking over, and finding itself in a bankrupt situation such as with every Socialist and Communist country in the world, and then having Panama say, well, what is our largest asset? What is our treasure?

The same argument was used by the Speaker on this floor when he was majority leader when we had all the doors sealed, because we had had a lot of secret information on just what a thug Noriega was, and then JIM WRIGHT got up and made this compelling speech and got a standing ovation, and it all went down the tube. They opened the doors, we went into public debate, and many people were unable to know what was divulged in the first sealed Chamber briefing in this Chamber in over a century and a half. But it prevailed in this House to give away the taxpayers' property down there and all our holdings as of 1999 and now all these countries are doing the same to us on Central America, the Arias peace plan, Yoko Ono singing about giving peace a chance, and they are doing the same to us 11 years later that they did to me in Central America in 1977 and that is to say just do not give away that canal, Torrijos is unstable, not very bright, and he is run by this thug Noriega anyway.

Then they turn around and because of home domestic problems about poor Latin Americans and we have this big colossus to the north, they turn around and publicly say to give up the canal.

Now we are getting the same private testimony and public contradiction going on right now about Nicaragua and its Communist government.

Mr. BURTON of Indiana. Reclaiming my time, all these things we are starting to see are interlocked. One thing that concerns me is that we should probably have never given away the canal in the first place but after having said that we have signed a treaty that does give up control of the canal and gives up ownership of the canal so to speak by 1999. Some of my colleagues are saying that we should take it back immediately, and I think there are a lot of people in this Chamber, Mr. Speaker, and on the Hill and around the country that think that that would be a good idea.

I would like to just tell everybody a little bit about some of the problems that we will face if we try to go in and take that canal back immediately. I think the people across this country need to know this as well as our colleagues, Mr. Speaker, that is, that the canal is 52 miles long. At one end is located Colon, at the other end Panama City. On both sides of the canal all the way down there is jungle except for a few short spans of distances there. A lot of that canal has hills on both sides, not mountainous but very, very hilly, and they have an erosion problem. The mud and sludge that come off those hills, and the tides going in and out necessitates constant dredging. They have dredging equipment that dredges out that canal all the time keeping it open so that ships can pass through.

That is an ongoing problem. In addition to that there is a dam about a half-mile long in a clear-water area from which they get about 8 million gallons of water to take each ship through the canal. This is fresh water that goes through the locks, raises the ships up so they can go to the next lock, and empties out into the Atlantic or Pacific Ocean depending on which way the ship is going.

The problem is there are 104 miles of jungle, 52 miles on each side of the canal. In addition to that we have the dam that has to be protected.

□ 2045

Everybody in all parts of the world, the free world and the nonfree world is anxious to keep the canal open because we all have a vital stake in that and an interest in that.

But before we get involved in a military conflict, trying to force or to abrogate that treaty or take it back, we need to make absolutely sure we are handling it in the right way, if that is the course of action we decide to take, because defending that canal from one end to the other would necessitate I do not know how many troops and how much money. And even if you did that, you still might have some nut, some guerrilla, get up there and blow up part of the mountain with plastic explosives, or that dam, and you would not be able to get the ships through there, and that would have, as I said before, an adverse impact on our economy, the United States of America.

So we may have to think about renegotiating that treaty. We may have to think about a lot of things. We may ultimately think about economic sanctions or even military intervention, I do not know. These are things we are going to have to look at as time goes by.

I hope the problem kind of resolves itself as General Noriega sees what the consequences of his actions are, and I think ultimately he is going to feel that pressure. But we ought to look at all of this in both bodies before we jump into it, and I would urge as many of my colleagues, if possible, if they have the opportunity to go down there and educate themselves for 3 or 4 days on what the canal is all about, what the situation is so that when we do vote on something of that magnitude that will affect this country militarily, economically and every other way that we make the right decision. No knee-jerk reactions.

Mr. DORNAN of California. When you were briefed by the Southern Command, one of our 10 combatant commanders around the world that answers directly to the Secretary of Defense, who answers directly to the

President, in any impending crisis or red alert the Secretaries of the military services are cut out of the picture and it is the Commander in Chief, the SECDEF and Southern Commander, and one is the Southern Command and he has the largest area of responsibility of all 10 commands with the smallest—he may be second to the Pacific, but the smallest number of men. Most of his men are assigned to him, but they are doing something somewhere else. General Warner, right?

Mr. BURTON of Indiana. The gentleman is correct.

Mr. DORNAN of California. His predecessor, John R. Galvin, he has gone from this smallest asset commander to our most important command traditionally, SACUR, Commander in Chief of all forces in Europe, and also the commander of all of the American forces in Europe.

Has my colleague not noticed since General Galvin, a 4-star Army general has gone from the Canal Zone to Brussels, Belgium to NATO headquarters how we do not have any more of our NATO allies criticizing us about our policy in Central America, because one of the things that all of the military officers in NATO said was they could hardly wait to get their hands on a 4-star general who would be their Supreme Commander, Europe, to lecture their politicians. And he has been doing this for almost a year now about Central America. And General Warner was pointing that out to the four of us who went down there in July.

If I could just cross a couple of your t's, that Culebra Cut there which was the largest Earth-moving operation in history, and still is, we picked up where the French left off; that is, what they could not get accomplished in the 1890's and because of the disease also. In that cut, it is so narrow, you are right, the hills are so high on either side that if somebody wanted to bring in a ship, and all ships have free passage there, and have mines in the bottom of the ship, to detonate the ship, to jump the ship at night, or to not even let your own crew know. The Communist world has sacrificed a lot of their own soldiers in many conflicts in the last 70 years, to just blow a ship externally on the internal Culebra Cut, and it would take months to get it out of there.

But the worst of all is what you said about the water, the Gatun Lake, one of the largest man-made fresh water lakes in the world which is fed by rainfall.

Mr. BURTON of Indiana. From the hills.

Mr. DORNAN of California. Right, and the rainfall in Panama is not all that regular. Sometimes that lake is down, dangerously down. Every time a ship goes through the canal it is flushed out both ends into the Atlantic and Pacific. I remember, 55,000 gallons of water? It cannot be 55 million, 55,000 gallons of water right out of that fresh lake.

Mr. BURTON of Indiana. No, it is much more than that.

Mr. DORNAN of California. Then it must be 55 million gallons.

Mr. BURTON of Indiana. I think that is probably right.

Mr. DORNAN of California. Just to replace the lost fresh water going up to Gatun Lake and Miraflores Lake and the other lock, three together on the Atlantic side and two and one broken up on the Pacific side, all that water goes out only to be returned by rain.

Imagine a commando operation. Although it is well guarded, as we saw, imagine blowing the Gatun Dam, and all of that water from the Gatun Lake going down to the bottom. How are we going to pump water into there? Is it going to sit 10 years until the rain water goes back up that lake, or 2 years or 3 years? It is absolutely so easy to sabotage that canal.

That is why in the Second World War when our troops and our fighter planes were needed everywhere we had squadrons of P-40's, whole naval task forces on either end guarding the German U-boats on one side and the Japanese submarines on the other to stop them from destroying this world treasure, and even to this day if there is a crisis in Europe, all of the Pacific coast troops and assets, what is it, 60, 70, 75 percent has to transit the Panama Canal.

Mr. BURTON of Indiana. If the gentleman will yield back to me, that is a very salient point. That is why if we decide we have to do something down there, it should be done in a calculated, thorough manner so that we have enough personnel there to protect all aspects of it, which is going to be an awful lot of people because you are looking at 104 miles of shoreline in a jungle area. So when my colleagues on the other side, in the other body, and maybe even in this body start talking about precipitous action, after having been down there I start to shudder a little bit and say, hey, your approach may be wrong. Your goal is correct but let us think about where we are going and what the ultimate ramifications of our actions are going to be, because we are not talking about repossessing a car. We are talking about a major thing that has a tremendous impact.

Mr. DORNAN of California. It is fragile.

Mr. BURTON of Indiana. Let me just talk about something else. I know the gentleman was going to talk about and may yet, and that is the Panama Canal and how it is affected by the surrounding countries.

General Noriega, I understand from radio accounts, television accounts and newspaper accounts, has received support, verbal support and possibly a promise of military support from Fidel Castro of Cuba and Daniel Ortega of Nicaragua saying that they stand with him in his fight to remain in power and keep control of Panama. These are 2 Communist leaders who have a different agenda for the people of this Hemisphere, and they have now come out openly supporting this man who is supposed to be not dealing with them, and giving him offers of not only verbal support but I understand possibly military support if necessary to keep control of Panama.

My colleagues on the other side of the aisle, and some on our side of the aisle, I think there were 12, ought to think about that when we vote down the road, tomorrow and down the road on very critical issues like Contra aid, because they have shown their true colors. They have said in the past, Daniel Ortega, that he wants that Communist Government of Nicaragua to expand throughout Central America, all the way down to the Panama Canal and down into South America, and up into Mexico to endanger our soft underbelly, the southern flank of America, the Mexico-American border. Here for the first time that I can recall he is actually saying to another leader down there we are going to give you help if you need it.

That just shows very clearly to me that he intends to make good on his promise to export revolution, as he has been doing in El Salvador, Guatemala, Honduras, and even down into Panama. When you are talking about Guatemala, Honduras or Costa Rica and El Salvador, those are very important countries. But when you talk about Panama, you are talking about the jugular vein economically and possibly militarily of the United States of America. And for my colleagues on that side of the aisle and some on our side of the aisle who say, well, what are you worried about Nicaragua for, it is such a small little country, they have only 129,000 or 130,000 men in their army right now, there is a danger if they start trying to get control of the jugular vein of North and South America, the Panama Canal, and they have already expressed interest in it, and so has Castro.

The only two government leaders in our Hemisphere who have come out openly in favor of Noriega were two Communist leaders, Fidel Castro and Daniel Ortega. Now if that does not tell the people of this country and this body something, I do not know what it does. It lets them know what the agenda is, what the objectives are of the Communists in Central America, and their strings are being pulled by the Soviet Union and the Communist bloc controlled out of Moscow.

So my colleagues, we had better be concerned about helping those freedom fighters down there in Nicaragua,

because they truly are not only fighting for their security and the freedom of their country, but our own as well. And it looks like they have been fighting all along to keep the Communists from getting control ultimately of the Panama Canal.

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

Mr. BURTON of Indiana. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. You and I were going to participate in a special order by our colleagues, the gentleman from California, NORM SHUMWAY tonight, and now we have these rules around here that you and I occasionally flip on that we are not allowed to refer to anybody in the gallery, even though they pay all of the bills around here, we are not allowed to refer to the press, although in the British Parliament they always refer to the fourth estate behind them in the same general location, but let us put it this way. Talk about national technical means, Cuban Americans, hundreds of thousands of them in the Southern Florida area and throughout the country, and a lot of them in my area, in Los Angeles, Orange County area, they were looking forward to tracking, let us say, through the written record and otherwise this special order about human rights violations in Cuba.

Our colleague from California Mr. SHUMWAY, as I said earlier, has laryngitis, and hopefully he will be well tomorrow, and you and I will participate with him again probably to have maybe not a post-mortem but maybe it will be an analysis of the victorious vote for freedom. This seems to be our monthly Contra tyrant vote, the freedom fighter democratic resistance vote. Maybe it will be on the 3d of every month. My birthday is April 3, next month, and maybe we will do it in April, May, June, July, and we will just keep going like this. Anyway, February 3 and now we have one tomorrow, March 3. I would like to read the first part of Mr. SHUMWAY's "Dear Colleague" letter. To my people who follow the written record know what is coming up tomorrow.

Dear Colleague, as you know, the United Nations Human Rights Commission is expected to vote on a U.S. resolution which simply asks the Commission to investigate the continuing reports of serious human rights violations in Cuba.

There is no disagreement about Cuba's human rights record. It is one of the few countries in which a political prisoner," that is our first amendment generally, "can be sentenced to 20 years, survive the horrors of Boniato or Combinado del Este prison, and not be released two decades later," even when he has served his entire prison sentence.

Why is the vote expected to be so close again this year?

Remember one Member pointed out that India went against us, Mr. Gandhi, the former 747 pilot, the dashing figure who stood before us at that treasured spot up here where Winston Churchill stood and lectured us about Central America, and he put Vietnam out of his ken. He does not worry about that any more, but he votes, I guess, because he has Lenin Square in front of his presidential palace, and all of the Soviet joint commitments to make Mig's, even up to the Mig-29 fulcrum, and let us hope that India comes to its senses as the world's largest democracy in population. Why is it expected to be so close this year, Mr. SHUMWAY says continuing, because "Fidel Castro is an expert at terrorizing his own people. He is also an expert at terrorizing the democratic nations in this hemisphere. Last year Cuba warned that 'armed disturbances' would occur in countries which supported the United States resolution."

Imagine the arrogance of this guy. But then he is going to be watching his eighth United States President come into office in January while he has been there without having had an election.

"The international community has ignored the suffering of the Cuban people for nearly 3 decades," 30 years. "The time has come for those countries who believe in fundamental human rights and freedoms to take a stand on Cuba."

The gentleman from California [Mr. SHUMWAY] has excellent material here, fabulous statements of our great Ambassador up there, the incomparable linguist Gen. Vernon Walters. He has statements from Armando Valladares. When we came back from a fact-finding trip in Honduras and Nicaragua and we put in a call to the White House to go down and give a report to President Reagan. Reagan called me and said welcome back to you and Mr. BURTON, BOB, and then he said, BOB, guess what. I have just done something you are going to enjoy. I have appointed Armando Valladares to the Human Rights Commission and the U.N., and then Castro together with the Kremlin went into a high-powered disinformation program to try to shred this man's reputation, but anybody who has read Valladares' book, "Against All Hope," or has met this compelling figure, they know that this is just more Communist lies to destroy a good man.

So I look forward to participating with you and the gentleman from California [Mr. SHUMWAY] in the special order tomorrow night.

Mr. BURTON of Indiana. I may or may not be able to participate tomorrow night, depending on workload here and the time we get out, because I have commitments elsewhere. But I was going to do it tonight. So I would just like to make a couple of comments about that, and I hope Representative SHUMWAY will forgive me for starting a little earlier. He may want to make some comments too.

But the gentleman talked about India, and I think India is very important because they introduced an amendment last year which in effect killed any kind of human rights investigation regarding the atrocities that have been taking place at the hands of Fidel Castro and his government in Cuba. India, over the next 4 years, is receiving about $600 million in direct economic aid from the United States of America.

□ 2100

India, immediately after they received this promise of economic assistance over the next 4 years——

Mr. DORNAN of California. All borrowed money against our grandchildren.

Mr. BURTON of Indiana. Yes, all borrowed money against our grandchildren. They had Daniel Ortega, the Communist dictator of Nicaragua fly to New Delhi and they gave him one of the highest medal award honors that they can possibly give a foreign leader. They gave him $10.4 million. After getting $600 million in commitments from the United States that is.

So it is our money they gave to the Communist leader of Nicaragua whom we have been opposing.

Mr. DORNAN of California. Argentina did the same thing.

Mr. BURTON of Indiana. Did they? I did not know that.

Well, he took that $10.4 million, flew out with his medal and a big smile on his face and I understand he went to China and bought some weapons which he is now using in Nicaragua against the freedom fighters, the Contras.

So this gentleman, Rajiv Gandhi, the head of India not only took our money and then shafted us by helping Daniel Ortega but now we are trying to get at least an investigation into the human rights violations taking place in Cuba by having the United Nations investigate through a United Nations resolution and India comes in and stops even the investigation of human rights atrocities. And I think that is reprehensible. I think we should reevaluate our aid program to India.

The gentleman from California pointed out that they are building Mig-29 fighter bombers. That is the most sophisticated weapon I think that the Soviet Union has, at the present time. I know they are working on some others. But they are producing those in India and I understand India is going to get some of those weapons for its own use.

In addition to that I understand they are tending Soviet submarines in

the Indian Ocean off the coast, they actually come in and have port privileges in India.

So as far as India being our ally, they are really not and as far as them being a nonaligned nation, I think that is a bunch of baloney. They are tied to the Soviet bloc even though it is not readily noticeable.

The other thing I would like to point out, and I have a number of these things, some of the countries that voted with India last year to divert attention away from Cuba were Algeria, Bulgaria, Ethiopia, East Germany—you would expect the Communist countries to do that. But then Mozambique, Mozambique is one of the countries that our State Department is saying we can wean away from the Soviet bloc. Well, they are not being weaned away very far because they are still supporting the Communist dictatorship and repression that is taking place in Cuba right now even though—there you go again—we are giving them economic assistance.

There are some people like our Ambassador, our new Ambassador over to Mozambique who is advocating that we give them, get this, military aid as well. It is a Communist government that has killed over 70,000 of their own people and they are asking for military assistance and economic assistance which we are already giving them. And we are going to wean them away from the Soviet Union? Sure looks like it with this vote of yesterday.

Mr. DORNAN of California. What the Assistant Secretary Chester Crocker should say to them is, "We are not asking you to vote with us but we are telling you no abstention, no aid." That ought to be clearcut. There has to be some quid pro quo for all this money that we are borrowing against our grandchildren with the No. 3 item in the new Federal budget, $162.5 billion in interest on the debt, and we go more in debt every time we give a nickel to anybody, but to give it to a Communist government that votes against us in the United Nations is incredible.

Mr. BURTON of Indiana. Yes, whose ultimate objective is to do us in. Then you go on: Nicaragua, Nicaragua voted against investigating Cuba. Well, you would expect that, that is a Communist dictatorship.

Yugoslavia, now in Yugoslavia we are buying Yugo cars by the boatload now. That does not make sense. I have auto workers in my district who are concerned about their jobs and the unfair competition. We have Yugoslavian workers who are being paid 50 cents to $1 per hour to build these Yugos and we are buying them in droves, in boatloads as I said. Here they are voting against our position in the United Nations just to investigate human rights violations in Cuba which Armando Valladares has said very clearly are legion down there.

They are torturing people, killing people, repressing people, no fair trial, nothing. Then of course the Soviet Union, you would expect them to be supporting Cuba since Cuba is one of their puppets. But we continue to loan massive amounts of money to the Soviet Union. I do not understand that.

I think once again this year we have an opportunity to put Castro in the docket, on the docket where he belongs.

In 1961, Fidel Castro said there cannot be—one cannot be neutral in Cuba. Over the years he has held to this creed. In Cuba today those who do not actively support the Communist regime are considered to be against it and they are treated accordingly.

Consider this: There are tens of thousands of political prisoners in Cuba. Even Jimmy Carter—now this is back in 1978-79—estimated between 15,000 and 20,000. Professor Edward Gonzalez of UCLA, a noted authority on Cuba puts the number closer to 25,000 to 80,000. Now look at that, 25,000 to 80,000 people being held as political prisoners down there. Che Guevara said, "We have no mercy for those who take weapons against us. It does not matter if they are weapons of destruction or ideological weapons."

Granma, the official newspaper in Havana said, "Before the revolution ceases to be, not one counterrevolutionary will remain with his head on his shoulders." The model for Cuba's edifice of repression is Stalin's, Khruschev's, Brezhnev's, and Gorbachev's Russia. Castro has proven to be an excellent pupil and in fact may have outdone his masters.

In 1988, Cuba can boast Soviet-style gulags, prison farms and forced labor brigades. Some of the longest serving political prisoners in the entire world are being held in Cuban jails according to Amnesty International. That is not our government. Cuba's prisons contain a larger number of prisoners in proportion to population than any other Latin American country. They hold five to eight times as many political prisoners per capita as the Soviet Union, itself. That is according to Castro's own figures.

Mr. DORNAN of California. The only country, pro rata, that has more prisoners is probably Nicaragua. They still have 10,000 prisoners or more with less than 2.5 or 3 million of their people who are in country, because the rest are in the United States as refugees in Honduras or Costa Rica. So Nicaragua may be even worse.

But even in Nicaragua unless we find out otherwise, as we found out with our POW's after the fact, even in Nicaragua as brutal as their captivity is, as many secret executions as there have been and torture, we have not yet heard of examples being thrown into pits of human feces or being put in a cell, solitary confinement, total blackness, stark naked for 8 years, 9 years, which happened to the Ambassador to the United States. Senor Vargas, who Jesse Jackson came out and right here at Dulles while Jackson was posturing about getting these people out, Ambassador Vargas says, "With all due respect to the Reverend here, he has been used," "You have been used, Senor. Don't think that Castro has mellowed or that this is any type of gracious move. This man is a hardened Communist and although I am glad to be out we have been used to further his goals." And that is after 22 years.

Mr. BURTON of Indiana. I am glad the gentleman brought that out, because this is something that really concerns me about the race that is going on for President right now.

The gentleman to whom you just alluded, Jesse Jackson, I talked to him about the atrocities that were taking place in Nicaragua and he was down there and put his arm around Daniel Ortega. He subsequently on the same trip flew up to Havana and put his arm around Fidel Castro. They had a very friendly meeting.

Mr. DORNAN of California. He declared him a reverend, raised his hand to the air and said he was a man of God.

Mr. BURTON of Indiana. And he has also been very closely befriended I think by President Assad of Syria.

Mr. DORNAN of California. And hugging Yassir Arafat.

Mr. BURTON of Indiana. And hugging Yassir Arafat, and other people who oppose the goals and ideals of the United States and other free world countries. It really concerns me that the people of the United States do not understand at least what this one candidate's position is with a lot of these people who oppose our very way of life.

I hope that comes out at some point in the campaign because I think it is extremely important. When we put somebody in the White House we certainly want to have somebody in there who upholds the goals and objectives and principles that this country stands for and is not falling prey to the ideological views of people like Castro and Daniel Ortega.

I took a man named Teafillo Archibald to see Jesse Jackson when he was here. He was meeting with the Black Caucus.

Tiafillo Archibald was from Bluefield, a black from Bluefield who supported the Sandinista government, the Communist Sandinista government when they took power. He worked with them, because he thought they were going to bring about democracy in that country.

Well after he found out what they were really all about, he started opposing some of their policies. They put him in a gulag-style jail, a very small one. They pulled his fingernails out one by one. He showed me what they had done to him. I took him to meet Jesse Jackson. I said I want you to talk to this guy because you think Daniel Ortega is the George Washington of this country. In fact, I heard him say that, I heard him make a statement to that effect, at least I recall he made a statement to that effect. I think it was published in Time or Newsweek.

And he looked at this man and talked to this man. The man showed him his fingers, talked about the atrocities, burning people alive to death, he talked about these little villages down there, the repression of the Miskito Indians and so forth and Jesse Jackson looked at him and said, "Well, those kinds of atrocities unfortunately take place in any way. That is the price of war. But fortunately when this thing is all over they will head toward democracy in Nicaragua."

I believe and hope and pray that Jesse Jackson, Reverend Jackson has been duped by Daniel Ortega, Fidel Castro, and others. But the fact of the matter is he at least has been gullible enough to believe those people. I think we ought to think long and hard about that as we debate the issues in this Presidential campaign because he is becoming more and more of a strong political figure. People ought to know his foreign policy views clearly.

Mr. DORNAN of California. I did not get a chance to tell the gentleman this today. The gentleman and I were witness to something back in September when the gentleman and I were on a fact-finding trip to Nicaragua and then Honduras. We went out to somewhere in Central America to one of the command centers of the freedom fighters, the so-called Contras, what our colleague Henry Hyde calls the Contra tyrants.

The gentleman will recall I had a lifelong friend with me. Since 1943, 45 years, we went through 3 years of grade school, high school, college, and I went into the Air Force as a pilot, he went in as a dentist. We both came out captains. Lifelong friends. He has six kids. His name is Terry O'Brien, you remember Dr. Terrence O'Brien.

Mr. BURTON of Indiana. Yes.

Mr. DORNAN of California. The gentleman will remember we had a Member of the other body, a Senator with us who has to remain nameless under the rule. But remember some of the Central Intelligence Agency people were saying, "Don't let the Senator go in such and such a tent. We don't trust him." Well, that is too bad, that they don't trust somebody. But remember he went down there to Managua and would not let us go in with him to meet Ortega. Now do you think if Ortega had said to him in that meeting, "Tell me, Mr. Senator, what did you see there in the Contra camps, what do the battle maps look like, how much provisions do they seem to have?" Do you think he might be willing to share with his friend the Ortega brothers, what he saw? I am inclined to think so as a matter of fact, having watched him for years.

Mr. BURTON of Indiana. Well, I hate to speculate on things like that. It would bother me to no end if I find a U.S. Senator or Representative would stoop that low.

Mr. DORNAN of California. Well, you know one of the newspapers around here couched in sort of critical terms that the gentleman and I went down there. We had five Members on that trip. It was my Codel. Three of them cancelled, one of them ill, one of them from exhaustion the night we were supposed to pick him up. So we went down, the two of us. But this member of the other body had a private Air Force airplane—not private, I mean a U.S. taxpayer airplane—all by himself with a civilian aboard named Ed King who is the chief honcho—he was discharged from the Army for refusing to go to Vietnam in 1971 because it was combat—he ran the appropriations operation for some of our Members. The gentleman will remember he said, "Who is this man sitting in on this top secret meeting and briefing?" He was introduced as Federal staffer and he is not a staffer at all.

Mr. BURTON of Indiana. He said he was a staffer for the majority leader in the U.S. Senate.

Mr. DORNAN of California. But unpaid staffer. Just a consultant. I still do not know if he was paid, but I know he is one of the people our Speaker tried to force on Cardinal Obando y Bravo along with Wilson Morris of the Speaker's own staff. You will recall when the gentleman brought that up to the Senator, the Senator said "Well, why is Dr. O'Brien here?"

Well let me tell you what Dr. O'Brien did last weekend with his beautiful wife Joan. The gentleman is hearing this for the first time. He got to know Terry on that trip.

Mr. BURTON of Indiana. That is right.

Mr. DORNAN of California. He went down as he promised that he would and as he promised Ambassador Briggs he would. He went down for 3 days just over this last weekend—he just got back yesterday—and he saw 32 freedom fighters, young people. He said all of them dark-skinned peasants. He did 29 restorations, 5 extractions on one man alone and other extractions, 6 impressions, 70 flouride treatments and found out that there are only 150 dental technicians in all of the Contra forces, only 1,500 medics of any kind. That is not doctors, just first aid type medics. And less than a tenth of that are dental technicians. He said some of these kids the teeth were just rotting out of their head with exposed nerves, in combat with this intense pain. He said some of them he could only give one shot to and then work on them for hours. He worked all day long from dawn until dusk. He said he was so impressed with their bravery and decency, he said as an American citizen, "It infuriates me to hear Members in Congress get up and talk about these young boys and girls, that they bayonet pregnant women, their fellow campesino peasants, rape people burn farms and all of that."

□ 2115

He was so touched by these people he said, "Several times I was choking back tears looking at some of these young fighters," some who would never go back into combat because they had lost arms and legs, others who had slight wounds or no wounds and would be going back into combat and maybe be dead within days or maybe be hunted like animals by this 140,000-man reserve and active duty Communist force built up by the Ortega brothers and their 7 Communist members of the junta. It was really touching to me that my lifelong friend followed through on his promise to Ambassador Briggs.

Mr. BURTON of Indiana. Mr. Speaker, I admired him then. I admire him even more now. His statements bear out pretty much what you and I have known for some time, and that is that the Communists in Nicaragua have followed the lead of their masters in the Soviet Union in building up a perfect or almost perfect disinformation agency down there equivalent to the KGB in Moscow. They are very effective in manipulating American newsmakers and the views of the American people by sending disinformation up all the time.

As for the disinformation the gentleman talked about concerning the atrocities, there have been, I am sure, some on both sides, like their is in any war, but the vast majority of the atrocities, according to the independent human rights agency in Managua, the vast majority or 90 percent of them are occurring at the hands of the Communist Sandinista government. Yet the American people are led to believe night after night on the news, when the news is broadcast on the problems going on in Central America, that the Contras are a bunch of animals, when you and I and the dentist you just alluded to; that is, your colleague, know for a fact from personal firsthand knowledge that they are not that kind of people.

Mr. DORNAN of California. Absolutely not. Let me say that we have been out so much, out more than we

have been in, that I have not seen one human rights advocate get up in the well of the House yet and criticize Israel, nor have I, because I truly want to see that fine democracy survive. There is no better fighting force in the world, more disciplined or more courageous in combat, or more of a civilian force on active duty or off active duty, called back war after war; there is no better trained force in the world than the Israelis. And under tremendous pressure you see your lifelong friend next to you take a brick in the face and break his nose, and the next thing you know, you are breaking the fingers on a child. It is a horrible human rights violation. And, by the way, most of the soldiers who were filmed by CBS doing that, all four of them and their officer, are under court-martial and in prison right now.

Would Ortega do that to one of his? That is what the Contra freedom fighters have done. They have 80-plus people in prison right now for human rights violations, and they have had summary court-martials in the field and have executed some of their own members who were fighting for freedom but lost the objective of their goal to stop the human rights violations of Communists, and some of them paid for it with their lives by abusing their own people, the camposinos that feed them, that call them los muchachos, the boys, the commandoes.

So the gentleman is correct. We remember every incident throughout history, including some of our men in the South Pacific. And as Tom Braden, the host of "Crossfire", told me, Eisenhower had to send an order down to our beautiful doughboys that were liberating France and Germany and tell them, "Stop executing German prisoners. We are now up against old men of the home guard and young teen-aged boys. Stop executing them." But after a guy sees four or five of his friends blown away or a whole platoon loses their legs to mines, as happened before My Lai, discipline can break down. It does not mean your cause is unjust or your whole army is rotten or your nation is rotten; it means that you have had a break down of discipline. What you look for is the policy.

What is the policy of Israel? It is a human rights policy. What was the policy of Nazi Germany? It was a genocidal policy. What is the policy of the Contras? To liberate their country for freedom. What is the policy of Daniel Ortega and his brother and his seven cohorts, every one of them a dedicated Communist? It is to turn themselves into a Soviet colony. And out of Ortega's own mouth: "Castro is the past. We are the future."

Remember what Fidel said, that it was a great misfortune of history that he, Fidel, was born into a country of only 10 million people. He was dreaming of being Mussolini or Lenin. What is Ortega's dream? Probably to say that it is sad that he was born into a country of only 3 million people.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will let me reclaim my time for just a minute, Daniel Ortega just recently said, just last November, in a newspaper interview that what he would really like to be doing—and I think I am quoting him almost verbatim—what he would really like to be doing is what Che Guevera did, go to other countries to spread the revolution. That is what his goal is. That is what his goal is. That is what his objectives are, and if we let him do it, they will do it. He has already said to Noriega in Panama, "If you need any help, let us know," because that, they know, is one of our real vulnerable areas down there, and he is anxious to jump in down there.

Before my special order runs out, I would like to just finish up on the problems with the human rights atrocities in Cuba and why it is important that this U.N. resolution that is going to be discussed in Geneva in the next few days be passed, and I would urge all the countries that are going to be voting on that to think long and hard about what is going on in Cuba.

Who are these prisoners in Castro's jails? They come from every walk of life—men and women, doctors, lawyers, farmers, writers, unionists, priests, Jehovah's Witnesses; even one man, Andres Solares, who was thrown in prison for writing a letter to Senator Kennedy, a letter in which he was asking for advice about starting a political party.

As with Castro's protege, Daniel Ortega's Nicaraguan revolutionaries who fall out of favor or who dare to support democracy are dealt with severely. Dr. Martha Frayde, Cuban delegate to UNESCO in 1964, found that out when she criticized Cuban submission to the Soviet Union. Her reward for being a loyal Communist and for being one who criticized just briefly their subservience to the Soviet Union was a 29-year prison sentence.

Members of Congress and other public figures who chum around with Castro are accomplices to this abominable, pathetic, sorry excuse for a human rights record. Shameful silence of the U.N. and of those in the United States who condemn our friends in this hemisphere while failing to condemn Cuba; failure to condemn Cuba further undermines credibility of the U.N.

Frank Calzone, a native of Cuba, an expert on Castro's repression, said, "Castro's gulag is the most massive, systematic, and long-term repressive system in Latin America," with the possible exception, as the gentleman from California said, of Nicaragua.

Last year, "Non-aligned" India sabotaged our attempt to shine the light on Cuba. We need to pressure countries to help us on this. I have been talking to African ambassadors left and right on this since I am the vice chairman of the African Subcommittee. It is in our interest, and in the interest of the Cuban people, who are fighting so valiantly for their freedom down there and who are suffering daily in those jails, and the Cuban Americans in Miami, FL, in the southern part of this country, to really understand the problem, and they are urging the Members of Congress from the Florida delegation and others to take some active interest in this.

Cuba is a country that commits mischief around the world, i.e. Angola, Nicaragua, and elsewhere. Cuba is a country heavily involved in drug smuggling. We know for a fact that a MIG airplane helped to escort a plane into a military base in Cuba to unload narcotics.

Cuba is a country that abuses and tortures its own citizens.

Recommended reading for my colleagues: "Castro's Gulag: The Politics of Terror," by Frank Calzone, and "Against All Hope," by Armando Valladailes.

The Bible says, "Thou shalt not stand idly by over the blood of thy brother," in Leviticus. The Cuban people are our neighbors and our brothers, and we owe it to them to speak out. The friends of freedom need to raise their voices on behalf of the Cuban people who have suffered long enough.

Mr. Speaker, I urge all my colleagues in this body to take an active interest in this vote that will take place in Geneva next week.

Mr. DORNAN of California. Mr. Speaker, I would underscore what my colleague said about their closeness to us. Most of those Cuban Americans in south Florida will be voting for GEORGE BUSH, but one of them said to me, "We love this man because he didn't come down here and lie to us." He said, "There isn't much we can do for Cuba." He said, "May we ask you to suggest to a Bush administration that Cuba go back on the national agenda, that if Gorbachev, the General Secretary of the world's largest Communist Party"—although it is only 4 percent of the Russian people and all the other various ethnic groups in the Soviet Union—"if he can use the word, 'democratization,' "—and he used that very word, translated literally into the Russian—"if he can talk about that, when is Castro going to be pressed to the wall to talk about the democratization of that island 90 miles from Key West?"

I told him I believed that under any Republican administration Cuba goes back on our national agenda. It is im-

moral that under the disaster of the way Kennedy ended up the Cuban missile crisis, and all of his defenders proclaimed it as a moment of glory, that it ended up to be the sanitization of the vicious Communist regime, and that is that Bobby Kennedy and Cardinal Cushing did not morally get back the money from the Bay of Pigs, although they transferred that money into tractors and medicine, we are led to believe. We do not know what else transpired. But when we got back those Bay of Pigs invaders, did we get back all of them? And the ones who were the political people in the cities, who were open politically, they paid for it with a quarter of a century of their lives in these slimy Communist prisons in Cuba that I mentioned before.

Mr. Speaker, Cuba has got to be free in our lifetimes. Cuba Libre.

AN ANALYSIS OF THE CURRENT SITUATION IN CENTRAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, I do not have my A-frame here with all the charts of those gulag, Soviet-designed, Cuban-built prisons, 16 of them now, I am told, by the army general who is the President's National Security Advisor. I do not have all of those pictures tonight, but then this is not a postmortem.

Tonight is March 2. Tomorrow is our monthly up-or-down vote on the Contra "tyrants," the freedom fighters, the democratic resistance. So let me call this an analysis of where we are going in the so-called historic 100th Congress—that adjective given to this body, the Senate and the House of Representatives, in these 2 years, last year and this year, not because of anything we have done that is historical of import but merely because it is a round number, the 100th Congress over a period of two centuries.

Let us see if we are really going to write history for freedom tomorrow or again become the indispensable arm of the Soviet expansion in the Western Hemisphere. Then we will proceed to do that same thing—become the indispensable arm for Soviet expansionism in Africa because, if we crush the freedom fighters in Nicaragua, the next target is to crush the freedom fighters in Angola. And at this moment in Africa, on that Atlantic coast in Angola, there are battles going on at this moment between units on the Communist side, the forces out of Luanda, that are being commanded by Soviet officers right down to the battalion level—and there are even some rumors that Soviet officers are commanding some companies—not to mention Afghanistan. I am really shocked, having been in about 9 or 10 States over the last month working for the Vice President of the United States, because I want this GEORGE to become the first George since the first President. I want him to be the 41st President of the United States. And in every single appearance I have made for him on the road one or two people have come up and let me know that they have carefully tracked the record of proceedings in this House, either the written record or the national technical means we are not supposed to speak of, and they followed the special order that I had on the night of February 3 which I called a postmortem.

I even used an oxymoron in that at the beginning. I did not realize I had said, "Freedom is murdered temporarily." Of course, when you murder something, it is permanent. What I meant was, I had not given up hope. What I should have said is: It appears freedom is murdered, but it is not. That is a temporary situation.

But here we go again tomorrow. I have here a document I got from the National Security Council. I have trusted the NSC under every Democratic President we had. I particularly admired it under Zbigniew Brzezinski. I did not always agree with what President Carter's National Security Advisor said, but I admired him.

In this Chamber we have people who have utter contempt not only for President Reagan's policies but for his National Security Council. But our National Security Council, under this distinguished 4-star general, Colin Powell, gave my office this document.

Here is what it says: On 10 February, 1988—7 days after my postmortem last month—the Salvadoran Armed Forces engaged a unit El Pepeto in Eastern Chalatenango department, killing an insurgent believed to be a courier. Among the documents recovered from the body of the insurgent was the document entitled "Strategic Estimate." According to this estimate, during the time before the Salvadoran elections and the next harvest, the insurgency should make blows against vital points, increase not only suburban action but urban action, and generalize the war on highways in all parts of the country—in other words, continue destroying the infrastructure.

The document actually uses a new acronym, GPR, which is believed to be the People's Revolutionary War, and it says the GPR should fuse the political, military struggle. The document states that planning must be done in order to get the masses to break through legality and generate anarchy. Communism loves anarchy.

The document also assesses the insurgent view of United States policy toward Central American and internal Salvadoran political matters.

Now, even in an hour's special order, even tightening my stomach muscles and giving you all the energy I can to make you listen, I cannot touch on all this, so I will, by unanimous consent, submit it for the RECORD later.

This is a 19-page document in Spanish taken off this dead insurgent's body. As Cal Thomas put in in one of his excellent columns in the Washington Times, the other day, it was called "Lesson From a Corpse."

□ 2130

Here are some of the things it says. This is an exact translation:

During the next few months of the harvest and the electoral campaign, a window of great political and military weakness of the Army and the Government will open. Our military plan during this time must be of an integral political-military character; we must seek to give military operations a better political content and reach the capacity for destabilization in the rearguard of the enemy—

The enemy being, of course, being José Napoleón Duarte, the one-term elected 5-year President of El Salvador, who everybody around here pretends to love and hug so much. I consider him a brave man.

especially in the capital and principal cities.

This communique goes on, titled "Strategic Estimate."

We need a wide strategy which combines all tactics and categories of effort. We must combine the guerrilla actions of destruction with political-economic destabilization by concentrating blows against vital points.

It goes on with an excellent analysis. You would think this was written by Lenin himself, Vladimir Ilyich Ulyanov Lenin, who died 2 or 3 months before his 54 birthday. I am 54 and when I think about what that man did, died January 21, 1924. He was to be 54 years of age on April 22 of that year. The way this Lenin has influenced the history of mankind, certainly the most improtant man, evil or good, in a millennium of the most important influence on the course of history, given the numbers of people who have died at the hands of communism, far more than Hitler was able to brutally murder in the 12 stinking years of his so-called thousand year Reich. The Communist killing goes on in most of the continents of the world right at this moment.

Listen to how well this is written, as though Lenin himself were guiding the pen:

The special forces must also operate in this way in accordance with their own characteristic including local forces, clandestinity, and semi-clandestinity. But all these forces must always maintain their bond with the masses and work toward converting the masses into the largest service and intelligence structure of our army. We must understand clearly that our greatest strength lies in our level of accumulated

forces and the social timebomb. We can use the GPR to fuse the guerrilia military struggle with the struggle of the large numbers of masses so that the fusion with give rise to the general insurrection. (Field comment: "GPR" may be the people's revolutionary war.)

So hope springs eternal. They tried to pull off this general insurrection within 10 days of President Reagan's inauguration back in January 1982. Is that not amazing? We have been trying to work this problem in Central America for President Reagan 7 years and almost 2 months, and yet in World War II, starting from scratch, with nothing, barely getting the draft going, we went from Pearl Harbor all the way to victory in Europe in 3 years and 5½ months. This has been double what it took to conquer Hitler, double what it took to wrap up Japan by Mid-August 1945, and we are still working this problem, with my hero, Reagan, still adhering to Jimmy Carter's off-the-wall figure, like the speed limit of 55 advisors in this beleaguered nation of El Salvador.

He says:

The key factor with the masses is that we need to get to the point where the radical demonstrations turn into revolutionary and insurrectional actions.

There must be appropriate planning and lines of action which break through legality and generate a state of anarchy, disobedience, and social disorder and causes the masses and members to make the decision to forget about fear of death.

Never before has there existed objective bases as strong and dynamic as those which exist now which give the GPR an integral paramilitary character to advance in the widening and radicalization of the masses movement and the impositions of our conspiratorial policy in the FDP. (Field comment: other documents taken in this same capture show the expansion of "FDP" to be the Democratic Patriotic Front.) These objective bases will present an opportunity of exceptional importance through all of 1988 and a good part of 1989.

Get the feeling here? We are going to be voting on Contra aid again and again and again in the second session of the 100th Congress and in the 101st Congress and thereafter until the cancer of communism is removed from Managua.

Then he goes on another couple of paragraphs.

However, the context of the document seems to imply that the "third forces" and possibly the other terms are references to garnering support from untraditional sources for example, as the document states, from within the United States. It must be taken into account that other forces can do a lot to help us get to the moment most appropriate to achieve victory. These include conspiratorial spaces and tendencies in the United States itself which have come about as result of the U.S. Central American policy.

I might add, that includes slimy films out of Hollywood, like the one called "Salvador," that they show in some of the Communist camps throughout Central and South America as a training film for how rotten the United States of America is.

I saw a movie on cable the other night called, "No Way Out," excellent movie with this young actor who starred in "Silverado" and "The Untouchables." In the film inside the Pentagon, of course they did not get permission to shoot over there, but they sure built a set that looked like it, inside that Pentagon, and of course liberal writers love to put down homosexual and then give them all sorts of special interest treatment, they have the Secretary of Defense who is having an affair with some young woman. They have as his senior aide-de-campe a homosexual who hires two guys as thugs to kill the Secretary of Defense's mistress girlfriend. Of course, how are these people introduced to the movie audience? And it is a big success, one of the most rented videotapes in America. "No Way Out" is the film. They are described as agency people, CIA people, who have just come back from Central America and the young naval hero, the lieutenant commander, says, "You mean these are people who work with the death squads in El Salvador and Honduras?"

And the guy nods affirmatively.

So here we have without batting an eye two CIA agents, he calls them, Oliver and Hardy. They are thugs. They crash and try to kill people all through the second half of the film. It is accepted in Hollywood that the CIA, of course, ran the death squads in El Salvador and is now setting up death squads in Honduras. Unbelievable. So these people understand, these Communists in Central America, they have a lot of friends in Hollywood.

Then it goes on after another three excellent paragraphs. I do not have time to read them all. It says:

Our conspiratorial line is by its very nature bound to dialog and negotiated political solutions but the dialog is not the only form of conspiracy.

It goes on to say:

Dialog is one form of the conspiratorial struggle but we must develop other informal methods that in the moment of opportunity of power can be more or less important than official methods.

In other words, Yoko Ono Lennon, all we are saying is, "Give dialog a chance."

Then it goes on to say:

And we must remember that flexible discussion and proposals are needed to stimulate the conspiracy.

Another couple of valuable paragraphs that I do not have time to read, and it says:

For revolutionary states and in the area of socialization, negotiation is an expression of victory. To force the United States to negotiate shows that the United States administration is politically weak and cannot mobilize all its efforts and that its policies are internationally isolated.

I wonder if they learned any of this from Vietnam.

Imperialists during negotiations try to make concessions on weak points and try to preserve the other points. The concrete expression of this, in our case, is that there is United States congressional bipartisan support for El Salvador, but in the case of Nicaragua there are deep divisions in the Congress. The unity of the United States Congress in relation to aid to El Salvador will only be broken through strategic advance of the revolutionary movement. The time of the United States elections is the most propitious moment to favor this division.

They are dividing us to conquer us. Watch the debate on the House floor tomorrow. Follow it in the written record.

Esquipulas II—that is the so-called Arias plan, named after the President of Costa Rica, a one-term 4-year President, by the way—is a concrete expression of the negotiation aspect. There is, in Esquipulas II—sometimes referred to as Guatemala's, most commonly known as the Arias plan.

"There is, in Esquipulas II, for imperialism and its strategy for low-intensity conflict"—finally that expression of ours is making it into the Communist documents—congratulations, Maj. Andy Messing, you finally got that expression to be understood. The Communists always understood it.

There is, in Esquipulas II, for inperialism and its strategy for low-intensity conflict an aspect which is a mortal game. The defeat of the Contras would be a grave strategic defeat for the United States, especially if we take into account the impact of failure in Vietnam and the geo-political position of Central America.

There is a field comment by our Intelligence analysists:

It is clear from the text that the writer is using "Contras" to refer to the Nicaraguan Resistance.

In other words, this poor field guy hates to use the name the Communists in Managua tacked on to the Freedom Fighters, Dick Nicaraguan Resistance. However, if I ever need this man, I will tell him that HENRY HYDE says, "Call them Contra tyrants."

Right up there is the seal for Virginia. It says, "So always tyrants. Sic sempere tyranis." So let us call them Contra tyrants, our young freedom fighters.

It says:

"The failure of the Contras"—this is the Communists writing again—"and the acceptance of the Nicaraguan revolution for the United States can be a total global strategic change. It would also affect the U.S. counterinsurgency policy and support to the Salvadoran Government."

And right you are, Mr. Communist scholar, being curried by this young courier. Right you are. If the Contras are defeated in Nicaragua, driven into some Bataan death march toward the Rio Coco River in the north and the

San Juan River in the south to be picked up by American medical teams so some of our majority colleagues here, being humanitarians would pick them up and bring them to the United States, hopefully, Mr. Speaker, all of them to move to Fort Worth and get registered 5 years from now and vote in one of your elections up there.

Let us see what it says, continuing here:

In spite of the bipartisan unity in the case of El Salvador—

Very fragile, only due to this liberal Democrat, Notre Dame graduate, Jose Durate—

It would be very difficult to have to recognize defeat in Nicaragua in a global view. It would not be politically logical for the U.S. to take its hands out of Nicaragua and place them in El Salvador in the form of more military aid.

Do not bet on it.

For these reasons, the Esquipulas II/Guatemala City/Arias/Wright/Reagan Plan—"is positive for the revolution. The Revolutionary forces can use Esquipulas II"—

And Mr. Arias, I add that—

to divide and break down the opposition. The United States can give nothing and needs to beg for everything. The popular Sandinista revolution has established its rules and we have our own 18 points and 6 points. The United States is weak.

In the interest of time, I jump over the next excellent paragraph, and it says:

El Salvador is a strategic pilot model for the application of low-intensity conflict methodology for the United States. Not only because of the geo-political factor, but also because of the characteristics of the model. El Salvador is a place where the United States broke the classic model of traditional military dictatorship and developed dictatorships of a new type which the United States classifies as "democratic processes"—

In other words, people going to the voting booth, pulling a little curtain and voting in secret, they call that a new form of imperialism.

I jump ahead:

The failure of the Duarte model—

otherwise known as democracy—

would have strategic implications. One thing is a revolution which triumphs over a traditional dictatorship. Another thing would be the fall of a Christian democratic government with a reform ethic.

In other words, they are admitting that Duarte's government is a Christian democratic government with a reform ethic and they want to make it fail because that is an advancement for what we used to call around here Godless—getting redundant—atheistic communism.

I jump through some tremendous material here, which will be in the RECORD:

The longer the war continues, the more favorable is the situation for the revolutionary forces.

That is, Vietnam, French or American model.

The bourgeoisie does not have prospects for resolving the economic crises and the internal contradictions of the situation tend to deepen. All this causes the imperialists to have less control and more instability.

And then we came to page 8. You have got to read this, my fellow American citizens, in its totality.

The United States has started to display fissures in unity.

Yes, sir, right in this Chamber.

Diverse factors have created this fissure, including tiredness of the length of the war—

because we are an impatient people—

the destruction, the impossibility of winning and the realization that the war is an integral phenomenon based on economic, political and social difficulties.

Break the back of the Communist forces of terror, as we did in the Tet offensive, and then a distinguished American, Walter Cronkite, says, "I've had it." A few years later he says on the air, I heard him say this with my own ears:

I am no longer going to call the enemy forces in Vietnam communist forces, red forces. I am going to call them only the Army of North Vietnam.

Was that not nice, the complete capitulation of America's No. 1 watched and No. 1 trusted newsmaker?

Now, here is a little document that all of my colleagues can get. Any American can write to the State Department. It is an easy address. United States Department of State, Bureau of Public Affairs, Washington, DC. You do not even need a ZIP code. Put "Foggy Bottom." It might get there faster. It used to be a swamp down there to the west of the White House.

□ 2145

This document that I want everyone to send for is called, America's Foreign Policy Agenda in 1988. That is a grandiose title. It has a nice number, it is Current Policy No. 1040. Does that sound familiar? That is your income tax return number. Just a little coincidence. It is Current Policy No. 1040.

Now here is a paragaph, and it is good reading, there are a lot of dreams here. It says in one paragaph on the front page that in Afghanstan, Angola, Cambodia, Nicaragua, our determined support for those fighting for their freedom has forced our adversaries to understand that expansionism and aggression are costly and that alien and repressive regimes will be challenged.

Not under my colleague, the gentleman from Missiouri [Mr. GHEPHARDT] they will not be. Not under the current Governor of Massachusetts they will not be. Certainly they will not be under Rev. Jesse Jackson. AL GORE, the gentleman who is running for President from one of the other legislative bodies around this Hill, the jury is still out. We will find out after next Tuesday whether people can believe that his great conservative or moderate voting record in the House turned into less support for President Reagan than TEDDY KENNEDY was throwing toward the President.

Here is a speech by a gentleman who worked on the National Security Council for most of the term of the President, Dr. Constantine C. Menges, resident scholar, American Enterprise Institute in Washington, DC. This document and I guess I will have to supply anybody who is interested, it is called Central America and Mexico in the Balance. Let me say this, I cannot put this load on my staff in an election year, just write to the American Enterprise Institute, get the number from information, it is Washington, DC, and this gentleman served in the Reagan administration for 5 years including from 1983 to 1986 as Special Assistant to the President for National Security Affairs. He is an expert on Central America.

Listen to this:

If Congress persists in abandoning the Contras, they will soon have to leave Nicaragua or find themselves hunted down by the 140,000-strong Sandinista Armed Forces, which have been supplied with more than $2 billion in Soviet-bloc weapons (compared to about $200 million in U.S. funds for the Nicaraguan Resistance).

By the way, the Armed Forces in Nicaragua are owned by the Sandinista political party, not by the nation of Nicaragua.

That is a 10-to-1 advantage, and we wonder if our little force of 14,000 Contras, all of them inside Nicaragua now—there is no fighting unit in Honduras or Costa Rica—if they are going to be hunted down like dogs.

Mr. Speaker, I submit Dr. Menges' speech for the RECORD.

CENTRAL AMERICA AND MEXICO IN THE BALANCE,[1] FEBRUARY 5, 1988

In a dramatic vote late in the evening of February 3, 1988, the Democratic controlled Congress refused the President's request to provide further aid to the Nicaraguan resistance. Nicaragua's Ortega responded by calling for the "complete and total defeat" of the resistance. If Ortega is successful what will this mean for Central America and Mexico.

In 1982 the late, great Democratic Senator Henry Jackson said: "Leftist revolts in Nicaragua, El Salvador, and Guatemala are the preliminary stage for the ultimate assault on Mexico, the true Soviet objective in the Western hemisphere." Early in 1984 the Bipartisan Commission established at Senator Jackson's suggestion and led by Dr. Kissinger presented its report to President Reagan. The Commission, including a former chairman of the Democratic National Committee and Lane Kirkland, wrote: "As Nicaragua is already doing, additional

[1] Dr. Constantine C. Menges is Resident Scholar at the American Enterprise Institute in Washington, DC. He served in the Reagan administration for 5 years including from 1983 to 1986 as Special Assistant to the President for National Security Affairs. This statement was made at a recent AEI foreign policy briefing.

Marxist-Leninist regimes in Central America could be expected to expand their armed forces, bring in large numbers of Cuban and Soviet advisors, develop sophisticated agencies of internal repression and external subversion."

President Reagan echoed Senator Jackson's warning in a May 1984 television address designed to persuade Democratic congressmen to provide adequate levels of aid for the friendly countries of Central America. "If we continue to provide too little help, our choice will be a communist Central America. . . . This . . . poses the threat that one hundred million people from Panama to the open border on our south could come under the control of pro-Soviet regimes."

If the Democratic majority in Congress continues to abandon the armed resistance in Nicaragua (by preventing adequate levels of military support), the linked dangers of communist victory in Central America and Mexico may well develop rapidly.

The Sandinista regime became the aggressor in the region when in 1979 it initiated armed subversion against its peaceful neighbors and, as President Duarte again documented recently, this continues despite the Arias plan. After Carter, Reagan, and the Central American leaders had tried diplomacy and economic aid as a means of persuading the Sandinistas to stop this armed subversion, aid for the Contras began in 1982. It was and is a defensive response to Sandinistas aggression, and it is consistent with the right of states to defend themselves and their allies.

Former Defense Secretary Caspar Weinberger told Congress that if it cuts the Contras off, the Sandinistas with full Cuban and Soviet-bloc backing are likely to expand dramatically their levels of military support to the communist insurgencies in El Salvador and Guatemala. Weinberger said this might include disguising thousands of Sandinista soldiers as communist guerrillas and infiltrating them into neighboring countries.

For example, at about one hundred per day or three thousand each month, it would take only about seven months for the now weakened Salvadoran guerrillas to have additional forces of 21,000. Since it requires about ten soldiers to contain one insurgent, this would mean that the Duarte government would have the impossible task of adding about 210,000 soldiers—a four-fold increase costing about $2 billion.

If Congress persists in abandoning the Contras, they will soon have to leave Nicaragua or find themselves hunted down by the 140,000-strong Sandinista Armed Forces, which have been supplied with more than two billion dollars in Soviet-bloc weapons (compared to about $200 million in U.S. funds for the Nicaraguan Resistance). Next, it is likely that the combination of a sharply increasing communist threat and the demoralization of the pro-democratic groups could lead to a communist Central America in two stages. First, a process including internal panic, turmoil and polarization—perhaps one or more military coups and the return of the violent right—followed by the Congress cutting vital U.S. aid to some of the friendly Central American countries. Some congressional Democrats would likely take a "let the dust settle" approach to any breakdown of the recently achieved democratic institutions. Second, the emboldened communist groups could step up terrorist, military and political action using the usual "broad front" approach to deceive some non-communist elements into helping them take power.

By now Mexico's plight is well known to many Americans: deep poverty unalleviated by the former oil boom; the belief of many Mexicans that economic mismanagement and corruption within the ruling Institutional Revolutionary Party (PRI), led to their years of economic decline; and unwillingness by the governing party to make good on its promises of genuine political liberalization.

Yet six decades of political stability, forty years of steady economic growth, and the adaptation to the effects of the 1982 economic crisis all testify to the strengths of the Mexican political system. It is likely that Mexico will continue to be stable and change through evolution unless the internal and international communist movements decide to attempt a seizure of power.

Unfortunately, history suggests that a communist victory in Central America is likely to be followed by a sustained and systematic strategy aimed at bringing the pro-Soviet communist parties of Mexico and Panama to power. The internal communist movement in Mexico, with the support of the Soviet bloc and Cuba, will use the communist countries of Central America as a base area just as Nicaragua has been used by the Central American communist movements since 1979.

Except for the governing party, only the communist movement in Mexico is organized in every area of life: a political party with tens of thousands of members, millions of voters, and clandestine apparatus; key communist labor unions and communist penetration of some ostensibly government-controlled unions; peasant organizations throughout the country; a wide array of Soviet-supported front groups; and, two large communist-controlled coalitions of disaffected poor which were formed after the onset of the economic crisis in 1982. To this must be added decades of close Mexican communist cooperation with the Soviet Union and an unusually large Soviet-bloc "diplomatic" presence in Mexico City and permission for the PLO and other terrorist organizations to maintain facilities in Mexico.

A communist strategy for taking power in Mexico will likely emphasize deception and speed in order to prevent the leadership in the United States from understanding until it is too late that a communist seizure of power has taken place. Once the decision is taken, it is likely that clandestine communist groups will deepen the economic and political crisis by sparking strikes, demonstrations, attacks on tourists, and sabotage of oil production facilities which in a short time could begin a sharp downward economic spiral and deepen the misery of the very poor.

There are many classic approaches, all of which have been tried and have often worked in other countries. In the context of deepening crisis, clandestine pro-communist elements within the governing party might cooperate with the communist party and gradually gain full control—this is the Czechoslovakia 1948 approach. Or communist cadres within the military might stage a coup to "reform the Revolution of 1910." This method was used in Ethiopia (1977) and in Afghanistan (1978). Or significant elements of the governing party might openly join with communist-controlled fronts in a coalition defined as the "the authentic and reformed governing party." All of this could be accompanied by terrorism directed at moderate Mexican leaders by groups claiming to represent various regional or class interests but in fact operating under clandestine communist control.

This combined with the lack of real knowledge about Mexican politics among U.S. leaders and the concerns caused by the new communist states of Central America could well mean that a communist government could be in power before there was any consensus in the United States about how to prevent that from occurring. Communist victory in Central America and Mexico would be a tragedy for the hundred million people who live there, and it would confront the United States with an enormous threat which would grow worse year by year.

Fortunately this can be prevented if the Congress provides the funds for the Reagan strategy of helping the people of Central America themselves achieve democracy and real peace. Since 1981 the number of democracies has increased from one to four among the five Central American countries. The Sandinistas came to power in 1979 by promising the OAS that they would establish genuine democracy and remain non-aligned. If Congress finally provides sufficient aid to the Nicaraguan Resistance, the people of Nicaragua can bring about a genuinely democratic government there which will also be at peace with its neighbors. The Democratic majority in Congress continues to face a historic decision in 1988.

Here is something that just came by our offices. Our written Record does not print charts or graphs so I have written the word "in" in front of each year. This shows how much money the Soviet Union has put into the military buildup of Nicaragua. This is all in United States dollars so it can be compared to something.

In 1979, nothing.

In 1980, $10 million, a pittance.

In 1981, $160 million.

In 1982, $140 million.

In 1983, $250 million.

In the year when this House cut off aid to the Contras and used this word "fenced" to talk about a punk $14 million, the Communists put in $370 million.

There was a slight drop down to $280 million, and then the big year 1986, $600 million of military aid.

In 1987 the Soviet Union came up with $505 million, that is half a billion.

Guess what happened during the Arias peace plan period. That is when half that money in 1987 came in, $250 million or $300 million of that $505 million.

But what happened to January when people including our distinguished Speaker were singing, all we are saying is give peace a chance? What happened?

During January the Communists, Gorbachev, little darling Mikhail Sergeyevich, and this is his birthday today. Just think, his birthday is today and what did Gorby do for us after leaving the White House, right before Christmas? He went back to the Kremlin and he said, "Go for it. Send

them another $75 million worth of aid."

Happy birthday, you deceitful Communist leader, General Secretary Gorbachev, 57 years old. I cannot believe he sent them $75 million. Was that the way to treat you, Mr. Speaker? Was that the way to treat our Democratic leadership that has worked so hard to advise the Ortega brothers on how to be good little boys? How to conduct themselves in proper public relations terms during all the division inside this distinguished legislative body? Thanks a lot, Secretary General Gorbachev, for $75 million worth of military aid to hunt down those teenage boys and girls that we uniformed, booted, fed, armed and told to go into Nicaragua to fight for their freedom. Not mercenaries like the late Benjamin Linder, and I will give him his idealism, but he was a mercenary on Nicaraguan soil carrying a Soviet Kalashnikov rifle, AK-47, against Nicaraguans fighting on Nicaraguan soil for what they perceived to be Nicaraguan freedom, whether anyone agrees with it or not.

Mr. Speaker, I submit for the RECORD a letter I wrote to the President 6 days after that disgraceful vote on February 3:

HOUSE OF REPRESENTATIVES,
February 9, 1988.

The PRESIDENT,
The White House, Washington, DC.

MR. PRESIDENT: The February 3rd House vote against your package to aid the Nicaraguan Resistance was a major blow to freedom. The cut-off of the Resistance at this critical juncture cripples their negotiating strength and undermines confidence in U.S. reliability throughout the region. Mr. President, Congressional short-sightedness has overtaken your policy in Central America. We need your help to reverse this set-back.

Mindful of the fact that the Democratic leadership of the House of Representatives has always advocated an abandonment of the Nicaraguan Resistance, we urge you to reject their overtures for your help in fashioning a "compromise" package. Your efforts to compromise on the components of the February package went unheeded by the same individuals who are now requesting your assistance in fashioning a thinly veiled policy of abandonment. We have been asking for some time to see what the Democratic alternative is to aiding the Nicaraguan Resistance. Let these liberals offer it without the Reagan imprimatur.

Mr. President, you can help the opponents of the Resistance to see the folly of their actions by making the American people aware that losing Nicaragua to communism is the inevitable outcome of the liberal's vote last week. We believe that the Democratic leadership is attempting to involve you in their political face-saving ploy to make it appear that they are concerned about the spread of communism in Central America. The facts show that the hard-core opponents of your policy fear the political fallout in November more than they fear the loss of Nicaragua to communism. You, Mr. President, must not be a party to this blue smoke and mirrors political trick.

Mr. President, we do not want to see a precedent of abandonment in Nicaragua spur liberal efforts to undo the Reagan doctrine elsewhere. You must leave office with the banners of the Reagan doctrine unfurled and flying high!

Additionally, we believe that the time is long overdue to get tough with Republicans who consistently vote against your highest priority foreign policy initiative. It is time they feel your political heat in this important election year.

We are here Mr. President, to help you implement your Central American policy.

Your loyalists,
Robert K. Dornan, Gerry Solomon, Buz Lukens, David Dreier, Dan Burton, Henry Hyde, Duncan Hunter.

I will just read part of it.

The February 3rd House vote against your package to aid the Nicaraguan Resistance was a major blow to freedom. The cut-off of the Resistance at this critical juncture cripples their negotiating strength and undermines confidence in U.S. reliability throughout the region.

I should have said throughout the world.

Mr. President, Congressional short-sightedness has overtaken your policy in Central America. We need your help to reverse this set-back.

My colleagues will notice that the President is not on television tonight, the eve before tomorrow's vote, and at a leadership meeting today all my Republican leaders indicated that tomorrow's vote is every bit as important as the vote of February 3. The President is not even asking the networks for time because they all turned him down last time except for the world's most important network, CNN.

Reading further, "Mindful of the fact that the Democratic leadership of the House of Representatives has always advocated an abandonment of the Nicaraguan Resistance, we urge you to reject their overtures for your help in fashioning a 'compromise' package. Your efforts to compromise on the components of the February package went unheeded by the same individuals who are now requesting your assistance in fashioning a thinly veiled policy of abandonment. We have been asking for some time to see what the Democratic alternative is to aiding the Nicaraguan resistance. Let these liberals offer it without the Reagan imprimatur.

Mr. President, you can help the opponents of the Resistance to see the folly of their actions by making the American people aware that losing Nicaragua to communism is the inevitable outcome of the liberals' vote last week. We believe that the Democratic leadership is attempting to involve you in their political face-saving ploy to make it appear that they are concerned about the spread of communism in Central America. The facts show that the hard-core opponents of your policy fear the political fallout in November more than they fear the loss of Nicaragua to communism. You, Mr. President, must not be party to this blue smoke and mirrors political trick.

Mr. President, we do not want to see a precedent of abandonment in Nicaragua spur liberal efforts to undo the Reagan doctrine elsewhere. You must leave office with the banners of the Reagan doctrine unfurled and flying high!

Additionally, we believe that the time is long overdue to get tough with Republicans who consistently vote against your highest priority foreign policy initiative. It is time they feel your political heat in this important election year.

We are here, Mr. President, to help you implement your Central American policy.

This is signed "Your loyalists," DAN BURTON, who just left the floor, GERRY SOLOMON of New York, HENRY HYDE, who will probably be our anchorman tomorrow pleading eloquently as he always does to give freedom a chance, not a dishonorable peace as exists now in Indochina or exists in the empty marketplaces of Managua, Nicaragua, but peace with freedom. Give liberty a chance. Also, BUZ LUKENS, DUNCAN HUNTER, and DAVE DREIER. Those last two people went with me on a Codel down to Panama in July and got the full Southern Command briefing, and it is a stunning briefing and I do not know why it is locked up top secret away from all the American people who fund this place, and run this Government, and are asked to fund this trillion-dollar budget, and the American people do not get to see the top-secret information. As much as I admire my friend from California, one of the greatest Secretaries of Defense this Nation has had, "Cap" Weinberger, his biggest failure was that he resisted my blandishments and pleas to declassify 85 percent of this stuff called top secret, which the Soviets already know, which we Congressmen know, including the Senators and Congressmen who will not act upon it. As Jesus Christ himself said, "There are none so blind as those who will not see."

I do not know why we are keeping all these things locked up and we have to leak them out on the floor in dribbles being careful not to declassify anything ourselves when there is one person, as Lyndon Baines Johnson, President of the United States, taught us, here is one person that can declassify anything he wants by just opening his mouth and that is the President of the United States because he is the Commander in Chief.

Here is a document, and this is something we get in our boxes filled with this blizzard of paper, and this is from the Foreign Broadcast Information Service.

This is JPRS report on Latin America.

Listen to this. This is a document that has a section for every country south of the border and north of the border including Canada. It says this week a U.S.S.R. rice shipment arrives in Nicaragua. "A Soviet ship carrying a 5,000 metric ton load of rice arrived in San Juan del Sur," which is a port that we do not hear too much about. It is the last port on the Pacific Coast

before one gets to Nicaragua. It is a beautiful little sleepy town.

"Distribution priorities are: first, the armed forces, then regions 2, 3, and 4 in the Pacific." Feed the men, that is what some of the liberals who are not for any help for the Nicaraguan Resistance no matter what, they will get up and say quite correctly that an army travels on its stomach, and it is a sleazy comment for what Colonel North calls a vascillating unpredictable on-again, off-again group of Members who go back and forth, they are going to vote for humanitarian aid not realizing that it is food, and the army travels on its stomach, so some people vote down freedom and are telling the truth more than some of the so-called swing votes.

It says after they give the armed forces their distribution of rice, then regions 2, 3, and 4 in the Pacific are next, and here the product has not been seen in places of distribution for some days. So maybe it is all going to the army.

Then it says down here another news story: Mass Organizations Denounce Israel—the heads of six Sandinista mass organizations sent a message to the executive committee of the PLO supporting that organization, an organization that was thrown out of Washington, DC, for bragging about terrorist bombings of school buses. These Sandinistas support the PLO calling for an international peace conference on the Middle East and condemning recent actions by Israel.

I do not think we will hear much comment on that on the House floor.

Here is another one, U.S.S.R. Graduates Association—an "Association of Nicaraguans Graduated in U.S.S.R." was formed December 19 in Managua. This "shows the willingness of graduates to strengthen the solidarity between Nicaragua and the U.S.S.R.

Imagine all these kids coming back and indoctrinating communism to Central America, between us and South America.

When the Nicaraguan Government ordered the newspaper in question to shut down indefinitely after the U.S. Congress approved $100 million for the Contra revolution, it was not administering a "definitive blow" to freedom of the press; it was putting an end to the "freedom" of that paper to continue being the mouthpiece of the aggressor power; that is, us.

Thus, what was being shut down in Nicaragua was not an "independent" newspaper, but a paper that was financially, politically, ideologically, and morally dependent on the Reagan administration.

I wonder if my colleagues feel it coming here? Depending on what they do on the leadership side of the aisle, they are going to close down La Prensa again, the only paper they have opened up.

Mr. Speaker, three times I have corrected you. Do not do it tomorrow, sir, do not say they have opened up newspapers—plural. They have opened up one.

Do not say they have opened up radio stations. They have opened one, a Catholic radio station.

Please be accurate. No TV stations are open yet. Even Somoza had TV stations that were against him, and that he hated.

Mr. Speaker, I submit for the RECORD the JPRS article on Nicaragua.

U.S. INTERVENTION IN HAITI CONDEMNED

[Editorial: "Why Are They Meddling in Haiti"?]

Yankee hypocrisy and arrogance are once again looming up threateningly in the wake of the recent bloodstained events in Haiti. Mouthpieces such as the Miami Herald and Congressman Walter E. Fauntroy have outspokenly proclaimed the need for military intervention headed by the United States to assume a "democratic" course in that beleaguered country. Who has given the United States that right? Why didn't they talk about intervening in Chile in 1973 when Allende and 50,000 others were murdered?

The purpose is very clear. The United States is in no way interested in putting an end to crimes of the Tom Tom Macoutes or to the continuation of the Duvalier dictatorship through the Military Junta or other means. On the contrary, its interest consists in perpetuating a Duvalierism with Duvalier and in cutting short the mounting aspirations of the masses for freedom and democracy.

The comment that "Namphy has exhausted the people's patience" and that "he must go" is true, but not because the U.S. Government does not like him. It is simply choosing a perfect scapegoat to placate the masses, keep the system intact and put a "clean" face at its head.

The Yankees could not be more brazen, with the Miami Herald taking the invasion of Grenada as an example and saying bluntly that "this paper supported that invasion." They believe that this unfortunate precedent can be repeated in Haiti, calling on "the democracies of the hemisphere or the United States alone if necessary, to invade Haiti," as if Haiti were the private property of Americans and the Haitian people had no right to ascertain and resolve their internal differences on their own.

The dust is being shaken off the old protectionist practices, and another appeal is being made for "multinational troops to impose order."

The Latin American community of nations, which represent the fundamental component of the OAS and the overwhelming majority of which have signed the NOAL's now have the strength and cohesiveness needed to abort the United States' interventionist plans.

Within this context, the Acapulco pledge, signed by eight Latin American presidents, must become a spearhead against intervention and for the right to self-determination of peoples.

RECENT POLITICAL, ECONOMIC, SOCIAL DEVELOPMENTS

32480047 [Editorial Report] the following items have been abstracted from reports published in various issues of the Spanish-language press in Nicaragua, as indicated. No. 8 in a series, USSR Rice Shipment Arrives—A Soviet ship carrying 5,000 metric tons of rice arrived in San Juan del Sur. Distribution priorities are; first, the armed forces, then regions 2, 3, and 4 in the Pacific, "here this product has not been seen in places of distribution for some days." A donation from the EEC is expected with 3,500 metric tons of rice and 1,500 metric tons of cooking oil, the latter enough to supply the country for 2 months. [El Nuevo Diario 23 December 87 p 12.]

Drought Effects, Statistics—According to Reinaldo Antonio Tefel, head onf INSSBI (Nicaraguan Institute of Social Security and Welfare], 530,000 peasants have been "directly affected" by the drought. This includes 230,000 in region 1; 60,000 in region 2; 20,000 in region 3; 20,000 in region 4; 150,000 in region 5; and 50,000 in region 6. A total of 20,000 manzanas planted with beans and corn have been lost, and farm cooperatives report losses of 200,000 quintals of beans and 100,000 quintals of corn. It was reported that region 6 has been left without basic grains due to the drought. [Barricada 23 Dec. 87 p 2; Managua Domestic Service 0300 GMT 18 Dec. 87.]

Land Reform Enters New Phase—The basic transformation in the countryside has been "completed" claimed Alonso Porras, general director of land reform. The land reform program has entered a "phase of consolidation of accomplishments", with private holdings affected only "as a last resort." Only 22 percent of the land distributed in 1987 belonged to private producers, according to Porras. The state owned 22 percent of all lands in 1985, but only 13 percent in 1987. During this year 178,042 manzanas were distrubted to 9,300 peasant families. Land distribution totals since 1979 are: 1,268,000 manzanas to 112,000 families, of which 40,000 were squaters given the land they worked outright. [El Nuevo Diario 18 Dec 87 p 16.]

Mass Organizations Denounce Israel—The heads of six Sandinist mass organizations sent a message to the Executive Committee of the PLO [Palestine Liberation Organization], supporting that organization, calling for an international peace conference on the Middle East, and condemning recent actions by Israel. [Barricada 22 Dec 87 p 2.]

USSR Graduates' Association—An "Association of Nicaraguans Graduated in USSR" was formed 19 December in Managua. This "shows the willingness of graduates to strengthen the solidarity between Nicaragua and the USSR," stated member Gloria Rizo Centeno. [Barricada 22 Dec. 87 p 2.]

'PARDONED' LA PRENSA ACCUSED OF FOLLOWING REAGAN LINE

[Editorial: "Echoes of the Reagan Plan in the Pardoned Newspaper".]

We pointed out yesterday that nothing is more fatal to the hopes for peace than the ideological fanaticism on which the Reagan policy is based, because it leads to an unusual version of reality in which the facts are turned upside down by obsessions or mirages.

The United States counterproposal on the cease-fire offered by the top echelon of the mercenaries shows as much. Only a disoriented Pentagon strategist in the thrall of Reagan metaphysics could imagine that a group of routed mercenaries could allegedly control 68,500 kilometers of our national territory. This alone explains how they can see a "triumph" where there is defeat, "strength" where there is weakness, "an offensive" where there is flight. This is what

is called "wishful thinking" in English, the sort of chimera that, as we can see, only a policy doomed to failure can create.

This way of thinking and portraying things has been introduced into the country by a mass medium that since May 1980, with the help of advisers from the IAPA [Inter-American Press Association] and the National Endowment for Democracy (both linked to the CIA), has been the spokesman for the interests of the Reagan administration in Nicaragua. Since then it has pursued an antirevolutionary and openly pro-American editorial policy, playing the purported role of the local "organizational brains" of the mercenaries and the scattered "civic right wing." Thus, its language is representative and all-embracing, albeit not its own, because it is merely an echo of "His Master's Voice," like the RCA logo.

When the Nicaraguan Government ordered the newspaper in question shut down indefinitely after the U.S. Congress approved $100 million for the counterrevolution, it was not administering a "definitive blow" to freedom of the press; it was putting an end to the "freedom" of that paper to continuing being the mouthpiece of the aggressor power.

Thus, what was being shut down in Nicaragua was not an "independent" newspaper, but a paper that was financially, politically, ideologically and morally dependent on the Reagan administration. The "freedom" that was being suspended was not freedom of information or of the press; it was the freedom for the Reagan administration, after escalating and formally declaring war on Nicaragua, to have one more destabilizing tool in the country.

The paper did more than supply arguments for the debate on the $100 million in Congress. It also systematically concealed all gains by the revolution; provided slanted coverage of military and economic activities; fomented discontent and projected an image of chaos; promoted shortages; reprinted information from the U.S. Embassy word for word; gleefully reported the triumphs of the Reagan administration in its lobbying for funds for the contras; did not report on the counter-revolutionary actions that have adversely affected the lives and the development of the Nicaraguan people, claiming thousands of victims, etc.

Because of its complicity, as proven time and again by its own writings, the plug was pulled on the United States' "rag." Now that the military victories of the people have strategically defeated Reagan's military tool, creating chances for peace not only in Nicaragua but in the rest of the isthmus as well, what this paper says or fails to say, or rather, what it dreams up, fades into the background, because reality is and will be much stronger than any words.

It is precisely because reality shows that the people of Nicaragua are marching forward at a victor's pace that we can afford the luxury of being both generous and implacable in combat. Therefore, as part of the entire package aimed at allowing peace to finally break out, the newspaper of the Reagan administration has also been "pardoned" along with the rest of the beneficiaries of amnesty.

The above does not mean, of course, that they have "laid down their arms" ideologically, because in the final accounting it is the only bastion that the Reagan administration controls in Nicaragua, as this business about 68,000 kilometers is just a pipe dream.

From this controlled position right in the heart of Managua we can thus hear the echoes of the Reagan Plan and we could even read in advance through its editorials the famous counterproposal that they have conveyed to Nicaragua through the mercenaries as their intermediaries.

Compare the comments of the pardoned newspaper with the Reagan Plan and the counterproposal of the [contra] top echelon. They are like two peas in a pod. Their language has an "Orwellian" tint to it, interpreting reality in reverse, as words are not what they mean, and fanaticism clouds reason, law and decency. It thus clamors for a "General Amnesty" so that the pardon granted to the newspaper will extend to some of the self-proclaimed defenders of "liberty" (there is a shortage of "cadres") who left the paper and became overt militants in the mercenary groups; they would thus be able to return without having to lay down their arms (for example, Oscar Leonardo Montalvan, spokesman of the FDN [Nicaraguan Democratic Force]; Humberto Belli, who is on the payroll of the CIA's Institute for Religion and Democracy; Adriano Guillen, a public relations man for MISURA, etc).

Many foreign observers, who have nothing at all to do with the Sandinist Revolution, cannot help but be surprised at the totally uncritical attitude that this paper, which calls itself "nationalist" and "in service to all Nicaraguans," has taken towards the Reagan administration's policy against Nicaragua. While the administration is openly criticized in the United States itself from time to time by papers such as The New York Times or The Washington Post (which in the final accounting, like all major bourgeois papers, are nevertheless good ones), in Managua it finds only apologies and unlimited space for its slander and interests.

All indications are that the pardoned newspaper has once and for all given up the chance to become a national opposition paper and remains an instrument in service to a foreign power. If not, just look at the sort of opposition it engages in and what interests it defends.

□ 2200

It is precisely the Communists gone on because reality shows that the people of Nicaragua are marching forward at a victor's pace that we cannot afford the luxury of being both generous and implacable in combat. In other words, en garde Cardinal Obando, Msgr. Bismark Carballo. En garde Chimorro family and Violetta Chimorro, the great lady head of that family whose husband was assassinated by the late dictator, Somoza, or even his daughter told me 1 chance in 10 by the Sandinistas themselves to achieve sympathy. But I will accept it that the feif, Somoza, killed the senior newspaperman in that country, the head of the founding family of La Prensa.

Now here is a report that I am going to bring up in my 2 minutes or whatever I get on the floor, and mark my words, there will be a Dornan post mortem for 1 hour if again in this Chamber we vote against freedom. Tomorrow I will do another little talkdown, and show some more of the 16 gigantic prison camps that people suffer in because this Congress cannot make up its mind whether it cares or not about people being executed in secret and being tortured in these Communist prisons in Nicaragua, the only thing they have built since their overthrow of Somoza in July of 1979.

This is from the Rand Corp., headquartered in the middle of my own district right in MEL LEVINE's district. Oh I wish my good friend and colleague, MEL LEVINE, would stop in at the Rand Corp. there on the Pacific Ocean and meet with Bryan Jenkins, who helped write this report with Gordon McCormick, Edward Gonzales, and David Ronfeldt. It is called Nicaraguan Security Policy, and as with most academic papers it has a rather colorless subtitle "Trends and Projections." This book by the Rand Corp. in its 40th year of existence, which has given us Secretaries of Defense and Secretaries of Energy, this book is so incontrovertibly filled with information, how the Sandinistas are selling their soul to Gorbachev and the Soviet Union, it is unbelievable that Members will not accept this Rand projection as they accept the current Rand report on drug-running and what it is doing to our Capital City, this beautiful Washington, DC. Nancy Reagan was quoting a Rand report similar to this extensively yesterday in all of her television appearances. Last night it was being used again on Nightline and other shows.

But why do they believe the Rand Corp. on what cocaine cowboys and narcotics are doing to our grade school kids, high school kids and college kids, and the whole fabric of our society? What did Nancy say that I have been saying for 20 years since I got on television 20 years ago last month. I said that casual users of drugs are murdering people in Colombia and all through the Caribbean and in other parts of the world, Turkey, whether we use the golden scimitar, the golden triangle, or our own Western Hemisphere, anybody who uses recreational drugs is murdering people. They have the blood of the Attorney General of Sicily and the Attorney General of Colombia, 11 of the Supreme Court Justices out of 15 in Colombia, their blood is on their hands. That is what Rand said.

Well here is the Rand research and development, that is what Rand means here, the Rand report in Rand's 40th year on Nicaraguan security policy. I am going to ask what this costs. I do not care if it costs $50,000, I am going to have it put in the CONGRESSIONAL RECORD so that as these records of this great deliberative body go out to every library in America, every school that wants them, and as we distribute them to our friends and supporters, detractors and colleagues, I want this report as a part of the historical record in the second session of

the 100th Congress as we jeopardize freedom.

Here is another report, Cuban, Nicaraguan support for subversion in Honduras, El Paraiso, July 1954. Here is what really grieves me, because we cannot put photographs into the CONGRESSIONAL RECORD. Several pages into this is the picture of the type of person I generally just honor because they walk in the footsteps of the Son of God, Jesus Christ. Here is a priest, a former priest, a betraying Judas Escariot, Father Boulang. He is still considered in Honduras as a subversive priest, an activist, a Christian agrarian, and he reported meeting with Farabundo Marti guerrillas in El Salvador in Concepcion del Uruguay on more than one occasion. This is another mystery to me. How can so many people reject the counsel of Reverend Jim Bakker, Reverend Swaggart or any of the priests or bishops or ministers when they counsel us on pro-life issues, or euthanasia, or drugs, or premarital sex, or infidelity, or pornography and we reject what they say, when the Cristics Institute, as naive and stupid a pro-Communist group as there is, or the National Council of Churches, or the Witness for Peace, when Witness for Peace cycled 65,000 American citizens with very little Communist guidance, they all do the grunt work themselves, to inculcate in these people and indoctrinate them on how these 9 Communists are really benign reformers and they deserve to rule the people of Nicaragua, and they blind themselves to the prison system, they blind themselves to the fact that this is a peasant uprising in Nicaragua, that 98 percent of the Contra freedom fighters resistance forces are Contra kids and girls right off the coffee farms, and 98 percent of the people Ortega has thrown into prison are also peasants, humble peasants out of this poor country. And we have priests who have sold out their vow against anything that would have to do with atheism, and we have Witness for Peace cycling all of these people through training them to hate the United States of America, not just Reagan. They hate the whole government because they know that they are not going to get any better out of our foreign colleague, AL GORE, or anybody else.

Here is a memorandum from a man who actually created the slide show that Colonel North got credit for. He only gave the slide show. This is Colonel Tracy on active duty who is now wrapping up his life's career, and now he is available to the civilian sector as a consultant, and here is his analysis of that disgraceful debate on February 3, his overview "Themes of the Anti-Contra Aid Coalition and the Rebuttals." He starts out with that one, "That's all we are saying, give peace a chance." The Central American presidents want us to stop giving military aid to the Contras, and he analyzes that and knows there is a lot of double talk there. The Soviets do not want to be saddled with another albatross like Cuba. They are really ready to cut off military aid to the Sandinistas once the Contras are gone. Here we stand on little Gorbie's 57th birthday, and he just sent him $75 million, and that is in January. I wonder what our intelligence people are going to tell us that Gorbachev pumped into the Isthmus of North American soil between us and the Panama Canal that we built? I wonder how much he is going to pump in February now that the analysis starts on that 29-day month? We cannot permit the Soviets to place offensive weapons in Nicaragua. Little rebuttal on how they talk big, one of the Senators saying "why, we will take them out with air strikes," and the man has never called for an air strike in his life. He would not even use a spray can to kill a fly, and managed to avoid military service, and he is saying oh, we will mount an air strike. Not one of his sons is going to be in jeopardy.

Another point, no matter how onerous the Sandinistas, the United States cannot provide military aid to the Contras for the simple fact is that it is illegal under international law. We went through that in the Iran-Contra hearings. Here is the rebuttal by Colonel Tracy, retired from the U.S. Army, a humanitarian aid package designed to maintain military pressure on the Sandinistas by keeping the Contras viable as a military force moving around, 14,000 people starving to death in the bush of Nicaragua, ready to once again receive arms from the United States if the Sandinistas renege on their promises. The Sandinistas are unloading Soviet-made artillery, they are unloading more and more surface-to-air missiles so that they can shoot down any airplanes, and the real thing I love about tomorrow's vote is that we are going to take it away from the Central Intelligence Agency who is keeping perfect books, and against the advice of the present Commander in Chief, the President, or his brand new Secretary of Defense, Mr. Carlucci, and the people who love him on both sides of the aisle, and I think he is doing a good job so far, and he says no way that we want this mission.

Then we have my good friend on this side of the aisle, the black sheep of the great Czech American family, BOB MRAZEK, who established the Mrazek line down there, no military person in Honduras can go within 20 miles, not clicks or kilometers, 20 miles of the border. So what are our defense people going to do given the Mrazek line, go up to 20 miles from the border and hand it to the people?

Mr. Speaker, could I ask how much time I have remaining?

The SPEAKER pro tempore (Mr. VISCLOSKY). The gentleman from California has 14 minutes remaining.

Mr. DORNAN of California. Mr. Speaker, I will try not to use all of that time out of respect to the hard-working staff, although, folks, you have not worked too hard over the last 2 months. We have only had 18 votes and it is March already. I cannot believe the way things are around here, and we are going to have threats of a post-election rump session in December. That means we will be here till midnight, 1 o'clock, 2 o'clock in September and up to October, and we will get very little time to go home and campaign.

Some people who read the RECORD or follow through on the national technical means asked me to repeat an analogy because they wanted to get it straight. If you want to get it straight, send for it, but I will go through it again.

Why not a single voice on this side of the aisle standing up and speaking out against our aid to the resistance in Afghanistan against Soviet genocide on the other side of the world? All right, here is the point I tried to make in that post-mortem on February 3. First of all, when I brought up from the leadership desk on our side this point that because Mr. BARNEY FRANK of Massachusetts got up and said not a Member on either side of the aisle speaks out against aid to Afghanistan, that we can run good covert programs, first of all that is a joke. The whole program is overt. Everything I heard in the Khyber Pass that was secret last Thanksgiving has now been flashed on the front page of the L.A. Times. The Tennessee mule program I can discuss openly now, and in last week's Time magazine it says we are giving $630 million. That is a classified figure I thought, and that is only a few million off. What is this? How does this stuff leak out?

Anyway, BARNEY FRANK said that, and I said that is not true. One hundred Members here would vote against aid to the democratic resistance in Afghanistan. No, it is not democratic, we do not know whether it will be democratic, it is just a resistance, a national resistance, and he said that is not true. And once he said those words contradicting me, a Member got up, went right up into the well, it was not Judge CROCKETT, it was a gentleman from the First or Second District of Chicago, not Mr. SAVAGE, the other gentleman got up and said from the Second District, I guess, I do not want any aid to go anywhere in the world. And then I think Mr. CROCKETT got up and said it too. Now that is two that I know of, and four Members on our side of the aisle that do not want to give any money to Angola, Afghanistan, or anywhere else in the world, and they

make one interesting point, that we are borrowing all of this money not on ourselves, not on our children, but on my seven grandchildren and any more to come. That is why it is so critical and these dollars are so precious.

But far better we borrow a little money on my grandchildren than to have my children or grandchildren fighting down there or disbursing through the Defense Department aid to the resistance.

Here is why Mr. FRANK is wrong, and I will start a poll in this place, and I will give him the names of people who say that they will cut off the aid to Afghanistan after we cut off the Contras in Nicaragua, and then in Angola. Here is what is so peculiar: Not a voice has been raised on this side except by innuendo, these Members that I mentioned who said they do not want aid to go anywhere against Afghanistan.

Now what did we argue about on February 3? It is easy to remember because we argued about $3 million on February 3. I pointed out on this House floor that the star airplane of the highly popular "Top Gun" costs $32 million plus. One engine, whether it is a Pratt and Whitney or a General Electric engine in an F-15, -16, -18, the Harrier, the AV-8(b) or the F-20 Tiger Stark that has been cancelled, one of these engines costs about $8 million, $9 million, or $10 million.

If anybody is following these House proceedings from aerospace, give me the exact figure because I had trouble getting it today. But certainly when you have a 2-engine airplane, and it is worth $32 million, or in the case of the F-15 Strike Eagle that the liberals tried to get out of the budget, and we managed to salvage them, and they are going to go to the Fourth Fighter Wing that earned their glory in Korea, the Fourth Fighter Wing stationed at Seymour Johnson Airbase in North Carolina, and they are going to get the first F-15 Eagles, and those will be made by McDonnell Douglas in RICHARD GEPHARDT'S district, the Caucus Chairman, doing very well running for President, they are made in his State, and he is all for them, and they cost over $45 million each, one airplane $45 million. But we haggled here over $3.2 million.

I do not think you could buy the landing gear or its hydraulic system for an F-14, -15, -16 or -18 with $3 million, the landing gear for one fighter. I pointed out that 2 F-18's out of the Marine Corps Air Station at El Toro joining my district, that two of them went up like I used to do in peacetime with a friend, a wing man, probably a good buddy, someone who has a wife, or a friend who they are separated from, and you fly in opposite directions until you are off of one another's radar. Then you turn around and you come at one another, and it is known as ACM, air combat maneuvers. To the air fighters it is called bumping heads, and to the old time fighters, a carryover from World War I, it is called dog fights. That is for you people left over from World War I. And these people go up and they fly over Highway 395, and they go up to the great ski areas of Manmoth and June, and they come together, and as sometimes happens they collide head on, and one fighter goes home, but the other one dies. How do you replace that man? You cannot put a price on a young warrior like that trained to be combat ready so that he never has to fight in combat or leave his family. But two planes cost about $27 million each, the new Marine Corps FA, and that means fighter attack, 18 Hornet.

□ 2215

Fifty-four million dollars gone. I do not know, under this budget or Carlucci's plans whether we will ever be able to replace those two F-18's. They are so hard to come by. We are pumping them out but we were going to build the ones in the budget anyway.

Fifty-four million dollars in one instant over California, preparing to keep that honed edge so that they never have to fight in combat, to stay combat ready and deter the Communist forces around the world. Gone, $54 million and a precious life and we haggled here on February 3 over $3.25 million. That was for bullets. Of course that is not even going to be in the Democratic package, the aid package. Yes, aiding them through the elections November 8.

Now here is this weird comparison between Afghanistan and this nation that you can drive to called Nicaragua.

Under Harry Truman this Chamber voted money to build a PanAmerican highway right through Texas and to California into Mexico—down from Texas and California into Mexico all the way down to the Darien Gap at the neck of Colombia where it meets Panama. You can drive on a top notch highway through Mexico, Guatemala, you can go to El Salvador, detour up to Honduras. Their capital is the only one in Central America, Tegucigalpa, not on the PanAmerican highway. It is as though you were driving to Costa Rica where there are thousands of American businessmen, down to Panama, you can go right down to Managua, the lowest of all the cities down there in those volcanically formed lakes. You can drive to this.

I know a newsman who is afraid to fly. He told my wife, "Yes, I have to leave a couple of weeks ahead of you to be down there with the Congressmen because I have to drive down there, I do not fly." She said, "Drive?" She turned to me, my wife, and she said, "Hey, you can drive to this war, this is not Vietnam." Now here we are, Managua is on Chicago time, HENRY HYDE time, New Orleans time where we are going to have our convention. If you want to look at El Paso, which is on mountain time or Salt Lake City or Denver, take Miami time, DICK CHENEY time, that is 12 hours away from Pakistan and Afghanistan. In other words, our beautiful Rocky Mountains where so many lucky Americans are skiing right now, that is precisely the opposite of a 24-hour world from the United States of America. Up there in those hills of Afghanistan where those ferocious fighters in Afghanistan who beat the British three times and are fiercely independent, whether it is swords or making replicas of any gun you hand them, these people do not have to be trained to fight. They took to our high-tech surface-to-air arm held Stinger missiles, they took to them like ducks to water. But guess what I was informed? It was top secret but it is now on the front page of the Wall Street Journal just a week ago today.

The Stingers did not go to the Afghan resistance through over 6 years of the Reagan administration, almost 6 years; that the first Stinger—and the very first one got a victory, a ground-to-air kill on a Mig—it was September 1986, after we had already started kicking the Contras around several times when the first Stinger was unleashed. And from that September until I went with an excellent fighter for freedom in this Chamber, Congressman Democrat CHARLIE WILSON, of Texas, when I went with his Codel to the Khyber Pass and to the Afghan border and the resistance support town of Pashawa where we visited all these refugee camps too. That was in November. In those 14 months the whole war had been turned on Gorbachev's birthday. Yes, on your birthday, Mikhail, I tell you that there is a cartoon that I would like to send to you. Cartoonists in America are brilliant because they can say so much with a picture.

Here is a picture of the Soviet soldier with you by his side, Mr. Gorbachev. He is sticking this bayonet right through a Mujahidin freedom fighter. And you are saying, Mr. Gorbachev, "Yes, I see this is a bleeding wound. We can pull out now." You are the one who has created the bleeding wound, you are the one who has killed somewhere between 1 and 2 million people. Your leader, who we were told you were going to criticize on November 2 when you had Ortega and U.S. Communist chief Gus Hall and you had Fidel Castro in the front row November 2 in Moscow, and said you were going to rip up Stalin and then you barely slapped Josef Stalin's wrist. It was Stalin who said 1 million deaths is nothing, one man's death in important.

Well, somewhere between 1 and 2 million, hundreds of thousands of

Afghan men, women, and children have disappeared because in the 3 years that you have been in command—and this is your anniversary month because you took over 3 years ago this month of March—in those 3 years you have not pulled out any troops. You went through a charade about a year ago making—putting in some troops as you were taking some out—a little shell game. But you can take these troops out, you do not have to wait until May 15 to start and then take 10 months. What are you doing? Patterning yourself after Nixon's Vietnamizations? Oh no; you will make sure, unlike Mr. Nixon, that there is no way that you will fail to leave a puppet government behind in Afghanistan. Only the resoluteness of the Pakistanis will stand between you and some sort of a phoney pullout. No, Mr. Gorbachev, we put that war back in your face, by doing something under President Reagan that Jimmy Carter, with all due respect, would never have done, just like he never would have bombed Qadhafi and stopped Americans being killed all around the world by terrorists.

Whether it was Syria more guilty than Qadhafi or not, Assad of Syria got the message when we rattled Qadhafi's brains. Jimmy Carter would never have liberated Grenada. It was bad enough trying to get around some of the wimps that Reagan had on his staff to get this job done of liberating Grenada. If Mike Deaver had still been on the staff we probably would never have gotten Grenada liberated or Qadhafi bombed.

Now we see, Mr. Gorbachev, that we are willing to put over $630 million, leaked all over the American papers, against you, more than one-half of a billion dollars; not $3 million, over $600 million, 12 time zones away from the Rocky Mountains. Not Chicago/Managua time. And the people there, part of the world family, but they are Islamic and there are seven groups. The first group that gets Stingers believe it or not are loyal to the Ayatollah Khomeini and the whacked-out fundamentalists in Tehran. And, they hate the United States. And, of course, they leaked some of the Stingers down there to Iran.

So parts are in carrying cases and carriages and sites show up on some of those boats that these Iranian cowboys ride around in in the gulf shooting up unarmed tankers. But of those seven groups the Mujahidin, they are all competing with one another. Do we have any guarantee that there will be an election as in Costa Rica, Guatemala, or Honduras or El Salvador? Of course not.

We are just asking them—we are supporting them in their struggle to get rid of the Soviet occupation troops and then whatever government they carve out for themselves, that is fine because after all they are in the Himalayan foothills. We are not going to track them. Why is it we do for Islamic people, seven competing groups with no hope of democracy that will give them way over 1,000—that is what it said in the L.A. Times and the top figure is classified—way over 1,000 big, strong genetically powerful Tennessee mules not with the little skinny pointy back like Pakistani and Afghan mules but the big, slope-backed mules where you can pile them on top and on both sides; as big as horses, 15 hands, 16 hands high.

We are sending these Tennessee mules, low tech, but we tell the poor Contras, "You carry your stuff on foot across that Mrazek line, if in fact Honduras and Costa Rica haven't completely kicked you out" which I believe they have by now, because of the Arias adaptation of the Wright/Reagan plan. And then with the low-tech Tennessee mules we gave them the high-tech state of the art Stingers. What do we give to the Contras down here, our fellow Norte Americanos who have grown up under a Judeo-Christian culture, Old Testament, New Testament, most of them Christians with crosses around their necks? What do we give them? The Red Eye. What is the difference, my fellow Americans, between a Red Eye and a General Dynamics Stinger?

I will tell you, it is very simple. With a Red Eye they get to try to kill you first. They roll in this big Hind 24D, actually the 25 export model, it is coming at you firing rockets, Soviet Gatling guns, it has soldiers inside so it can land. Our Apaches do not do that. We do not have soldiers to come out and bayonet the wounded. But they do in these big Hinds. They are coming at you and you just sit there and you start praying. And if they do not blow you to bits then you get a shot at their exhaust as they leave. But with a Stinger, it is a fair contest.

You get them as they are coming at you. That is the way we treat the Afghans. More on this tomorrow. Why do we not treat our fellow people of this culture, fellow North Americans down in Nicaragua? I think it is a mystery to me and I think it is a mystery to the American people.

Thank you, Mr. Speaker, more tomorrow. I will put some of these reports in the RECORD. Please read what I have already put in the RECORD, my colleagues and anybody else interested in the written RECORD and the national technical means that some of you use to follow the proceedings in this Chamber.

Four hundred thousand Americans watch this, these special orders. So it is a joke that the majority pans the House as though to humiliate us that we are talking to wind here. Four hundred thousand of you watch. God bless you for taking an interest in your country. I love these special orders. Thank you, more tomorrow.

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

There was no objection.

The material referred to is as follows:

MEMORANDUM FOR CONGRESSMAN BOB DORNAN ON CONTRA AID FROM LARRY TRACY

OVERVIEW

The debate on February 3, 1988 demonstrated a paucity of effective arguments on the part of the anti-Contra aid coalition. I suspect that the same old arguments will be trotted out by Speaker Wright on February 25. After have read the Congressional Record for the February 3rd debate, I have isolated the principal arguments that I believe they will use, and have also developed counter-arguments. I am repeating much of the information I furnished you on February 3rd, but in a more legible form. I also recommend you read (and extract anything you find useful) the attached paper—"The United States and Central America in 1988: A Watershed Year"—that I presented at a conference at the University of Miami in January. I just finished updating it to include the events of February, and I believe it can provide you with material that will be relevant in the debate. You may use any of the information in the paper, and you may distribute it to any of your colleagues for their use.

I believe that you and your colleagues should hammer home the theme that if the Democrats are as serious as they say they are to deter Soviet aggression in the region, then Contra aid is an alternative to U.S. troops. Bring out, especially to the C-SPAN audience, that if American boys start coming back in body bags from Central America, it will be because Speaker Wright and his Democrats denied young Nicaraguans the arms to fight for their country.

THEMES OF THE ANTI-CONTRA AID COALITION, AND SUGGESTED REBUTTALS

1. "Let's give peace a chance:

Rebuttals:

A. This is pure sophistry. What we in the West mean by "peace" is entirely different from that meant by "mir", the Russian word that generally translates as "peace". Mir is used, in the Marxist-Leninist lexicon, to refer to a condition that can exist only in a "Socialist" (read Communist) state.

B. Before the Contras became successful in the field (pre-"Redeye" days), the Sandinistas were not willing to talk "peace" except on their terms, which meant unconditional surrender for the Contras. In the last eight months, the Contras have moved with impunity throughout much of Nicaragua, the Sandinista gunship fleet is virtually grounded due to the "Redeye" missiles, and the Sandinista infantry is not as aggressive now that it cannot count on air cover. It has been the military prowess of the Contras that "gave peace a chance", as the Washington Post and other elements of the elite media have pointed out. To now remove the essential factor in the peace equation—Contra military pressure—is to set back peace, not support it.

2. "The Central American Presidents want us to stop giving military aid to the Contras."

Rebuttals:

A. It is not at all certain that Presidents Duarte and Azcona are eager to see their chief antagonist, Nicaragua, free of the kind of guerrilla war that the Sandinistas have waged against their countries, especially El Salvador. But they also realize that congressional power of the purse in the U.S. can be used against them if they displease the Congress, and they are keeping a low profile, not wanting to become embroiled in a U.S. internal dispute. President Cerezo of Guatemala maintains a studied aloofness from the fray, perhaps because Guatemala, larger and more populous than Nicaragua, has traditionally never thought that either Somoza or the Sandinistas were of much concern.

B. President and Novel Laureate Oscar Arias, on the other hand, has not been reticent about injecting himself in the internal U.S. dispute. That he feels comfortable in so doing is explained by the special circumstances of Costa Rica. It has no army, and is dependent on the OAS (read U.S. Army) to defend it. On February 3, 1986, on "One-on-One", John McClaughlin observed in an interview with President-elect Arias that Costa Rica "had it all ways" with no Army to worry about, but secure in the belief that the U.S. would come to its defense if it was attacked. Arias responded that "We think it is correct that we have enough friends who will come to defend Costa Rica in case of attack by the Sandinistas or by what ever force." Arias knows that he can take "a chance for peace" because it will not be young Costa Ricans dying to defend Costa Rican democracy, it will be young Americans. And these young Americans will be the constituents of many of the Democrats who voted against Contra aid.

3. "The Soviets don't want to be saddled with another albatross like Cuba. They are ready to cut off military aid to the Sandinistas once the Contras are gone".

Rebuttals:

A. Soviet military aid to the Sandinistas has been approximately $120 million since the August 7, 1987 signing of the Peace Plan. This is almost twice the amount of U.S. military aid to the Contras in three years. There has been no sign of slackening Soviet resolve. If there were a freeze on all outside military support for the Central American countries, Nicaragua would be "frozen" as the dominant military power in the region.

B. Soviet interest in building Nicaragua rapidly into this dominant position is indicated by the fact that on a per capita basis, Nicaragua has received more military assistance than Cuba over the last four years. Cuba has a population three times greater than that of Nicaragua, and an active duty military twice the size of Nicaragua's. Yet since 1984, Nicaragua has received about the same amount of military assistance from the Soviet bloc as has Cuba.

4. "We cannot permit the Soviets to place offensive weapons in Nicaragua." (the "see what a tough anti-Communist I am argument").

Rebuttal:

A. This is a thoroughly disingenuous argument. Members of Congress must surely know that the Soviets have no need to place nuclear missiles in Nicaragua, as they placed them in Cuba in 1962. They had few missiles that could reach the U.S. then. They can now reach any target in the U.S. in 30 minutes with their land based intercontinental missiles and with their Typhoon and/or Delta nuclear submarine-launched missiles. The Soviets are too rational and cautious to risk provoking the sleeping giant of the U.S. Congress by such a blatant (and unnecessary) move. Democrats who use this argument are drawing a line in the sand that the Soviets will never cross. The soon-to-be 600,000 man army is the real offensive weapon that the countries of Central America have to fear, and the factor that is likely to cause the U.S. to send troops to Central America in the future under the terms of the 1947 Rio Treaty.

B. Once the Congress succeeds in doing what the Sandinistas have been unable to do—destroy the Contras—the Sandinista military will be able to settle down to the business of consolidating the power position of the Sandinista Party, its political superior. Major Roger Miranda has said that the Ortega brothers: "think that the only way of guaranteeing the development of their Marxist program in Nicaragua is to construct a powerful army. One can sign agreements, one can appear to be more flexible in the political system, but what they will never negotiate is the Sandinista army. They know that their power rests, in the long run, in the size of that army."

5. "U.S. support for the Contras has driven the Sandinistas into the arms of the Soviets.

Rebuttals:

A. This is the same argument that was used in the 1960's about Castro. Castro now says that U.S. hostility "had nothing to do with the direction of our revolution. Inexorably, we considered ourselves Marxist-Leninists" (TV interview in Madrid, January 1984). The Sandinistas have been more discreet, but in November 1977, they issued a "General Military-Political Program" in which they said that after toppling Somoza, they would develop a government "along progressive Marxist-Leninist lines." Humberto Ortega said in 1981 that "our doctrine is Marxism-Leninism." Bayardo Arce said in 1984 that although Nicaragua's "strategic allies tell us not to declare ourselves Marxist-Leninist" the goal of the November 1984 elections was "the unity of Marxism-Leninism in Nicaragua.

B. Nicaragua's ambassador to Washington, Carlos Tunnermann, inadvertently acknowledged in a March 30, 1985 Washington Post article that in November 1981, at the time the Reagan Administration decided to assist the Resistance, Nicaragua faced "only a few hundred" ex-National Guardsmen whose chief occupation was cattle-rustling and extortion". At that time, Nicaragua had a Soviet-supplied army of almost 40,000, the largest in Central America's history. (The Sandinista army was 5,000 in July, 1979.)

C. The Sandinista alliance with the Soviet-bloc started long before there were any Contras. The Sandinistas turned down offers of doctors, nurses, and teachers from Costa Rica, and Peace Corps volunteers from the U.S. They immediately turned to the Soviet's surrogate in the Caribbean, Castro, for all of this help and military training. The first Soviet tanks arrived six months before the U.S. decided to help the Resistance. In fact, the Sandinista army, the backbone of the Party as in all Communist countries, became the largest in Central America at the time the Carter Administration was providing more economic aid to Nicaragua than any other benefactor.

6. "No matter how onerous the Sandinistas, the U.S. cannot provide military aid to the Contras for the simple fact that it is illegal under international law."

Rebuttal:

A. Under Article 51 of the United Nations charter, "individual and collective self-defense" measures are permitted to any country. Since 1979, Nicaragua has been engaging in an armed attack against El Salvador. The assistance to the Contras is part of the United States' response to Nicaraguan aggression. To say that U.S. aid can only be sent to El Salvador, and that Nicaragua is free to act with impunity, is to turn the law on its head. If, as Dr. John Silber points out in the March 4, 1988 edition of National Review, aid to the Afghan rebels is legitimate, so too is aid to the Contras. The commonality, according to Silber, is that each is fighting an illegitimate government. The November 1984 elections in Nicaragua did not provide legitimacy to the Sandinistas: it was considered so flawed that every democratically-elected president of Latin America boycotted the inauguaration of Daniel Ortega.

7. We hold no brief for the Sandinistas, but they have, under the pressure of their Central American neighbors, opened the political system and have said "if the opposition wins the election, we will turn over the government to them. There should be no equivocation about that." (Daniel Ortega, as quoted by Speaker Wright from a New York Times story, during February 3, 1988 debate.)

Rebuttal:

A. What Speaker Wright should have quoted from Ortega was a conversation Oscar Arias had with him in November 1986, when Ortega was not feeling much pressure from the Contras. Arias told a Panamanian TV interviewer that "Ortega told the democratic presidents present that he was not willing to risk his political power." Arias went on to say: "I told him the essence of the democrat is to acknowledge that one day he could be the leader, and on the next the opposition. I asked him if he was willing to become the opposition some day. His answer was no" (FBIS-Latin America) November 14, 1986).

That was the attitude expressed to Arias at the time that the Contras were not placing much pressure on the Sandinistas, because the $100 million voted by the Congress was just beginning to reach the Contras. More than a year later, the Contras have placed sufficient pressure on the regime to cause Ortega to talk of turning over the government. According to Miranda, they will not turn over the army, which is the basis of their power.

B. As to whether Congress can believe Ortega, an article in the June 10, 1983 Washington Post by Lawerence E. Harrison, the director of AID in Nicaragua during the Carter Administration is illustrative. He recounts a coversation with a Sandinista official, who commented that: "You don't understand revolutionary truth. What is true is what serves the ends of the Revolution".

8. "This humanitarian aid package is designed to maintain military pressure on the Sandinistas by keeping the Contras a viable military force, ready to once again receive arms from the U.S. if the Sandinistas renege on their promises."

Rebuttal:

A. A transparent cop out on the part of Wright and his colleagues. The impact on the morale of the Contras has been devastating in the aftermath of the February 3rd vote. Even if the Contras have military supplies, the momentum of their operations will be stopped. A cease fire in place, with no resupply under U.S. control, will enable the Sandinistas to surround them, and when they are ready, "crush them", in Ortega's words of February 21.

B. The Democrat's proposal is actually a capitulation to the Sandinistas, an effort to cover their tracks so that if things don't work out, and the U.S. must eventually send combat troops to Central America, these Democrats will be able to say "we did all we could". If U.S. troops eventually fight and die in Central America, the record should be clear that it was because the Democrats cared more for a political victory over Ronald Reagan than they did for Central American democracy. They should not be allowed the political cover of what is an act of moral cowardice.

BANKS SHOULD PAY PREMIUMS TO FDIC ON FOREIGN DEPOSITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 30 minutes.

Mr. KLECZKA. Mr. Speaker, I am today introducing legislation to restore equity in the federal deposit insurance funding mechanism by requiring the Federal Deposit Insurance Corporation [FDIC] to levy assessments on foreign as well as domestic deposits.

Current law requires banks to pay an insurance premium based on deposits received in the United States. Banks do not now, however, pay a nickel in deposit insurance assessment on foreign-based deposits, even though the FDIC provides de facto coverage for the bulk of these deposits.

The de facto coverage results from the "too large to fail" doctrine now embraced by the federal regulatory agencies which effectively guarantees all deposits of large banks, insured and uninsured. De factor insurance of foreign deposits without a parallel assessment which includes those deposits clearly favors larger banks at the expense of others. This is because the FDIC premium is assessed on just about all the deposits for most banks, but is levied against only about half the deposits of the largest banks.

I include in the RECORD a table from the February 19, 1988, American Banker which answers the question "Who Pays Least for FDIC Protection";

TEN INSTITUTIONS WITH MOST FOREIGN DEPOSITS IN 1987

	Assets 12/31/87 ($ bil.)	Domestic deposits 9/30/87 ($ bil.)	Foreign deposits 9/30/87 ($ bil.)	FDIC 1987 assessment ($ bil.)	Percent of deposits on which assess. paid
Morgan Guaranty	$75	$15	$34	$11	31
Bankers Trust	57	11	23	9	32
Citicorp	204	40	66	34	38
Republic National	19	5	8	3	39
First Chicago	44	12	17	9	41
Chase Manhattan	99	27	36	24	43
Continental Illinois	32	8	10	7	44
Manufacturers Hanover	73	23	23	18	50
Chemical	78	26	13	20	67
BankAmerica	93	50	23	42	69

Source: Federal Deposit Insurance Corporation.

While small- and medium-sized banks usually pay full fare premiums, big banks ride the deposit insurance system via super saver.

Mr. Irvine Sprague, who chaired the FDIC for more than a decade, described the current situation well in the October 22, 1987, American Banker. Relating the cost of Federal deposit insurance, and defining those who bear that cost, he said:

What does federal deposit insurance cost? Bank-America paid $21.5 million in January and $20.5 million in July in assessments; Citibank paid $16.9 million in January and $17.3 million in July. The numbers varied from January to July because assessments are based on the moving average of deposits as stated in call reports.

The obvious question: Why does Citibank, a much larger institution, pay less for FDIC protection than Bank-America? The answer: The law is unfair.

Only domestic deposits are assessed and insured and Citibank does much more business in the foreign markets. All of the thousands of smaller banks pay on all of their deposits, the handful of international giants, mostly headquartered in New York City, pay on only a portion of theirs.

The fact is that when megabanks face failure, all of the depositors are protected, insured and uninsured alike . . . The record is clear. Continental Illinois paid only $6.5 million in assessments in 1984, yet its entire $69 billion structure was protected. Why will Congress not correct this inequity? Why do the big banks get a free ride on their assessments while their smaller brethren pay full fare?

At this point, a recounting of the Continental Illinois escapade is in order. As Mr. Sprague noted in his book "Bailout," of the $69 billion Continental structure bailed out by the Federal Government, $30 billion was in off-book liabilities. A hefty $36 billion was in uninsured borrowings, much of it foreign originated. These figures dwarf the $3 billion in insured domestic deposits the FDIC was required by law to protect. As the General Accounting Office noted,

The Federal move to bail out all depositors and creditors involved, insured and uninsured, was carried out in part to prevent a run on the bank by foreign depositors.

Continental, of course, paid no FDIC premiums based on those deposits.

A few large banks are the principal beneficiaries of this all-to-convenient underassessment. In 1984, the 10 largest banks collectively controlled 71 percent of foreign deposits. This means that 10 megabanks controlled among themselves $224 billion in deposits on which FDIC premiums were not assessed but for which, for all practical purposes, the FDIC was liable. As of March 31, 1987, 20 megabanks controlled 84.3 percent of all foreign deposits of FDIC-insured banks. The $280 billion in unassessed foreign deposits of these giant institutions came close to equalling the $363 billion in domestic deposits on which these institutions paid a bargain basement $303 million in gross insurance premiums. As the chart I previously included in the RECORD indicates, foreign deposits actually exceed domestic deposits at some money center banks.

For some banks, overseas accounts are very profitable. According to a recent study, the 10 biggest U.S. banks escaped payment of a collective $115 million in insurance premiums in 1984. This figure is perhaps better understood when separated out as a percentage of net income for the banks involved. For six of the 10 banks, the benefits accrued by not paying FDIC assessments on foreign deposits accounted 3 to 4 percent of net income, a sizable portion by any standard.

We now have a deposit insurance system in which the 14,000 plus banks with no foreign deposits subsidize the deposit insurance premium payments of the fewer than 300 banks which do. This point has not been lost on most bankers. I am pleased to report that the measure I introduce today has the strong support of the Independent Bankers Association of America, an industry trade group which represents the interests of approximately 6,500 commercial banks. In testimony before the House Banking, Finance and Urban Affairs Financial Institutions Subcommittee on December 3, 1987, Charles Doyle, the chairman of the IBAA Federal Legislation Committee, explained why his organization favors extending the FDIC assessment to cover foreign deposits. He said:

All banks pay a premium for FDIC insurance protection based on all their domestic deposits, including those over $100,000. However, the insurance coverage for most banks extends only to domestic depositors up to $100,000. In contrast, all deposits—foreign and domestic—at too-big-to-fail banks are covered, and such banks by their very nature present a greater systemic risk to the FDIC. The money center banks do not want to pay a fair premium assessment for their covered deposits, both foreign and domestic. This means that every bank holding foreign deposits gets a free ride and is subsidized by the rest of the banking system. As the Continental Illinois case made clear, foreign deposits are effectively a liability to the FDIC, and all liabilities should bear an assessment . . . Congress could partially address this inequity by simply including all deposits, foreign and domestic, in the deposit insurance base. Too-big-to-fail banks would then pay a fairer share for the FDIC coverage they enjoy. And, this proposal could be made

"revenue neutral" by decreasing the overall assessment rate that the FDIC imposes.

The legislation I introduce today is revenue-neutral. It would reduce the overall assessment rate for all banks, to one-fourteenth of 1 percent of deposits from one-twelfth of 1 percent, while broadening the base to include foreign as well as domestic deposits. According to the FDIC, a reduction of the premium rate to one-fourteenth of 1 percent would nearly level out the effect of the expansion of the premium base which results from the inclusion of foreign deposits, with gross assessment revenues declining by eight-tenths of 1 percent. The effect for the overwhelming number of banks would be a welcome reduction in FDIC insurance premiums. Banks with a modest amount of foreign deposits would, in many instances, roughly break even as the effect of the broadened assessment base is mitigated by the lower overall assessment rate. Large banks which rely on a substantial amount of foreign deposits would begin to pay full freight.

I would like to address the arguments of those who might oppose this legislation.

Some large banks argue that the FDIC assessments of foreign deposits would sharply reduce the competitiveness of American banks abroad while having a serious adverse impact on the American trade deficit.

While an equitable assessment system would increase slightly the cost of doing business for a handful of banks, it would not make loan or deposit rates of American institutions with foreign branches uncompetitive with other banks, nor would it have a serious adverse impact on our trade balance.

Let us take a look at the numbers.

To raise $1.4 billion in 1985 assessment income, the FDIC levied an assessment of approximately 0.079 percent, or one-twelfth of 1 percent, against $1.8 trillion in domestic deposits.

Had that assessment base included foreign deposits, an additional $322 billion would have been added to the amount on which the premium was levied.

With such a broadened base, a flat percentage charge of 0.067 percent, or one-fifteenth of 1 percent, would have raised an equal amount of assessment income—$1.4 billion.

It is very useful to remember that the inclusion of foreign deposits for purposes of FDIC assessment can make possible a corresponding reduction in assessments on domestic deposits held by a bank.

Had the FDIC base been broadened in 1985, the assessment on all domestic deposits would have declined by 0.012 percent, from 0.079 percent to 0.067 percent. This would reduce pretax costs to banks by $210 million. The 268 banks with foreign offices that year would have enjoyed a reduction of 0.012 percent in assessments on their $825 billion in domestic deposits. In other words, they would pay $99 million less to the FDIC on their domestic deposits.

The $322 billion in foreign deposits held by these same banks would be subject to an 0.067 percent assessment. That would have translated into an additional $216 million in costs.

Accordingly, the net increase in pretax costs for banks holding foreign deposits would have been about $117 million. This is the figure that results from subtracting the $99 million in savings from the $216 million in cost increase.

The $117 million figure is essential if we are to determine the impact of an equitable FDIC assessment system on competitiveness and trade.

Had banks with foreign deposits paid an additional $117 million in pretax assessment costs in 1985, their greater pretax cost of funding loans could be approximated by dividing the $117 million in costs by the $322 billion of foreign deposits. This would yield an additional cost of doing business of roughly four one hundredths of 1 percent—0.00036. If the aftertax cost of funding loans rose by roughly three-quarters of this value—a reasonable assumption based on worldwide effective corporate income tax rates for banks—and if higher net costs were passed on to all bank borrowers on a dollar for dollar basis, bank deposit and loan rates would be affected only slightly by the resulting percentage point change of approximately three one hundredths of 1 percent.

The impact on competitiveness and profitability of higher net costs equal to three basis points would be minimal.

The nine largest money center banks in 1985 paid 10.5 percent on interest-bearing deposits in foreign offices while earning 11.1 percent on their loans, net losses. Large banks other than money-center banks paid 9.6 percent on interest bearing deposits in their foreign offices while earning 11.0 percent on their loans, net losses.

Neither money center banks nor other large banks were required to pay a premium to the FDIC on their foreign deposits. The differences were determined by the marketplace itself and the position of individual banks within the marketplace. A higher net after-tax cost of three one-hundredths of 1 percent would not make foreign branches of American banks uncompetitive.

The costs incurred by an individual institution, whether related to economies of scale or regulatory requirements, are a determinant in that institution's position in the marketplace. Some banks may find making interbank loans on extremely thin margins to be profitable others might not. The inclusion of foreign deposits in the FDIC premium base is not the determining factor on whether or not a bank does business overseas.

The very existence of the FDIC makes banks more competitive in their bids for foreign deposits. It certainly enhances the basic capital position of the bank by guaranteeing domestic deposits up to $100,000. Foreign competitors have no comparable deposit insurance mechanism.

In addition, foreign depositors are concerned about the safety of the institutions in which they deposit large sums of money. Not all banks are as safe and sound as American banks. According to a confidential Bank of England study, stockholdings of Japanese banks equal to about one-third of their assets are tied up in the Japanese stock market. As noted in the January 28, 1988 Wall Street Journal, this makes Japanese banks, unlike American banks, very vulnerable to a stock market crash.

Does the marketplace put a value on the safety of deposits? While difficult to quantify with exactness, Catherine Cumming noted in the Federal Reserve Bank of New York Quarterly Review of Autumn, 1985: "The normal tiering in the Euromarket suggest that safety may be worth more than 8 basis points." It seems clear that the backing American banks receive in the marketplace from FDIC protection may well be worth substantially more than the minimal cost of assessment of foreign deposits.

While an increase in the assessment base and an across-the-board reduction in the overall assessment may be the most equitable way to proceed, I want to make clear to my colleagues that I would certainly support a broadening of the base to include foreign deposits without a corresponding reduction in the overall premium if events demand such a course. The inclusion of the $332 billion in foreign deposits would increase the FDIC premium base by approximately 15 percent. If the FDIC maintains that this is a more desirable method of comprehensive assessment, Congress would be wise to listen to that advice.

Since I indicated my intent to introduce this legislation earlier this year, bankers in 25 States have contacted me to let me know of their support for the initiative. At this point, I would like to include in the RECORD copies of some of those letters of support from the various States along with the text of the legislation.

The material follows:

MCHENRY STATE BANK,
McHenry, IL, January 15, 1988.

Re Federal Deposit Insurance Assessment Equity Act.

Hon. GERALD KLECZKA,
Cannon House Office Building., Washington, DC.

DEAR CONGRESSMAN KLECZKA: I am certain that about 99 percent of the insured banks in this country would support your legislation to impose federal deposit insurance assessment on foreign deposits. The present program is totally unfair to us who deal strictly in domestic deposits.

We can certainly understand that foreign deposits must be insured but to enjoy protection without assessment is totally unfair.

Very truly yours,

THOMAS F. BOLGER,
President.

STATE BANK OF LISMORE,
Lismore, MN, January 11, 1988.

Hon. GERALD KLECZKA,
House of Representatives, Washington, DC.

DEAR MR. KLECZKA: Received information today on your Federal Deposit Insurance Assessment Equity Act and would like to inform you that I am in complete agreement with the proposed bill. It is a wonder that this inequity has been unaddressed for this long.

If there is anything I can do to assist you please feel free to contact me.

Sincerely,

GARY M. LOOSBROCK,
V.P. Cashier.

VIRGINIA COMMUNITY BANK,
Louisa, VA, January 12, 1988.

Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR MR. KLECZKA: I support you in your introduction of a bill requiring FDIC to

charge premiums on foreign deposits. We pay premiums for insurance based on all of our deposits, and I see no reason for money center banks being excluded. I would suspect they are better able to pay the premiums, than are many community banks across the country and I wish you success in guiding this legislation to completion.

Sincerely yours,

A. PIERCE STONE.

STATE BANK OF ESCANABA,
Escanaba, MI, January 15, 1988.

Re F.D.I.C. Assessment Equity Act.

Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: I hail and support your bill to bring equity to the F.D.I.C. assessments of bank deposits.

As pointed out in your bill, the money center banks have been getting a free ride for many years by their ability to exclude foreign deposits from their deposit base when calculating their F.D.I.C. assessment.

I support increasing the F.D.I.C. revenue by including these foreign deposits in future assessments.

Your bill will give small community banks and large banks that do not accept foreign deposits equity in the F.D.I.C. fund.

Thank you for your efforts.

Sincerely,

FORREST A. HENSLEE,
President.

POTOSI STATE BANK,
Potosi, WI, January 28, 1988.

Re Amendment to Federal Deposit Insurance Act.

Hon. GERALD D. KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: Foreign deposits should not receive free coverage under FDIC insurance. This only subsidized the much larger Banks at the expense of smaller banks.

The Federal Deposit Insurance Act should be amended to include foreign and domestic deposits in the deposit insurance base.

Thank you for your help on this matter.

Sincerely,

NEIL C. PIER,
President.

LIVERMORE FALLS TRUST,
January 21, 1988.

Hon. GERALD KLECZKA,
House of Representatives, Washington, DC.

DEAR MR. KECZKA: It is my understanding that you are planning to, or have introduced a bill called the, "Federal Deposit Insurance Assessment Equity Act". You are to be commended for your efforts to corrects a gross inequity in the business of banking.

As you know, the nation's mega banks have long enjoyed a competitive advantage with the nation's community banks—not because of economics-of-scale or for efficiencies often attributed to large institutions (improperly, in my opinion) but rather because of the perceived too-big-to fail umbrella under which they operate. Fortunately, or unfortunately, depending on one's view point these same maga institutions are the primary beneficiaries of foreign deposits. The problem is that by exempting foreign deposits from the F.D.I.C. assessment process, holders of domestic deposits are being unfairly asked to subsidize those institutions with the foreign claims. Your bill seems to address the salient issues and remedies the inequity.

Thanks for your understanding and support.

Sincerely,

L. GARY KNIGHT,
Executive Vice President.

PEMIGEWASSET NATIONAL BANK,
January 25, 1988.

Re: Federal Deposit Insurance Assessment Equity Act.

Hon. CONGRESSMAN KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: In any discussion, plain facts stemming from common knowledge are a basic method to come to agreement.

Common knowledge—Failure of the Continental Illinois Bank

Fact—The Continental Illinois Bank had both domestic and foreign deposits.

Fact—The Continental Illinois Bank was assessed a premium on only its domestic deposits.

Fact—The Continental Illinois Bank failed.

Fact—The Continental Illinois Bank's $69 billion structure—which included both domestic and foreign deposits—was protected by FDIC insurance.

In this ear when equality is being stressed, the obvious question raised is "Why is this allowed"?

Foreign deposits are effectively a liability of the FDIC and all liabilities should and must bear an assessment.

Respectfully,

FLETCHER W. ADAMS,
Executive Vice President.

FIRST NATIONAL BANK,
January 11, 1988.

Hon. GERALD D. KLECZKA,
House of Representatives,
Washington, DC.

DEAR MR. KLECZKA: Thank you very much for your concern over the inequities in the FDIC assessments to banks. This has been of conceren to smaller, community banks for some time and your proposed bill, "Federal Deposit Insurance Assessment Equity Act", addresses the main items affecting community banks. It is my opinion that foreign deposits should definitely be included in the FDIC assessment base. This would accomplish two things: increase the overall amount of premium income to FDIC and make the bill "revenue neutral", decreasing the overall assessment rate on deposits.

Money center banks are presently the beneficiaries of an enormous U.S. Government support system that is not available to smaller domestic banks. Your bill addresses this inequity by including all deposits, both foreign and domestic, in the deposit insurance base. Large banks would then pay a fairer share of the FDIC coverage they enjoy.

We encourage your efforts to assess foreign deposits. Independent bankers throughout the United States are solidly behind you in this endeavor.

Very truly yours,

L.D. WESTBURY,
President.

THE APPLE CREEK BANKING CO.,
January 11, 1988.

Hon. GERALD KLECZKA,
Washington, DC.

DEAR CONGRESSMAN KLECZKA: I am pleased to hear that you propose to introduce legislation that would charge big banks premiums on foreign deposits. I want to applaud you for introducing such a bill. For too long, big banks have gotten a free ride. Particularly since Continental Illinois failed and was bailed out, in total, by FDIC. In essence, all of the deposits of that bank were made whole, foreign and domestic. It is time that the big banks share the full load.

I also would like to point out that many money center banks are also presently the beneficiaries of enormous US Government support system not available to smaller domestic banks. The US government is not playing a major role in helping us re-negotiate our troubled agriculture and energy loans. There is no IMF support system helping to ensure that interest payments will be made. The perception of small banks depositors is that their deposits over $100,000 are at risk in smaller banks no matters how well run they are.

For the Apple Creek Banking Company, a small $21 million bank, and for the 130 plus members of IBAA in Ohio, I wish you success in the passage of this bill.

Sincerely,

ALFRED C. LEIST,
President.

STATE BANK OF CHITTENANGO,
February 1, 1988.

Hon. GERALD KLECZKA,
House of Representatives, Washington, DC

DEAR CONGRESSMAN KLECZKA: Thank you for your interest in correcting the glaring inequity inherent in the FDIC's failure to assess foreign deposits.

Obviously, a very large majority of the nation's smaller banks are devoid of any foreign deposits and are, therefore, bearing a disproportionate share of the cost of carrying the deposit insurance system. In recent years, this situation has been exacerbated by the reduction in assessment credits resulting from the rash of bank failures. FDIC assisted merger activities and open bank assistance costs highlighted by the $4.5 billion injection into Continental Illinois.

State Bank of Chittenango noticed an increase of more than $5,000.00 annually in its net FDIC premiums when the assessment credits were modified because of those problems.

Those same banks which are too big to fail are, for all practical purposes, 100% FDIC insured and are, at the same time, enjoying the benefits of a portion of their deposits free of insurance premium assessment. Our bank, on the other hand, is paying a premium on 100% of its deposits, but does not enjoy 100% deposit insurance.

Congressman Kleczka, like you, I just don't understand why we should pay more and get less, nor why our depositors and shareholders should be treated like second class citizens by comparison to the depositors and shareholders of major money center banks which hold the lion's share of unassessed deposit liabilities.

Sincerely,

ROBERT B. MACDONALD,
President and Chief Executive Officer.

CRESCENT CITY BANK,
New Orleans, LA, January 22, 1988.

Congressman GERALD D. KLECKZA,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN KLECKZA: This letter expresses my support for your plans to introduce a bill requiring that the Federal Deposit Insurance Corporation impose premiums on foreign deposits of domestic banks.

Good luck in this endeavor.

Very truly yours,

RAY C. BAAS,
President and Chairman of the Board.

THE BROOKINGS BANK,
Brookings, SD, January 20, 1988.

Congressman KLECKZA,
House of Representatives, Cannon Building, Washington, DC.

DEAR CONGRESSMAN: As a community banker in a small town in South Dakota, I want to applaud your efforts in reforming the FDIC deposit insurance premium structure. Your attention to this is a welcome relief to those of us who serve the communities in obscurity, while money center banks dominate the consciousness of the news media and regulators.

For a long time we have watched expenses for FDIC insurance increase (there has been no partial refund of premiums for some time) while the money center banks have paid far less proportionally because of their international deposits. Nevertheless, when a bank the size of ours experiences financial difficulty, it is closed, while the Continental's of this world remain in business draining away the reserves of the FDIC. A fund our bank has been contributing to since 1935.

I hope this legislation is successfully passed, and I will urge my Congressional Representatives to support it.

Very truly yours,

GEORGE LUND,
Chairman.

BANK OF COLUMBIA,
Columbia, AL, January 28, 1988.

Hon. GERALD KLECZKA,
U.S. Congressman, House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN KLECZKA: I would like to offer you my support and appreciation for your introducing the bill requiring the FDIC to impose premiums on foreign and domestic deposits. Small banks should not have to pay high FDIC premiums so that the larger institutions can house foreign deposits and not pay for their coverage. The law should be changed, assessing all deposits, foreign and domestic.

Again, I appreciate your support of this legislation.

Sincerely,

B.F. OAKLEY,
Chariman and CEO.

THE PEOPLES BANK,
Winder, GA, January 12, 1988.

Hon. GERALD D. KLECZKA,
House of Representatives, Cannon Building, Washington, DC.

DEAR CONGRESSMAN KLECZKA: It is my understanding that you plan to introduce a bill requiring that the FDIC impose premiums on foreign deposits. As a small town community banker for over 40 years, I would like to thank you in advance for your decision to place this bill before Congress and to urge its passage in the strongest possible terms.

The large money center banks have failed to carry their fair share of the insurance deposit load for many, many years and yet have derived all the benefits of having 100 percent of their deposits insured as shown by the Continental Bank's near failure.

It not only seems basically unfair to require the small and regional banks to pay full premiums on their deposits but it adds insult to injury when we find that the small banks are allowed to fail without any intervention whatever and yet when a large bank gets into difficulties, the regulatory authorities rush to their rescue.

As you are well aware, the many small banks, particularly in the midwest and agricultural areas, have had some extreme difficulties in trying to serve their farm communities and it would be of tremendous help if you would push this bill through and at least make the large banks pay their pro rata share of the premiums for deposit insurance.

May I express in advance my personal appreciation for your consideration and I will be more than happy to supply any information from a local standpoint that you might desire to support your position.

Yours very truly,

CHARLES O. MADDOX, Jr.,
President.

THE FIRST NATIONAL BANK,
Greencastle, PA, January 13, 1988.

Congressman GERALD KLECZKA,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN KLECZKA: May I congratulate you on the introduction of your bill "Federal Deposit Insurance Assessment Equity Act" which would include foreign deposits in the FDIC assessment base, and speaking for the small banking industry, (having been past President of the Independent Bankers Association of Pennsylvania) the present FDIC assessment has been so unfair to the small banks of the United States.

Although the mega banks do not use this in their promotion, we know what they rest comfortably in knowing the fact that the federal government totally insures all of their deposits, including those of foreign depositors. On the other hand, we small bankers must be straightforward with our depositors in indicating that the limit of insurance coverage is $100,000 per deposit. It is beyond our comprehension how the United States government can allow this inequity to continue to exist. It is important to us that "All" liabilities should bear an assessment by the FDIC, and the free ride that the mega banks have enjoyed should come to an end.

Our small banks have outperformed the mega banks year in and year out. This comes from highly qualified management and knowing our customer, thereby, creating fewer loan writeoffs, despite the fact that we outperform most mega banks makes very little difference in the minds of the customer or depositor. By putting ourselves in his place, we must weigh very heavily where we are going to place our deposits in excess of $100,000; where they are 100 percent guaranteed, or where they are exposed in excess of $100,000.

I totally support your act which calls for the inclusion of foreign deposits in the FDIC assessment base.

I hope your bill meets with success. Any Congressman should vote in favor of your bill to correct the inequity and unfairness against small banks which has prevailed since the Continental Illinois failure.

From all of us, we thank you for your sponsorship.

Yours truly,

C.B. SHANK
President.

THE FARMERS BANK,
Hardinsburg, KY, January 12, 1988.

Hon. GERALD KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: This letter will register our Bank's support and the support of other Independent Bankers in the State of Kentucky for your proposed legislation requiring the FDIC to impose premiums on foreign deposits. This requirement is long overdue and we feel it is important that the large banks who have foreign deposits should pay their fair share of insurance premium.

You have our solid support for your proposed legislation.

Sincerely,

C.D. BENNETT,
President.

VALLEY BANK,
Kalispell. MT, January 14, 1988.

Hon. GERALD KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: We understand that you are planning to introduce a bill requiring that the Federal Deposit Insurance Corporation impose premiums on foreign deposits. We are pleased to note your concern and we sincerely support your efforts. With the failure of the Continental-Illinois Bank, it has become obvious that the Federal Deposit Insurance Corporation and those required to provide the funding for the FDIC Reserves were being "ripped off" by money center banks earmarked "too big to fail". It is the feeling of this writer that it is imperative that all deposits insured by the Federal Deposit Insurance Corporation be placed under the assessment system if we have any hope of maintaining the safety and soundness of the system. It is totally unrealistic that the major money center banks of this country should be receiving FDIC premium *welfare* from the Nation's ten or eleven thousand community banks. We sincerely hope that you are successful in your efforts.

Sincerely,

A.J. KING,
President.

NEBRASKA STATE BANK,
South Sioux City, NE, January 25, 1988.

Congressman GERALD KLECZKA,
Washington, DC.

DEAR CONGRESSMAN: I am voicing my support of your bill to require that the FDIC impose premiums on foreign deposits. Though foreign deposits are technically not covered by deposit insurance, banks that rely heavily on foreign deposits are generally the same banks that the federal regulators would not allow to fail under any circumstances. Thus, they enjoy de facto 100% deposit insurance, but pay on only their domestic deposits. As the Continental Illinois case illustrated, foreign deposits are effectively a liability of the FDIC, and all liabilities should bear an assessment. This inequity can be solved by your bill whereby all deposits, foreign and domestic, are assessed equally.

Thank you for your consideration in this matter.

Sincerely,

ROY YALEY,
President.

FARMERS BANK,
Parsons, TN, February 5, 1988.
Congressman GERALD D. KLECZKA,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN KLECZKA: I am writing in support of your effort to require the FDIC to impose premiums on foreign deposits.

As you know one of the strengths of America has been the diversity of its institutions including commercial banks.

This diversity has been nurtured by the "dual" banking system of nationally chartered banks and state chartered banks.

It seems that in recent years "dual" banking has come to connotate something else and that something else is unfair and uneven treatment by regulators of large banks and small banks.

We have seen a myriad of regulations imposed on small banks because of abuses of consumers by large banks, but when it comes to the question of surviving or failing or of not paying a fair FDIC insurance premium or of paying a fair FDIC insurance premium the new "dual" standard has been invoked.

The fundamental question here is, what is right and what is wrong with the FDIC insurance premium policy? We are dealing with matters of principle, but there is more to the question than principle.

It is just plain good sense to assess all deposits with a premium and lower the overall assessment rate.

I commend you on your effort and I sincerely hope that your colleagues will support this effort to right a wrong.

Sincerely,

H.L. TOWNSEND, Jr.,
President.

AMERICAN EXCHANGE BANK,
Collinsville, OK, January 15, 1988.
Congressman GERALD KLECZKA,
Washington, DC.

DEAR HONORABLE CONGRESSMAN: I am writing in response and support of your proposed legislation which would require all banks to pay equally on all of their deposits.

I feel, in these troubled economic times, that fair the burden of FDIC protection must be borne by all. It appers to be crystal clear that most small community bankers perceive large banks as having full coverage from FDIC, which is not afforded to us. With this favored treatment should come responsibility and liability of payment for all premium payments.

I certainly support your efforts to see that the FDIC assessment is equal and fair to all. I appreciate your help on our benefit. If there is anything we can do to assist you, please let me know.

Sincerely yours,

WILLIAM S. FLANAGAN, Jr.

FARMERS AND MERCHANTS BANK,
Wimbledon, ND, January 14, 1988.
Hon. GERALD D. KLECZKA,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KLECZKA: I am writing in support of your bill entitled the "Federal Deposit Insurance Assessment Equity Act." As a small rural banker, I totally agree that it is time the "too big to fail" banks pay their share of the insurance assessment.

Congress can simply address this matter by including all deposits, foreign and domestic, in the deposit insurance base. Too-big-to-fail banks would then be paying a fairer share for the FDIC deposit insurance they enjoy.

As a rural agricultural bank, the proposed decrease assessment would also help our situation. I wish you the best of luck in this legislation.

Sincerely,

J.A. BROWN,
President.

AVERY COUNTY BANK,
Newland, NC, January 19, 1988.
Hon. GERALD KLECZKA,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN KLECZKA: I am writing you in support of the bill you are planning to introduce requiring that the FDIC impose premiums on foreign deposits. I feel that all liabilities should bear an assessment. The money center banks do not pay their fair share for the safety they enjoy.

Very truly yours,

MARTHA GUY,
President.

WESTERN COMMERCE BANK,
Carlsbad, NM, January 20, 1988.

Subject: Federal Deposit Insurance Assessment Equity Act.

Hon. GERALD KLECZKA,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN KLECZKA: The two reasons for requiring the Federal Deposit Insurance Corporation to levy assessments on foreign deposits as well as domestic deposits is one, because it is fair and two, it will also help restore the much needed equity in the federal deposit insurance funding mechanism.

The majority of foreign deposits are "technically" insured since most of them are kept in too-big-to-fail banks. These deposits have no risk because they enjoy a federal safety net being in banks that are significant to the banking system.

Banks that don't carry foreign deposits have carried more than their fair share of the funding of the F.D.I.C. If a bank wants to have foreign deposits on its books, it should have to pay the F.D.I.C. a premium on them. This change should not only apply to the large money center banks, but also to the smaller institutions as well.

Sincerely,

DON KIDD,
President.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BAKER of Louisiana (at the request of Mr. MICHEL) for today on account of illness 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. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. PARRIS, for 5 minutes, on March 3.

Mr. HUNTER, for 5 minutes, today.

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. LAFALCE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. EDWARDS of California, for 60 minutes, today.

Mr. EDWARDS of California, for 60 minutes, on March 3.

Mr. KLECZKA, for 30 minutes, today.

Mr. GARCIA, for 60 minutes, on March 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PANETTA and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,815.

Mr. MARLENEE to revise and extend his remarks prior to the vote on the Sensenbrenner substitute in the Committee of the Whole today.

(The following members (at the request of Mr. DORNAN of California) and to include extraneous matter:)

Mr. DORNAN of California.
Mr. GREEN.
Mr. BROOMFIELD.
Mr. PORTER.
Mr. SAXTON.
Mr. DONALD E. LUKENS.
Mr. VANDER JAGT.
Mr. MOORHEAD.
Mr. GILMAN.
Mr. DAVIS OF Michigan.
Mr. LEWIS OF Florida.
Mr. COUGHLIN.
Mr. PARRIS.
Mr. BEREUTER.
Mr. GUNDERSON.
Mr. BARTON of Texas.
Mr. MCDADE.

(The following members (at the request of Mr. HOYER) and to include extraneous matter:)

Mr. SHARP.
Mr. DEFAZIO.
Mr. LIPINSKI.
Mr. MONTGOMERY.
Mr. GEJDENSON.
Mr. MANTON in two instances.
Mr. YATES.
Mr. EDWARDS of California.
Mr. CLEMENTS.
Ms. OAKAR.
Mr. MILLER of California.
Mr. LEVINE of California.
Mr. TALLON.
Mr. HAWKINS.
Mrs. SCHROEDER.
Mr. RICHARDSON in two instances.
Mr. GARCIA in two instances.
Mr. DYSON in two instances.
Mr. COLEMAN of Texas.
Mr. KLECZKA.
Mr. BROOKS.
Mr. COELHO.

Mr. DONNELLY.
Mr. DURBIN.
Mr. LELAND.
Mr. ACKERMAN.
Mr. MAZZOLI.
Mr. VENTO.
Mr. LANTOS in two instances.
Mr. SWIFT.
Mr. STALLINGS.
Mr. GRAY of Pennsylvania.
Mr. HAMILTON.
Mr. BERMAN.
Mr. OWENS of Utah.
Mr. BOLAND in two instances.
Mr. APPLEGATE.
Ms. SLAUGHTER of New York.
Mr. WAXMAN.
Mr. MINETA.
Mr. STARK.
Mr. STUDDS.

ADJOURNMENT

Mr. DORNAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, March 3, 1988, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3010. A letter from the Administrator of Veterans Affairs, Veterans' Administration; transmitting a report of a violation which occurred in connection with the allotment to the Office of the Inspector General and consisted of an overobligation in excess of the OIG's third quarter allotment, fiscal year 1987, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3011. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to provide greater flexibility in military officer personnel management during officer force reductions; to the Committee on Armed Services.

3012. A letter from the Administrator, Environmental Protection Agency, transmitting a copy of the Agency's study of asbestos-containing materials in public buildings, pursuant to 20 U.S.C. 4016, 4020(7); to the Committee on Energy and Commerce.

3013. A letter from the Chairman, Environmental Protection Agency, transmitting a report "EPA Activities and Accomplishments under the Resource Conservation and Recovery Act: Fourth Quarter fiscal year 1986 through fiscal year 1987", pursuant to 42 U.S.C. 6915; to the Committee on Energy and Commerce.

3014. A letter from the Chairman, President's Cancer Panel, transmitting a copy of the Panel's 1987 annual report to the President, pursuant to 42 U.S.C. 285a-4(b); to the Committee on Energy and Commerce.

3015. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 88-10, certifying that 17 major narcotics producing and/or trafficking countries have cooperated fully with the United States to control narcotics production, trafficking, or money laundering; that certification of Laos, Lebanon, and Paraguay is in the vital national interests of the United States; determination that he will not certify Panama, Iran, Syria or Afghanistan; and a copy of the 1988 International Narcotics Control Strategy Report, pursuant to 22 U.S.C. 2991(h)(3); to the Committee on Foreign Affairs.

3016. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting a copy of the Deputy Secretary's Determination and Justification that the needs of displaced Tibetans are not similar to those of displaced persons and refugees in other parts of the world, pursuant to Public Law 99-399, section 1308(b)(2)(A) (100 Stat. 901); to the Committee on Foreign Affairs.

3017. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to wiave foreign military sales surcharges on sales to the NATO Maintenance and Supply Organization [NAMSO]—a NATO subsidiary body—in support of weapon system partnerships and NATO/SHAPE projects; to the Committee on Foreign Affairs.

3018. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the 1987 annual report of the Board's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3019. A letter from the Deputy Director of Administration, Central Intelligence Agency, transmitting the Agency's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3020. A letter from the Chairman, Commodity Futures Trading Commission, transmitting the Commission's thirteenth annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3021. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1987 annual report of the Department's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3022. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the Bank's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3023. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3024. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Agency's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3025. A letter from the Chairman, National Endowment for the Arts, transmitting the Council's annual report on its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3026. A letter from Assistant Vice President for Public Affairs, National Railroad Passenger Corporation, transmitting the Corporation's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3027. A letter from Vice President and General Counsel, Overseas Private Investment Corporation, transmitting the Corporation's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3028. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3029. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting the 1987 annual report of the Board's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3030. A letter from the Solicitor, United States Commission on Civil Rights, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3031. A letter from the Chairman, United States Consumer Product Safety Commission, transmitting the Commission's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3032. A letter from the Administrator, Veterans' Administration, transmitting the Administration's annual report on its activities under the Freedom of Information Act for 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3033. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3034. 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.

3035. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report on appeals filed for fiscal year 1987, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Post Office and Civil Service.

3036. A letter from the Secretary of Health and Human Services, transmitting a report on the applicable percentage increase for the Medicare prospective payment system for fiscal year 1989, pursuant to Public Law 100-203, section 4002; to the Committee on Ways and Means.

3037. A letter from the Secretary of Education, transmitting the Department's views on S. 557, the Civil Rights Restoration Act; jointly, to the Committees on Education and Labor and the Judiciary.

3038. A letter from the Comptroller General, transmitting a report on U.S. international narcotics control activities, pursuant to 22 U.S.C. 2291 nt.; jointly, to the Committees on Government Operations and Foreign Affairs.

3039. A letter from the Assistant Attorney General, transmitting a draft of proposed legislation to amend Title 42 of the United States to confer statutory law enforcement powers on special agents of the U.S. Environmental Protection Agency with responsibility for criminal enforcement of environmental laws; jointly, to the Committees on the Judiciary, Energy and Commerce, Agriculture, Merchant Marine and Fisheries, and Public Works and Transportation.

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. 2032. A bill to authorize the conveyance of the Liberty ship Protector with an amendment (Rept. 100-509). Referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARNARD:

H.R. 4053. A bill to redesignate the J. Strom Thurmond Reservoir as the "Clarks Hill Lake"; to the Committee on Public Works and Transportation.

By Mr. BROOKS (for himself and Mr. HORTON):

H.R. 4054. A bill to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments, and for other purposes; to the Committee on Government Operations.

By Mr. BROWN of Colorado:

H.R. 4055. A bill to amend the Uniform Time Act of 1966 to permit Colorado to observe daylight savings time during additional periods in order to improve air quality in urban areas; to the Committee on Energy and Commerce.

By Mr. DAVIS of Michigan (for himself, Mr. JONES of North Carolina, Mr. AUCOIN, Mr. BATEMAN, Mrs. BENTLEY, Mr. BIAGGI, Mr. BILIRAKIS, Mr. BOSCO, Mrs. BOXER, Mr. CALLAHAN, Mr. DYSON, Mr. ECKART, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FIELDS, Mr. FOGLIETTA, Mr. FUSTER, Mr. HERGER, Mr. HORTON, Mr. HOWARD, Mr. HUTTO, Mr. LENT, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MCMILLEN of Maryland, Mr. OWENS of New York, Mr. PORTER, Mr. QUILLEN, Mrs. SAIKI, Miss SCHNEIDER, Mr. SHUMWAY, Mr. SMITH of New Jersey, Mr. TRAFICANT, Mr. UPTON, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WELDON, and Mr. YOUNG of Alaska):

H.R. 4056. A bill making urgent supplemental appropriations for fiscal year 1988 for Coast Guard operating expenses; to the Committee on Appropriations.

By Mr. ERDREICH:

H.R. 4057. A bill to provide for a study by the Secretary of Health and Human Services to develop recommendations for correcting the disparities in the computation of social security benefits (commonly referred to as the "notch problem") which were caused by the enactment (in 1977) of the present formula for computing primary insurance amounts under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. GARCIA:

H.R. 4058. A bill to amend the Export-Import Bank Act of 1945 to require appropriations for the amount of any loan subsidy provided by the Export-Import Bank of the United States and to authorize appropriations for such purposes for fiscal years beginning after September 30, 1989; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4059. A bill to amend the Export-Import Bank Act of 1945 to authorize appropriations to the Tied Aid Credit Fund for fiscal years 1989 and 1990; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PANETTA (for himself, Mr. DE LA GARZA, Mr. FOLEY, Mr. STAGGERS, Mr. GLICKMAN, Mr. OLIN, Mr. HAWKINS, Mr. ESPY, Mr. JEFFORDS, Mr. MORRISON of Washington, Mr. ACKERMAN, Mr. NOWAK, Mr. OWENS of New York, Mr. VENTO, Mr. WYDEN, Mr. LOWRY of Washington, Mr. MILLER of California, Mr. RODINO, Mr. MATSUI, Mr. FAZIO, Mr. TRAXLER, Mr. PENNY, Mr. GONZALEZ, Mr. DORGAN of North Dakota, Mr. STARK, Mr. WALGREN, Mr. GILMAN, Mr. MFUME, Mr. BROWN of California, Mr. EDWARDS of California, Mr. ATKINS, Mr. BERMAN, Mr. WILSON, Mr. MARTINEZ, Mr. MCHUGH, Mr. DWYER of New Jersey, Ms. PELOSI, Mr. TRAFICANT, Mr. FRANK, Mr. STOKES, Mr. WOLPE, Mr. WILLIAMS, Mr. HERTEL, and Mr. LELAND):

H.R. 4060. A bill to provide hunger relief, and for other purposes; jointly, to the Committees on Agriculture and Education and Labor.

By Mr. KLECZKA:

H.R. 4061. A bill to amend the Federal Deposit Insurance Act to provide deposit insurance in a manner which does not discriminate against small- and medium-sized banks by expanding the assessment base and reducing the assessment rate for deposit insurance; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PARRIS (for himself, Mr. BARNARD, Mr. SHUMWAY, and Mrs. SAIKI):

H.R. 4062. A bill entitled "The Management Interlocks Revision Act of 1988"; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROSE (for himself, Mr. JONES of North Carolina, Mr. VALENTINE, Mr. LANCASTER, Mr. PRICE of North Carolina, Mr. NEAL, Mr. COBLE, Mr. HEFNER, Mr. MCMILLAN of North Carolina, Mr. BALLENGER, Mr. CLARKE, Mr. RAVENEL, Mr. SPENCE, Mr. DERRICK, Mrs. PATTERSON, Mr. SPRATT, and Mr. TALLON):

H.R. 4063. A bill to require the Secretary of Labor to permit North Carolina and South Carolina to continue to employ 17-year old school bus drivers under certain conditions until June 15, 1988; to the Committee on Education and Labor.

By Mrs. SCHROEDER (for herself and Mr. GLICKMAN):

H.R. 4064. A bill to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges; to the Committee on the Judiciary.

By Mr. SHARP (for himself, Mr. MOORHEAD, Mr. BRUCE, Mr. BRYANT, Mr. LENT, Mr. MARKEY, Mr. RICHARDSON, Mr. WALGREN, and Mr. WYDEN):

H.R. 4065. A bill to amend the National Energy Conservation Policy Act with respect to the energy policy of the United States; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER of New York:

H.R. 4066. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of firefighting vehicles; to the Committee on Public Works and Transportation.

By Mr. WELDON:

H.R. 4067. A bill to prohibit certain railroad employees from leaving their post in the event of a train accident; to the Committee on Energy and Commerce.

By Mr. GEJDENSON (for himself, Mr. UDALL, Mr. MILLER of California, Mr. RICHARDSON, Mr. CAMPBELL, and Mr. DEFAZIO):

H.R. 4068. A bill to amend the Archaeological Resources Protection Act of 1979 to strengthen the enforcement provisions of that Act, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and the Judiciary.

By Mr. HOWARD (for himself (by request), Mr. ANDERSON, Mr. HAMMERSCHMIDT, and Mr. SHUSTER):

H.R. 4069. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1988 and 1989, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. PARRIS:

H.R. 4070. A bill to provide another opportunity for Federal employees to elect coverage under the Federal Employees' Retirement System; to provide that the recently enacted government pension offset provisions of the Social Security Act shall not apply to Federal employees who take advantage of the new election period; and for other purposes; jointly, to the Committees on Post Office and Civil Service and Ways and Means.

By Mr. SLATTERY:

H.R. 4071. A bill to amend section 210 of the Energy Reorganization Act of 1974 to provide protection against discrimination for certain employees, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Energy and Commerce, Armed Services, and Science, Space and Technology.

By Mr. WAXMAN (for himself, Mr. HYDE, Mr. LELAND, Mr. SCHEUER, Mr. WALGREN, Mr. WYDEN, Mr. SIKORSKI, Mr. BATES, Mr. BRUCE, Mrs. COLLINS, Mr. BOUCHER, Mr. MILLER of California and Mr. DOWNEY of New York):

H.R. 4072. A bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. FASCELL (for himself (by request), Mr. BROOMFIELD, Mr. SOLARZ, and Mr. LEACH of Iowa):

H.J. Res. 479. Joint resolution to authorize the entry into force of the "Compact of Free Association" between the United States and the Government of Palau, and for other purposes; jointly, to the Committees on Foreign Affairs and Interior and Insular Affairs.

By Mr. BOUCHER (for himself, Mr. CARDIN, Mr. WOLF, Mr. HOYER, Mr. PARRIS, Mr. MCMILLEN or Maryland, Mrs. MORELLA, Mr. FAUNTROY and Mr. SISISKY):

H.J. Res. 480. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Mr. GARCIA (for himself, Mr. WYDEN, Mr. BLILEY, Mr. FUSTER, Mr. LEWIS of Georgia, Mr. SMITH of Florida, Mr. LEHMAN of Florida, Mr. KOSTMAYER, Mr. WOLF, Mr. MFUME, Mr. OWENS of Utah, Mr. DE LUGO, Mr. KONNYU, Mr. BILBRAY, Mr. FAUNTROY, Mr. HOWARD, Mrs. COLLINS, Mr. FAZIO, Mrs. BOXER, Mr. HUGHES, Mr. MRAZEK, Mr. FROST, Mr. LIPINSKI, Mr. EVANS, Mr. DEWINE, Mr. WORTLEY, Mr. BATES, Mr. CROCKETT, Mr. VOLKMER, Mr. ROE, Mr. HOCHBRUECKNER, Mr. BERMAN, Mr. HORTON, Mr. KOLTER, Mr. LEVIN of Michigan, Mr. SOLOMON, Mr. TOWNS, Mr. DARDEN, Mr. BORSKI, Mr. CAMPBELL, Mr. CLAY, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. BUECHNER, Mr. DREIER of California, Mr. DE LA GARZA, Mr. FISH, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRENZEL, Mr. BOUCHER, Mr. BUSTAMANTE, Mr. FEIGHAN, and Mr. BRYANT):

H.J. Res. 481. Joint resolution to designate the period beginning May 16, 1988, and ending May 22, 1988, as "National Safe Kids Week"; to the Committee on Post Office and Civil Service.

By Mr. BONIOR of Michigan (for himself, Mr. HAMILTON, Mr. OBEY, Mr. STOKES, Mr. ASPIN, Mr. MILLER of California, Mr. GUARINI, Mr. LOWRY of Washington, Mr. DORGAN of North Dakota, Mr. FRANK, Mr. MCCURDY, Mr. SPRATT, Mr. ROWLAND of Georgia, Mr. SLATTERY, Mr. MORRISON of Connecticut, Mr. COOPER, Mr. CARPER, Mr. ANDREWS, and Mr. LANCASTER):

H.J. Res. 482. Joint resolution to provide assistance and support for peace, democracy and reconciliation in Central America; jointly, to the Committees on Appropriations, Armed Services, Foreign Affairs, the Permanent Select Committee on Intelligence, and Rules.

By Mrs. MEYERS of Kansas:

H.J. Res. 483. Joint resolution to designate the week beginning April 3, 1988, as "National Auctioneers Week"; to the Committee on Post Office and Civil Service.

By Mr. KOSTMAYER:

H. Con. Res. 255. Concurrent resolution expressing the support of the Congress for Panamanian President Delvalle and for democracy in Panama; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. LEACH of Iowa (for himself, Mr. BROOMFIELD, and Mr. PASHAYAN):

H. Con. Res. 256. Concurrent resolution urging the President to use his emergency refugee authority to accommodate the admission of additional Armenians and others from the Soviet Union; to the Committee on the Judiciary.

By Mr. MANTON (for himself and Mr. ACKERMAN):

H. Con. Res. 257. Concurrent resolution expressing the sense of the Congress that the Board of Governors of the Federal Reserve System should take such steps as may be necessary to prevent electronic fund transfers between financial institutions in the Republic of Panama and financial institutions in the United States until such time as the President certifies the Republic of Panama pursuant to section 481(h)(2)(A) of the Foreign Assistance Act of 1961; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RAHALL (for himself and Mr. MOLLOHAN):

H. Con. Res. 258. Concurrent resolution expressing the sense of Congress regarding the upcoming National "Silver-Haired Congress"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR:

H. Res. 393. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. KOLTER:

H. Res. 394. Resolution expressing the opposition of the House of Representatives to the proposed World Bank loan to restructure Mexico's steel industry; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GAYDOS (for himself, Mr. MURTHA, Mr. RITTER, Mr. APPLEGATE, and Mr. REGULA):

H. Res 395. Resolution expressing the sense of the House of Representatives that the proposed World Bank loan to Mexico is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization efforts; and the Government of the United States should use its best efforts to prevent approval of that loan; to the Committee on Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

276. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to the depletion of the ozone layer, to the Committee on Energy and Commerce.

277. Also, memorial of the Legislature of the State of Nebraska, relative to the Vietnam Women's Memorial Project; to the Committee on Interior and Insular Affairs.

278. Also, memorial of the Legislature of the State of Maine, relative to the retention of mortgage revenue bonds; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. STALLINGS introduced a bill (H.R. 4073) for the relief of Mr. Wilhelm Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo Davio Schlechter; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. MOODY.

H.R. 190: Mr. SABO, Mr. ERDREICH, Mr. NEAL, and Mr. TAUKE.

H.R. 245: Mr. GRANDY.

H.R. 276: Mr. RICHARDSON.

H.R. 341: Mr. HILER and Mr. PACKARD.

H.R. 541: Mr. BRENNAN.

H.R. 778: Mr. WORTLEY and Mr. FORD of Tennessee.

H.R. 912: Mr. LAFALCE.

H.R. 1119: Mr. RICHARDSON.

H.R. 1204: Mr. FIELDS.

H.R. 1272: Mr. OWENS of Utah.

H.R. 1583: Mr. PETRI, Mr. MACKAY, Mr. ROGERS, Mr. DENNY SMITH, Mr. GOODLING, Mr. CHENEY, and Mr. GREGG.

H.R. 1663: Mr. PACKARD, Mr. HEFNER, Mr. HASTERT, Mr. BATES, Mr. CRAIG, Mr. OBEY, and Mr. COOPER.

H.R. 1766: Mr. ROE.

H.R. 1782: Mr. MFUME and Mr. SMITH of New Jersey.

H.R. 1965: Mr. CRAIG.

H.R. 2017: Mr. WORTLEY.

H.R. 2148: Mr. CLARKE, Mr. ANDREWS, Mr. MILLER of Ohio, Mr. COOPER, Mr. SHAYS, Mr. MARKEY, and Mr. CRAIG.

H.R. 2238: Mr. DE LUGO, Mr. MCMILLAN of North Carolina, Mr. ESPY, Mr. HOUGHTON, Mr. SMITH of Texas, Mr. MCCOLLUM, Mr. VANDER JAGT, Mr. TRAFICANT, Mr. LEWIS of Georgia, Mr. STENHOLM, Mr. PRICE of Illinois, Mr. WELDON, Mr. PEPPER, Mr. TALLON, Mr. DICKINSON, Mr. KONNYU, Mr. FEIGHAN, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. LENT, Mr. SAXTON, Mr. LEHMAN of California, Mr. DAVIS of Illinois, Mrs. LLOYD, Mr. PENNY, and Mr. BILIRAKIS.

H.R. 2567: Mr. SUNIA, Mr. ROYBAL, Mr. SABO, Ms. PELOSI, Mr. ACKERMAN, and Mr. FUSTER.

H.R. 2580: Mr. CHANDLER.

H.R. 2674: Mr. HOYER.

H.R. 2717: Mr. LEHMAN of California and Mr. DURBIN.

H.R. 2734: Mr. MCEWEN.

H.R. 2800: Mr. CHANDLER, Mr. ASPIN, Mr. SKELTON, Mr. HEFNER, Mr. CARR, and Mr. FORD of Tennessee.

H.R. 2837: Mr. VENTO.

H.R. 2879: Mr. FISH.

H.R. 2976: Mrs. BENTLEY and Mrs. COLLINS.

H.R. 2988: Mr. HARRIS, Mr. YOUNG of Alaska, Mr. BARNARD, and Mr. SUNIA.

H.R. 3070: Mr. VENTO, Mr. SLATTERY, Mr. LOWRY of Washington, and Mr. COOPER.

H.R. 3132: Mr. LEHMAN of California.

H.R. 3146: Mr. RINALDO and Mr. SLATTERY.

H.R. 3149: Mr. BILIRAKIS.

H.R. 3193: Mr. RICHARDSON.

H.R. 3199: Mr. LEWIS of Florida.

H.R. 3299: Mr. DYSON, Mr. ECKART, Mr. HORTON, Mr. OWENS of New York, Mr. VANDER JAGT, and Mr. YOUNG of Alaska.

H.R. 3361: Mr. APPLEGATE, Mr. SPENCE, Mr. HOWARD, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. VANDER JAGT, Mr. GEJDENSON, Mr. GARCIA, Mr. LELAND, Mr. COUGHLIN, Mr. FLORIO, Mr. DYSON, and Mr. KENNEDY.

H.R. 3603: Mr. MOODY.

H.R. 3622: Mr. DOWDY of Mississippi, Mr. EVANS, Mr. BOUCHER, Mr. ROE, Mr. KONNYU, Mr. WORTLEY, Ms. KAPTUR, Mr. BROWN of California, Mr. TALLON, Mr. BILIRAKIS, Mrs. COLLINS, Mr. DEWINE, Mr. LOWERY of California, Mr. EDWARDS of California, Mr. LANCASTER, Mr. ROBINSON, Mr. GEJDENSON, Mr. NIELSON of Utah, Mr. HUGHES, Mr. PANETTA, Mr. RICHARDSON, Mr. LEVIN of Michigan, Mr. JONTZ, and Mr. DYSON.

H.R. 3628: Mr. RINALDO, Mr. MCDADE, Mr. DOWNEY OF NEW YORK, Mr. TRAXLER, Mr. CLARKE, Mr. OWENS of New York, Mr. MACK, Mr. TRAFICANT, Mr. RAHALL, Mr. CARPER, Mr. SKEEN, Mr. BILIRAKIS, Mr. SUNIA, Mr. BOLAND, Mr. BROOKS, Mr. UPTON, Mr. SCHUETTE, Mr. GRANDY, Mr. MICA, Mr. FEI-

GHAN, Mr. HAYES of Louisiana, Mr. MATSUI, Mr. AUCOIN, Mr. MINETA, Mr. SPRATT, Mr. DIXON, Mr. MOORHEAD, Mr. GARCIA, Mr. KENNEDY, Mr. DYMALLY, Mr. OBEY, Mr. SIKORSKI, Mrs. SCHROEDER, Mr. STARK, and Mr. PEPPER.

H.R. 3662: Mr. WORTLEY, Mr. HOWARD, Mr. GRANT, Mr. HUGHES, Mr. UPTON, Mr. DANNEMEYER, Mr. NIELSON of Utah, Mr. HENRY, and Ms. KAPTUR.

H.R. 3757: Mr. MILLER of Washington, Mr. LOWRY of Washington, and Mrs. KENNELLY.

H.R. 3774: Ms. KAPTUR, Mr. NIELSON of Utah, Mr. HUGHES, Mr. LANCASTER, Mr. OWENS of Utah, Mr. CAMPBELL, and Mr. TALLON.

H.R. 3781: Ms. KAPTUR, Mr. OWENS of Utah, Mr. MRAZEK, and Mr. BOUCHER.

H.R. 3782: Mr. MRAZEK, Ms. KAPTUR, Mr. OWENS of Utah, and Mr. BOUCHER.

H.R. 3784: Mr. BOUCHER.

H.R. 3800: Mr. JONES of Tennessee and Mr. SPENCE.

H.R. 3826: Mr. RAY, Mr. MILLER of California, Mr. LAGOMARSINO, Mr. LEWIS of Florida, Mr. OBERSTAR, Mr. UPTON, Mr. LANTOS, Mr. DE LUGO, Mr. CHAPMAN, Mr. HORTON, Mr. SISISKY, Mr. MCCURDY, and Mr. MARTINEZ.

H.R. 3830: Mr. FISH and Mr. BLAZ.

H.R. 3840: Mr. HUTTO, Mr. DICKS, and Mr. ATKINS.

H.R. 3842: Mr. DAVIS of Illinois, Mr. FRANK, Mr. GLICKMAN, Mr. BOEHLERT, and Mr. JOHNSON of South Dakota.

H.R. 3844: Mr. VALENTINE, Mr. HUBBARD, Mr. HOLLOWAY, Mr. CAMPBELL, and Mr. STUMP.

H.R. 3865: Mr. TAUZIN, Mr. NIELSON of Utah, Mr. SLAUGHTER of Virginia, Mr. AUCOIN, Mr. SPENCE, Mr. LIVINGSTON, and Mr. REGULA.

H.R. 3866: Mr. TAUZIN, Mr. MCCLOSKEY, Mr. SLATTERY, Mr. MURTHA, Mr. LEATH of Texas, Mr. HUCKABY, and Mr. BONKER.

H.R. 3878: Mr. DEFAZIO.

H.R. 3879: Mrs. BOXER, Mr. GONZALEZ, Mr. MARKEY, Mr. EVANS, Mr. NEAL, and Mr. GARCIA.

H.R. 3889: Mr. LUJAN, Mr. RAHALL, Mr. STENHOLM, Mr. CARPER, Mr. SWEENEY, Mr. MILLER of Ohio, Mr. BARNARD, Mr. MCGRATH, Mr. BEREUTER, Mr. DONALD E. LUKENS, Mr. FRENZEL Mr. ROWLAND of Connecticut, Mr. SHUSTER, Mr. WHITTEN, Mr. CHAPMAN, Mr. BRUCE, Mr. DELAY, Mr. RAVENEL, Mrs. VUCANOVICH, Mr. LENT, Mr. FLAKE, Mr. UPTON, Mr. TAUKE, Mr. MCDADE, Mr. GALLO, Mrs. PATTERSON, Mr. TALLON, Mr. TRAXLER, Mr. HORTON, Mrs. LLOYD, Mr. BUNNING, Mr. LIVINGSTON, Mr. SMITH of New Jersey, Mr. BADHAM, Mr. HANSEN, Mr. BATEMAN, Mr. MCEWEN, Mr. SOLOMON, Mr. COATS, Mr. BLAZ, Mr. RITTER, Mr. SLAUGHTER of Virginia, Mr. HOLLOWAY, Mr. GLICKMAN, Mr. STANGELAND, Mr. APPLEGATE, Mr. PACKARD, Mr. MOLLOHAN, Mr. VENTO, Mr. BEVILL, Mr. WISE, Mr. SUNDQUIST, Mrs. SMITH of Nebraska, Mr. DERRICK, Mr. HEFNER, Mr. BOULTER, Mr. BUSTAMANTE, Mr. PASHAYAN, Mr. GILMAN, Mr. KOSTMAYER, Mr. FUSTER, Mr. RINALDO, Mr. GARCIA, Mr. WORTLEY, Mr. DAVIS of Michigan, Mr. STRATTON, Mr. ROBINSON, Mr. DOWDY of Mississippi, Mr. JEFFORDS, Mr. Lancaster, Mr. WATKINS, Mr. VANDER JAGT, and Mr. BRYANT.

H.R. 3892: Mr. BILBRAY, Mr. DAVIS of Illinois, Mr. SWIFT, Mr. DENNY SMITH, Mr. PANETTA, Mr. NIELSON of Utah, Mr. GRAY of Illinois, Mr. TAUZIN, Mr. BRYANT, Mr. GARCIA, Mr. COMBEST, Mr. DAVIS of Michigan, and Mr. FAZIO.

H.R. 3900: Mr. WORTLEY.

H.R. 3905: Mr. DELLUMS, Mrs. VUCANOVICH, Mr. OWENS of New York, Mr. HOCHBRUECKNER, Mr. LOWRY of Washington, Mr. ACKERMAN, Mr. DEFAZIO, Mr. RODINO, Mr. STUDDS, Mr. BATES, Mr. MARTINEZ, and WEISS.

H.R. 3907: Mr. NICHOLS, Mr. DENNY SMITH, and TRAFICANT.

H.R. 3915: Mr. FAUNTROY, Mr. SENSENBRENNER, Mr. DELLUMS, Mr. WOLPE, and Mr. ROE.

H.R. 3919: Mr. HUTTO.

H.R. 3940: Mr. HORTON, Mr. DYSON, Mr. UPTON, Mr. PETRI, Mr. LIGHTFOOT, and Mr. PENNY.

H.R. 3974: Mr. SCHUMER and Mr. AKAKA.

H.R. 3975: Mr. STARK, Mr. OWENS of New York, Mr. JONTZ, Mr. ACKERMAN, Mr. DAVIS of Illinois, and Mrs. BOXER.

H.R. 4002: Mr. BOEHLERT.

H.R. 4003: Mr. HAWKINS.

H.R. 4011: Mr. THOMAS of Georgia, Mrs. BENTLEY, Mr. MARLENEE, Mr. MARTIN of New York, and Mr. DELAY.

H.R. 4017: Mrs. PATTERSON.

H.J. Res. 50: Mr. CRAIG.

H.J. Res. 373: Mr. ROEMER, Mr. GALLEGLY, Mr. WOLF, Mr. NEAL, Mr. ATKINS, Mr. LIVINGSTON, Mr. SKEEN, Mr. DE LA GARZA, Mrs. LLOYD, Mr. RICHARDSON, Mr. ROWLAND of Georgia, Mr. MORRISON of Washington, Mr. LEHMAN of California, and Mr. SMITH of New Hampshire.

H.J. Res. 377: Mr. PERKINS, Mr. ACKERMAN, Mr. SKELTON, Mr. SPRATT, Mr. SABO, Mr. WATKINS, Mr. ROWLAND of Georgia, Mr. YATES, Mr. GONZALEZ, Mr. CAMPBELL, Mr. REGULA, Mr. OWENS of Utah, and Mr. NATCHER.

H.J. Res. 386: Mr. AUCOIN, Mr. BARTLETT, Mr. BILBRAY, Mr. DINGELL, Mr. HOYER, Mr. IRELAND, Mr. LOWERY of California, Mr. MAVROULES, Mr. RUSSO, and Mr. SCHAEFER.

H.J. Res. 388: Mr. CAMPBELL, Mr. CHAPMAN, Mr. CRANE, Mr. EVANS, Mr. HASTERT, Mr. MARTINEZ, and Mr. VENTO.

H.J. Res. 415: Mr. SCHUMER, Mr. HALL of Ohio, Mr. GALLEGLY, Mr. ST GERMAIN, Mr. HAYES of Illinois, Mr. WILSON, Mr. WEISS, Mr. SCHUETTE, Mr. MCEWEN, Mr. ROWLAND of Georgia, Mr. FRANK, Mr. MACKAY, Mr. PEPPER, Mr. MCMILLEN of Maryland, Mr. HOYER, Mr. MONTGOMERY, Mr. THOMAS of Georgia, Mr. PASHAYAN, Mr. YATRON, Mr. LAFALCE, Mr. GRANT, Mr. LOTT, Mr. VOLKMER, Mr. STARK, Mr. WISE, Mr. MARKEY, Mr. DOWDY of Mississippi, Mrs. BENTLEY, Mr. FISH, Mr. BLAZ, Mr. MORRISON of Washington, Mr. COUGHLIN, Mr. GILMAN, Mr. TAYLOR, Mr. COOPER, Mr. YOUNG of Alaska, Mr. LENT, Mr. MILLER of Ohio, Mr. BILIRAKIS, Mr. MURPHY, Mr. SUNDQUIST, Mr. SUNIA, Mr. MILLER of Washington, and Mr. ERDREICH.

H.J. Res. 420: Mr. TOWNS, Mr. MAZZOLI, Mr. LAFALCE, Mr. LELAND, Mr. FAWELL, Mr. SCHAEFER, Mr. RAY, Mr. LIPINSKI, Mr. ESPY, Mr. DE LUGO, Mr. BEVILL, Mr. LOWRY of Washington, Mr. MCEWEN, Mr. SHAW, Mr. CAMPBELL, Mr. ROE, Mr. QUILLEN, Mr. PRICE of North Carolina, and Mr. HORTON.

H.J. Res. 441: Mr. LAGOMARSINO.

H.J. Res. 442: Mr. ROGERS, Mr. OBEY, Mr. LELAND, Mr. THOMAS A. LUKEN, Mr. YATES, Mr. MRAZEK, Mr. ATKINS, Mr. FAZIO, Mr. BLAZ, Mr. BOLAND, Mr. BEVILL, Mr. REGULA, Mr. HORTON, Mr. ANDERSON, Mr. MARTINEZ, Mr. CARPER, Mr. CLINGER, Mr. COUGHLIN, Mr. CROCKETT, Mr. CAMPBELL, Mr. DAVIS of Illinois, Mr. BILBRAY, Mr. DIXON, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. EMERSON, Mr. BORSKI, Mr. DE LA GARZA, Mr. LANCASTER, Mr. FOGLIETTA, Mr. ERDREICH, Mr. FAUNTROY, Mr. MCCLOSKEY, Mr. SKAGGS, Mr. ROBINSON, Mr. MINETA, and Mr. PARRIS.

H.J. Res. 443: Mr. MCGRATH, Mr. HUGHES, Mr. NEAL, Mr. LAGOMARSINO, Mr. MICHEL, Mr. ENGLISH, Mr. CLAY, Mr. BONIOR of Michigan, Mrs. KENNELLY, Mr. CONYERS, Mr. HARRIS, Mr. ROWLAND of Connecticut, Mr. FORD of Michigan, and Mr. FUSTER.

H.J. Res. 445: Mr. KILDEE, Ms. OAKAR, Mr. BERMAN, Mr. DIXON, Mr. JONES of North Carolina, Mr. LANCASTER, Mr. RHODES, Mr. MATSUI, Ms. PELOSI, Mr. ROSE, and Mr. OBERSTAR.

H.J. Res. 447: Mr. GAYDOS.

H.J. Res. 448: Mr. VANDER JAGT, Mr. DONALD E. LUKENS, Mr. DAVIS of Illinois, Mr. YATRON, Mrs. BOXER, Mr. HUNTER, Mr. SCHEUER, Mr. GALLO, Mr. RICHARDSON, Mr. WOLF, Mr. BORSKI, Mr. DYSON, Mr. WELDON, Mr. WOLPE, Mr. FAWELL, Mr. GRADISON, Ms. PELOSI, Mr. FRENZEL, Mr. MCHUGH, Mr. CLINGER, Mr. SABO, Mr. DIOGUARDI, Mr. LANTOS, and Mr. MANTON.

H.J. Res. 470: Mr. VOLKMER, Mr. OWENS of New York, Mr. FASCELL, Mr. GRANT, Mr. SKAGGS, Mr. NOWAK, Mr. CAMPBELL, Mr. BRENNAN, Mr. SCHUMER, Mr. ERDREICH, Mr. MRAZEK, Mr. KOSTMAYER, Mr. NEAL, Mr. MOAKLEY, Mr. SYNAR, Mr. ANDERSON, Mr. BRYANT, Mr. LIPINSKI, Mr. MOODY, Mr. BUSTAMANTE, Mr. JENKINS, Mr. LAGOMARSINO, Mrs. SAIKI, Mr. SCHUETTE, Mr. REGULA, Mr. MCEWEN, Mr. MARTIN of New York, Mr. SISISKY, Mrs. BOXER, Mr. BOLAND, Mr. NIELSON of Utah, Mr. YOUNG of Florida, Mr. WORTLEY, Mr. VANDER JAGT, Mr. GILMAN, Mr. FROST, Mr. INHOFE, Mr. PURSELL, and Mr. WELDON.

H.J. Res. 473: Mr. FAZIO, Mr. GARCIA, Mr. OBERSTAR, Mr. WOLF, Mr. BRYANT, Mr. PANETTA, and Mr. ERDREICH.

H. Con. Res. 83: Mr. ESPY.

H. Con. Res. 115: Mr. GONZALEZ, Mr. FUSTER, Mr. BATES, Mr. ERDREICH, Mr. SIKORSKI, Mr. CONTE, Mr. GORDON, Mr. OBERSTAR, Mr. LEVIN of Michigan, Mr. RICHARDSON, Mr. PANETTA, Mr. VENTO, Mr. TORRES, Mr. SMITH of Florida, Mr. WYDEN, Mr. WALGREN, Mr. BENNETT, Mr. ROE, Ms. KAPTUR, Mr. MONTGOMERY, Mr. NEAL, Mr. DORNAN of California, Mr. FROST, Mr. RAHALL, Mr. CRANE, Mr. FAZIO, Mr. KOSTMAYER, Mr. BRYANT, Mr. COYNE, Mr. DAVIS of Illinois, Mr. DYMALLY, Mr. WHITTEN, Mr. HUGHES, Mrs. BOXER, and Mr. DE LUGO.

H. Con. Res. 229: Mrs. MARTIN of Illinois.

H. Con. Res. 238: Mr. CRAIG and Mr. HANSEN.

H. Con. Res. 241: Mr. VENTO.

H. Res. 258: Mr. WORTLEY, Mr. HYDE, Mr. CRAIG, and Mr. PARRIS.

H. Res. 276: Mr. CRAIG.

DELETIONS OF SPONSORS FROM PUBLIC BILL AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1259: Mr. SCHUMER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

[Omitted from the Record of Tuesday, March 1, 1988]

130. By the SPEAKER: Petition of Robert W. Wangrud, Milwauki, OR, relative to the U.S. Constitution; to the Committee on the Judiciary.

[Submitted March 2, 1988]

131. Also, petition of the Erie County Environmental Management Council, Buffalo, NY; relative to the Clean Air Act; to the Committee on Energy and Commerce.

132. Also, petition of the Council of the city of New York, NY, relative to congratulating merchant marine war veterans of World War II on the occasion of their being given official war veteran status; to the Committee on Veterans' Affairs.