HOUSE OF REPRESENTATIVES—*Tuesday, March 22, 1988*

The House met at 12 noon.

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

O God of grace, from whom comes every good gift, send Your spirit to lead and guide us in all that is helpful to us. Comfort us when we need comforting, correct us when we need correcting, forgive us when we miss the mark and, in all things, cause Your love and grace to be with us. 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. MINETA. 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. MINETA. 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 269, nays 130, answered "present" 1, not voting 32, as follows:

[Roll No. 37]

YEAS—269

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

NAYS—130

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

ANSWERED "PRESENT"—1

Bonior

NOT VOTING—32

Baker	Flake	Levine (CA)
Biaggi	Garcia	Lightfoot
Boggs	Gephardt	Martin (IL)
Conyers	Grant	Martinez
Courter	Gray (IL)	Mica
de la Garza	Hayes (LA)	Price (IL)
DeLay	Howard	Rodino
Dixon	Jones (TN)	Russo
Donnelly	Kaptur	Solarz
Dorgan (ND)	Kemp	Sweeney
Feighan	Leland	

□ 1222

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

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 952. An act to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes; and

S. Con. Res. 105. Concurrent resolution to provide for a Joint Congressional Committee on Inaugural Ceremonies.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair is going to entertain unanimous-consent requests and then take 1-minute speeches.

PERMISSION FOR SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND INTERNATIONAL LAW OF COMMITTEE ON THE JUDICIARY TO SIT TOMORROW, WEDNESDAY, MARCH 23, 1988, DURING 5-MINUTE RULE

Mr. MAZZOLI. Mr. Speaker, I ask that the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary, be permitted to sit while the House is reading for amendment under the 5-minute rule on Wednesday, March 23, 1988.

The purpose of the permission to sit is so the Subcommittee on Immigration, Refugees, and International Law can mark up H.R. 807, the Genocide Convention bill.

This request has been cleared with the minority.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3905

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent that my name be removed from H.R. 3905, the Atomic Energy Law Enforcement Act of 1988. I believe that this legislation would be counterproductive and would undercut the President's ability to implement this agreement.

In December I joined several of my colleagues from the Foreign Affairs Committee in writing the President on the subject of the new bilateral peaceful nuclear cooperation agreement with Japan.

I was concerned about some portions of the agreement and sought clarification from the administration. The President responded recently in some detail to that letter, and enclosed an updated analysis of issues associated with the proposed agreement.

Following review of that material and discussions with the administration, I am now satisfied that the agreement meets all the legal and policy requirements.

I want to join my good friend and colleague HENRY HYDE in noting that this agreement has been subjected to a stream of distortions and misunderstandings from critics.

As Mr. HYDE has noted, the fact of the matter is that the President—as well as officials of the Departments of State, Energy, and Defense—has made clear that the agreement is critical to our national interests and substantially improves our nonproliferation controls.

I urge all Members to help us prevent the spread of nuclear weapons by supporting this agreement.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1212, EMPLOYEE POLYGRAPH PROTECTION ACT

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, (H.R. 1212) to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. HAWKINS, MARTINEZ, WILLIAMS, JEFFORDS, and GUNDERSON.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 90, WHITE HOUSE CONFERENCE ON LIBRARIES AND INFORMATION SERVICES

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 90) to authorize and request the President to call and conduct a White House Conference on Library and Information Services to be held not earlier than September 1, 1989, and not later than September 30, 1991, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. HAWKINS, WILLIAMS, FORD of Michigan, OWENS of New York, JEFFORDS, and COLEMAN of Missouri.

OPM AIDS GUIDELINES

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

Mrs. SCHROEDER. Mr. Speaker, the Office of Personnel Management will later this week issue guidelines on acquired immune deficiency syndrome [AIDS] in the Federal workplace. I rise to congratulate OPM Director Constance Horner on drafting responsible and compassionate guidelines, which can serve as a model for private sector employers.

The guidelines are based on four principles. First, workers should receive education so that they know that casual contact with an HIV-positive worker poses no risk of AIDS to them. Second, HIV-positive workers must not be subject to discrimination. Third, HIV-positive workers should be treated like anyone else with a noncontagious, potentially fatal disease. They should not be fired and, if they become incapable of performing their jobs, they should be provided reasonable accommodation to another job or disability retirement. Fourth, HIV-positive workers should be guaranteed confidentiality.

OPM has done an excellent job in drafting these guidelines. And, to date, the Federal Government has dealt fairly with victims of AIDS in the civil service. These guidelines should ensure that these policies continue.

Mr. Speaker, I include the guidelines in the RECORD at this point:

AIDS IN THE WORKPLACE

INTRODUCTION

This information and guidance is designed to assist Federal agencies in establishing effective AIDS education programs and in fairly and effectively handling AIDS-related personnel situations in the workplace. In this guidance, the term AIDS is used to refer, either to the general AIDS phenomenon or to clinically diagnosed AIDS as a medical condition. HIV (human immunodeficiency virus) is used when the discussion is referring to the range of medical conditions which, HIV-infected persons might have (i.e., immunological and/or neurological impairment in early HIV infection to clinically diagnosed AIDS).

GENERAL POLICY

Guidelines issued by the Public Health Service's Centers for Disease Control (CDC) dealing with AIDS in the workplace state that "the kind of nonsexual person-to-person contact that generally occurs among workers and clients or consumers in the workplace does not pose a risk for transmission of [AIDS]." Therefore, HIV-infected employees should be allowed to continue working as long as they are able to maintain acceptable performance and do not pose a safety or health threat to themselves or others in the workplace. If performance or safety problems arise, agencies are encouraged to address them by applying existing Federal and agency personnel policies and practices. (See also paragraph I on page 5 which discusses the Public Health Service's guidelines for health-care workers.)

HIV infection can result in medical conditions which impair the employee's health and ability to perform safely and effectively. In these cases, agencies should treat HIV-infected employees in the same manner as employees who suffer from other serious illnesses. This means, for example, that employees may be granted sick leave or leave without pay when they are incapable of performing their duties or when they have medical appointments. In this regard, agencies are encouraged to consider accommodation of employees' AIDS-related conditions in the same manner as they would other medical conditions which warrant such consideration.

Also, there is no medical basis for employees refusing to work with such fellow employees or agency clients who are HIV-infected. Nevertheless, the concerns of these employees should be taken seriously and should be addressed with appropriate information and counseling. In addition, employees, such as health care personnel, who may come into direct contact with the body fluids of persons having the AIDS virus, should be provided appropriate information

and equipment to minimize the risks of such contact. (See also paragraph I on page 5.)

OPM encourages agencies to consider the following guidelines when establishing AIDS education programs and in carrying out their personnel management responsibilities.

I. AIDS Information and Education Programs

There are several important considerations in establishing effective AIDS information and education programs. The following guidance is intended to help agencies develop methods for establishing successful programs.

A. Timing and Scope of AIDS Information and Education Efforts

AIDS information and education programs are most effective if they begin before a problem situation arises relative to AIDS and employee concerns. Experience in the private sector has demonstrated that employees' level of receptivity to accurate information will be higher when management has a policy of open communications and when educational efforts are initiated before a problem situation occurs. Education and information should be of an ongoing nature. This approach will reassure employees of management's commitment to open communications and employees will receive updated information about AIDS. By providing AIDS information to all employees, agencies will enhance employees' understanding about the nature and transmission of the disease.

B. Educational Vehicles

Education and information efforts may be carried out in a variety of ways. Agency news bulletins, personnel management directives, meetings with employees, expert speakers and counselors, question and answer sessions, films and video-tapes, employee newsletters, union publications, fact-sheets, pamphlets, and brochures are likely to be effective means of providing information to employees about AIDS.

C. Employee Assistance Programs

For employees who have personal concerns about AIDS, agency employee assistance programs (EAPs) can be an excellent source of information and counseling, and can provide referrals, as requested, to community testing, treatment, and other resources. EAPs can also provide counseling to employees who have apprehensions regarding the communicability of the disease or other related concerns. Because EAPs are in a unique position to offer information and assistance, agencies are encouraged to establish AIDS information, counseling, and referral capabilities in their EAPs and to make employees and supervisors aware of available services. In addition, EAPs can be a good source of managerial/supervisory training on AIDS in the workplace. As with other services provided by the EAP, strict adherence to applicable privacy and confidentiality requirements must be observed when advising employees with AIDS-related concerns. In addition to services provided by the EAP, the agency's occupational health program, health unit, or medical staff should be prepared to assist employees seeking information and counseling on AIDS.

D. Training and Guidance for Managers and Supervisors

Supervisors and managers should be prepared to deal with employee concerns and other issues related to AIDS in the workplace. Agencies should consider, therefore, conducting ongoing training and education programs on AIDS for their managers and supervisors on the medical and personnel management dimensions of AIDS. These programs can be used to educate managers and supervisors on the latest research on AIDS in the workplace, to provide advice on how to recognize and handle situations which arise in their organizations, and to convey the importance of maintaining the confidentiality of any medical and other information about employees' health status. In addition, managers and supervisors should be given a point of contact within the agency where they can call to obtain further information or to discuss situations which arise in their work units. Agencies should attempt to initiate training and guidance activities before problems occur.

E. Sources of Information and Educational Materials

A great deal of information about AIDS is available to Federal agencies. OPM encourages agencies to explore various sources of information and to keep abreast of the latest research on AIDS in the workplace. The U.S. Public Health Service (PHS) has developed a great deal of material on the medical and other aspects of AIDS. Information about AIDS can be obtained requesting it from PHS offices or from the AIDS Clearinghouse (America Responds to AIDS, P.O. Box 6003, Rockville, Maryland 20850; telephone (800) 342-7514). PHS offices are located throughout the country and can be contacted for information relating to AIDS. (See section III for a listing of PHS regional office locations.) In addition, the American Red Cross has developed an extensive assortment of educational materials on AIDS. Information about the materials available through PHS and other sources is contained in section III.

II. Personnel Management Issues and Considerations

When AIDS becomes a matter of concern in the workplace, a variety of personnel issues may arise. Basically, these issues should be addressed within the framework of existing procedures, guidance, statutes, case law, and regulation. Following is a brief discussion of AIDS-related issues which could arise in various personnel management areas, along with some basic guidance on how to approach and resolve such issues. Agencies are cautioned that, as with any complex personnel management matter, the resolution of a specific problem must be based on a thorough assessment of that problem and how it is affected by contemporary information and guidance about AIDS, current law and regulation bearing on the involved issue, and the agency's own policies and needs.

A. Employees' Ability to Work

An HIV-infected employee may develop a variety of medical conditions. These conditions can range all the way from immunological and/or neurological impairment in early stages of HIV infection to clinically diagnosed AIDS. At some point, a concern may arise whether such an employee, given his or her medical condition, can perform the duties of the position in a safe and reliable manner. This concern will typically arise at a point when the HIV-infected employee suffers health problems which affect his or her ability to report for duty or perform. Also, in some situations the concern may stem from the results of a medical examination required by the employee's position. Under OPM's regulations in 5 C.F.R. Part 339, Medical Determination Related to Employability, it is primarily the employee's responsibility to produce medical documentation regarding the extent to which a medical condition is affecting availability for duty or job performance. However, when the employee does not produce sufficient documentation to allow agency management to make an informed decision about the extent of the employee's capabilities, the agency may offer, and in some cases order, the employee to undergo a medical examination. Accurate and timely medical information will allow the agency to consider alternatives to keeping the employee in his or her position if there are serious questions about safe and reliable performance. It will also help determine whether the HIV-infected employee's medical condition is sufficiently disabling to entitle the employee to be considered for reasonable accommodation under the Rehabilitation Act of 1973 (29 U.S.C. § 794).

B. Privacy and Confidentiality

Because of the nature of the disease, HIV-infected employees will have understandable concerns over confidentiality and privacy in connection with medical documentation and other information relating to their condition. Agencies should be aware that any medical documentation submitted to an agency for the purposes of an employment decision and made part of the file pertaining to that decision becomes a "record" covered by the Privacy Act. The Privacy Act generally forbids agencies to disclose a record which the Act covers without the consent of the subject of the record. However, these records are available to agency officials who have a need to know the information for an appropriate management purpose. Officials who have access to such information are required to maintain the confidentiality of that information. In addition, supervisors, managers, and others included in making and implementing personnel management decisions involving employees with AIDS should strictly observe applicable privacy and confidentiality requirements.

C. Leave Administration

HIV-infected employees may request sick or annual leave or leave without pay to pursue medical care or to recuperate from the ill effects of his or her medical condition. In these situations the agency should make its determination on whether to grant leave in the same manner as it would for other employees with medical conditions.

D. Changes in Work Assignment

Agencies considering changes such as job restructuring, detail, reassignment, or flexible scheduling for HIV-infected employees should do so in the same manner as they would for other employees whose medical conditions affect the employee's ability to perform in a safe and reliable manner. In considering changes in work assignments, agencies should observe established policies governing qualification requirements, internal placement, and other staffing requirements.

E. Employee Conduct

There may be situations where fellow employees express reluctance or threaten refusal to work with HIV-infected employees. Such reluctance is often based on misinformation or lack of information about the transmission of HIV. There is, however, no know risk of transmission of HIV through normal workplace contacts, according to leading medical research. Nevertheless, OPM recognizes that the presence of such fears, if unaddressed in an appropriate and

timely manner, can be disruptive to an organization. Usually an agency will be able to deal effectively with such situations through information, counseling, and other means. However, in situations where such measures do not solve the problem and where management determines that an employee's unwarranted threat or refusal to work with an HIV-infected employee is impeding or disrupting the organization's work, it should consider appropriate corrective or disciplinary action against the threatening or disruptive employee(s). In other situations, management may be faced with an HIV-infected employee who is having performance or conduct problems. Management should deal with these problems through appropriate counseling, remedial, and, if necessary, disciplinary measures. In pursuing appropriate action in these situations, management should be sensitive to the possible contribution of anxiety over the illness to work behavior and to the requirements of existing Federal and agency personnel policies, including any obligations the agency may have to consider reasonable accommodation of the HIV-infected employee.

F. Insurance

HIV-infected employees can continue their coverages under the Federal Employees Health Benefits (FEHB) Program and/or the Federal Employees' Group Life Insurance (FEGLI) Program in the same manner as other employees. Their continued participation in either or both of these programs would not be jeopardized solely because of their medical condition. The health benefits plans cannot exclude coverage for medically necessary health care services based on an individual's health status or a pre-existing condition. Similarly, the death benefits payable under the FEGLI Program are not cancelable solely because of the individual's current health status. However, *any* employee who is in a leave-without-pay (LWOP) status for 12 continuous months faces the statutory loss of FEHB and FEGLI coverage but has the privilege of conversion to a private policy without having to undergo a physical examination. Employees who are seeking to cancel previous declinations and/or obtain additional levels of FEGLI coverage must prove to the satisfaction of the Office of Federal Employees Group Life Insurance that they are in reasonably good health. Any employee exhibiting symptoms of any serious and life-threatening illness would necessarily be denied the request for additional coverage.

G. Disability Retirement

HIV-infected employees may be eligible for disability retirement if their medical condition warrants and if they have the requisite years of Federal service to qualify. OPM considers applications for disability retirement from employees with AIDS in the same manner as for other employees, focusing on the extent of the employee's incapacitation and ability to perform his or her assigned duties. OPM makes every effort to expedite any applications where the employee's illness is in an advanced stage and is life threatening.

H. Labor-Management Relations

AIDS in the workplace may be an appropriate area for cooperative labor-management activities, particularly with respect to providing employees education and information and alleviating AIDS-related problems that may emerge in the workplace. In addition, to the extent that an agency proposes AIDS-related policies or programs which would affect the working conditions of bargaining unit employees, unions must be accorded any rights they may have to bargain or be consulted as provided for under 5 U.S.C. Chapter 71.

I. Health and Safety Standards

In 1985, the CDC published guidelines relating to the prevention of HIV transmission in most workplace settings, *CDC Recommendations for Preventing Transmission of Infection with [HIV] in the Workplace,* 34 MMWR 681 (November 15, 1985). The CDC published specialized guidelines in 1987 relating to health-care workers (which in part updated the health-care worker provisions contained in the workplace guidelines), *CDC Recommendations for Prevention of HIV Transmission in Health-Care Settings,* 36 MMWR Supp. no. 2S (August 21, 1987). The Department of Health and Human Services (HHS) and the Occupational Safety and Health Administration (OSHA) of the Department of Labor have initiated a program to ensure compliance with safety and health guidelines and standards designed to protect health-care workers from blood-borne diseases, including AIDS. See Department of Labor/Department of Health and Human Services—Joint Advisory Notice: *Protection Against Occupational Exposure to Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV),* 52 Fed. Reg. 41818 (October 30, 1987). The CDC and OSHA/HHS guidance is intended to increase the availability and use of educational information and personal protective equipment and to improve workplace practices bearing on the transmission of AIDS and other blood-borne diseases. OPM strongly encourages agencies, especially those with employees occupying healthcare and related positions, to establish health and safety practices consistent with this guidance. Sources are available in OSHA to discuss the published guidelines.

J. Blood Donations

One area of personnel management which agencies may overlook when considering AIDS policies and practices is employee blood donations. OPM joins the American Red Cross in urging agencies to encourage employees to consider donating blood. Under guidelines established by the American Red Cross, there is no risk of contracting AIDS from giving blood. However, fears associated with AIDS have contributed to a situation where many of the nation's blood banks are in short supply. This situation threatens the health status of the American public.

As part of its effort to educate the public so as to overcome these fears, the American Red Cross has produced three publications which address blood donations where AIDS is an issue. These publications are: "You Can't Get AIDS From Giving Blood, But Fear Can Run Us Dry," "What You Must Know Before Giving Blood," and "AIDS and the Safety of the Nation's Blood Supply." These publications are available through your local Red Cross chapter or by contacting the Red Cross National Headquarters AIDS Public Education Program (by writing to 1730 "D" Street, N.W., Washington, D.C. 20006 or by calling (202) 639-3223).

PRESERVING A STRONG U.S. INDUSTRIAL BASE

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

Mr. SCHULZE. Mr. Speaker, I am appalled that the United States Navy would go out of its way to help Canadian firms take Navy business away from the last United States manufacturer of anchor chain. When the Navy asked competitors to expedite their proposal time by 2 weeks for national security reasons, the U.S. manufacturer said "yes." The Canadian company said "no." The Navy dropped its request. In fact, the Canadians asked for—and received—an additional extension of time. Our naval facilities command, with the guidance of Deputy Commander Paul Buonaccorsi, did not even consult with the United States firm and extended the deadline to suit the Canadians. Assistant Secretary Pyatt should not permit this underhanded treatment of American firms. It undermines our policy of preserving a strong U.S. industrial base and it threatens the existence of our last U.S. source of anchor chain.

□ 1230

THE PRESIDENT'S VETO OF CIVIL RIGHTS LEGISLATION—A FIRST

(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, President Reagan's doctrine is finally very clear today. He is the first President in 120 years to veto a civil rights bill. Maybe he has overlooked the facts.

The Civil Rights Restoration Act will not force an employer to hire someone with AIDS. The act will not protect homosexuality, it will not require religious institutions to comply with laws that violate their religious tenets, it will not affect farmers who receive subsidies, it will not affect people who receive Social Security, and in fact it will not even change the existing law. The truth of the matter is the President has chosen to heed the advice of TV preachers. Unfortunately, today history will not judge this event as if it was a revival meeting.

A TRIBUTE TO DR. MERLIN K. DuVAL

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

Mr. KYL. Mr. Speaker, the Washington healthcare community said goodbye to an outstanding leader last week when Dr. Merlin K. DuVal resigned his position as president of American Healthcare Institute and returned to his adopted home State of Arizona. Dr. DuVal will join Samaritan Health Service in Phoenix as

senior vice president for quality assurance.

While we in Arizona are delighted to welcome Dr. DuVal back as an active member of our community, policymakers in Washington will miss his thoughtful and valued insight into the future of the healthcare delivery system in the United States.

Dr. DuVal has been a strong and refreshing voice for the hospital industry since he came to Washington in 1984 as the founding president of American Healthcare Institute representing American Healthcare Systems, the largest not-for-profit healthcare network in the world. He came to Washington as Congress was making dramatic changes in the way hospitals are reimbursed for providing care to Medicare patients. Hospitals have faced some of their most difficult times since then as Congress has confronted the industry with changes year after year. Dr. DuVal has provided a steady and reasoned response to the often difficult debate.

He represented his AHI members well and in the process gained the respect and trust of those of us in Washington. To those who have followed Monte's career, his success has come as no surprise. He was educated at Dartmouth College and received his M.D. degree from Cornell University in 1946. He served as a member of the surgical faculty at the State University of New York, College of Medicine at Kings County Hospital, Brooklyn, NY, and next at the University of Oklahoma School of Medicine in Oklahoma City.

In 1963, Dr. DuVal was selected to be the founding dean for the College of Medicine at the University of Arizona and served as either dean or vice president for health services at the university from 1963 to 1979. Between 1971 and 1973 he served as Assistant Secretary for what was then Health, Education and Welfare here in Washington.

Dr. DuVal later served as the president of the National Center for Health Education in San Francisco before joining Associated Health Systems, the predecessor of AHI. Dr. DuVal is a board certified surgeon and holds eight honorary degrees. Last year he was honored with the deans award from the University of Arizona College of Medicine and the designation of the Merlin K. DuVal, M.D. Auditorium at the University of Arizona Health Sciences Center.

Monte's valued experience will be missed here in Washington but we are certain his contributions to the health care industry will continue to influence us. We wish he and his wife Ruth the best of luck and know that their family and friends in Arizona look forward to their return.

CIVIL RIGHTS RESTORATION ACT

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

Mr. OWENS of New York. Mr. Speaker, the Civil Rights Restoration Act, which this House will be considering for a second time today, merely maintains the status quo. It is a conservative act to clarify the original intent of Congress. However, in addition to defining and improving existing law, a vote to override the President's veto of the Civil Rights Restoration Act today would be a blow against some major excesses in propaganda. The opponents of the bill have committed gross atrocities against reason, logic, and the simple reading of the printed word. Not for a long time have we seen such abuse, intense use of the big lie technique, as we have seen in the past few days. Unfortunately for all of us, the democratic debate process has been maimed and brutalized in this attempt to create an emotional stampede.

Mr. Speaker, when we vote to override the veto today, we are also voting for a restoration of respect for the democratic public decisionmaking process.

THE NEXT STEP IN ARMS CONTROL

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

Mr. MORRISON of Washington. Mr. Speaker, the historic INF Treaty calls for the most stringent verification measures ever negotiated in an arms agreement. But the plutonium and uranium in those missiles are not destroyed—they go back into stockpiles. This has given rise to a growing school of thought that truly verifiable arms control is not possible unless the gunpowder is destroyed along with the musket.

I believe future, more expansive agreements will mandate the disposal of these materials as well as their delivery systems. Politically, psychologically, and militarily, I think sentiment on both sides of the Iron Curtain calls for these materials to be done away with.

Today I have introduced a bill that will bring us closer to the next plateau in securing a lasting peace in the nuclear age. It calls for the Department of Energy to conduct a pilot project, in partnership with the Soviet Union, to test the feasibility of destroying weapons-grade nuclear materials.

DOE has the expertise to dismantle nuclear weapons and the capability to safely burn the nuclear materials from those missiles in its liquid metal reactors at Hanford, WA, and Idaho Falls, ID.

The administration's determination that the Nation's plutonium stockpile has reached required levels, combined with the pending START accord that would free-up untold amounts of weapons materials, makes it clear we must be prepared for a new era in preserving peace. This project would be a giant step toward meeting the demands of the new era. Let us have the technology ready to go when we need it.

JAPAN PUNISHES TOSHIBA—BIG DEAL

(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, word has just been received this morning that the Japanese courts have moved against Toshiba Machine for sale of secret technology to the Soviets. The decision? Two employees who were involved directly with the sale have received suspended sentences, and the company has been fined $15,748.03. Big deal. The two who sold the technology to the Soviets received $17 million to perform this treacherous deed.

All along the line, the administration line that is, I and other critics of Toshiba have been told that Japan is taking care of its own problems concerning subversive actions on the part of some of its companies, that we should not worry or try to be punitive with sanctions against Toshiba, because the Japanese are really stiffening their laws.

The action in the Japanese courts today confirms our deepest fear. Japan will not punish in any meaningful way for the illegal sale of technology. As a staffer said to me this morning, $15,000 is about the cost of 1 hour's lobbying for Toshiba in Washington. Mr. Speaker, they have lobbied well.

CIVIL RIGHTS RESTORATION ACT OF 1987

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

Ms. PELOSI. Mr. Speaker, the President has again decided to cast his vote against civil rights. Last week, he vetoed the most important piece of civil rights legislation of the last several years, a measure which enjoyed broad bipartisan support in both Houses. The veto typifies this administration's disdain for the civil rights protections that form the basis of our system of democracy.

This morning the Senate votes to override the veto of the Civil Rights

Restoration Act of 1987 which provides incentives for public and private institutions who receive Federal funds to refrain from discriminatory activity. In a nation which prides itself on its commitment to the principle of equal opportunity for all citizens, Government moneys should not be used to support institutions which openly discriminate against women, minorities, the elderly or the handicapped.

The President claims that this bill would substantially diminish the independence of religious institutions in our society. Such a distortion of the facts is irresponsible. The act, as submitted to the President, includes a specific exemption for religious organizations. It is supported by nearly every major religious organization in the country, including the National Council of Churches and the American Jewish Committee.

In vetoing this legislation, the President stated that it mandates "vastly expanded bureaucratic intrusions" into the actions of business groups. This is another deliberate mischaracterization of the facts.

In his attempt to diminish, the potency of civil rights law, the President has endeavored to cast a disparaging light on this important piece of legislation by conducting a campaign of misinformation. I find these actions disappointing and urge may colleagues in the Congress to override his veto and to send a clear meassage to our constituents that the rights of all Americans will be protected.

URGING CONGRESS TO CONSIDER SUSTAINING THE PRESIDENT'S VETO OF THE GROVE CITY LEGISLATION

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

Mr. HENRY. Mr. Speaker, I would like to urge my colleagues to give very serious consideration to sustaining the President's veto of the Grove City legislation. It's very difficult for me to ask for such a vote given the symbolic character of the vote, the emotions that have risen on both sides of the issue.

Let me say simply this: What the President has called for in his veto is pointing to the fact that many voted for this legislation on the basis of some five or so colloquies seeking to clarify the limitations and the parameters attached to this legislation.

What the President is saying simply is this: That in a matter of such gravity and importance that which was addressed to in this House by way of colloquy ought to be fixed clearly and explicitly in statutory law.

Mr. Speaker, I urge my colleagues to uphold the administration's veto.

PEACE TALKS CONTINUE IN NICARAGUA

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

Mr. MARKEY. Mr. Speaker, the Contras and Sandinistas are down in Nicaragua talking peace, and President Reagan is up here on the Hill talking war.

Humberto Ortega and Adolfo Calero are talking directly, inside Nicaragua, for the first time.

The Contras have been given a position at the bargaining table that they have never won on the battlefield.

Both Sandinistas and Contras have agreed to a cease-fire—the most dramatic prospect for peace in the long, tragic, 6-year history of the Contra war.

But the Reagan administration is still tearing around Honduras with the 82d Airborne and sending American troops into the 20-mile border zone.

Yesterday, 10 American soldiers were injured when a helicopter crashed on the way to Jamastran, 17 miles from the Nicaraguan border. American soldiers should not be in Jamastran, less than 20 miles from Nicaragua. They should not have to carry live ammunition and they should not be within howitzer range of the border.

Even as the Contras are talking about a peaceful settlement in Nicaragua, President Reagan is up on the Hill personally lobbying for more lethal aid.

Mr. Speaker, the Contras are working for a peaceful settlement.

The Sandinistas are working for a peaceful settlement.

Why is President Reagan talking about lethal aid?

MILITARY AID TO THE CONTRAS

(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, I don't know if the prior speaker has even noticed it, but, when we send military assistance around the world to NATO, to Israel, to South American countries, we never call it lethal aid. It's called military aid.

I would hope the gentleman from Massachusetts would have noticed that the last time we put Americans anywhere without live ammunition in their guns was on the beaches of Lebanon where 241 young Marine sailors and some soldiers died in that terrible terrorist attack on Marine headquarters.

My office has received a call from a Major Murphy with Joint Task Force Bravo at Palmerola. The families of these outstanding young soldiers with the 82d Airborne and 7th Light Infantry Division, are listening to some of the weird speeches on the House floor here. Many of these speeches are insulting to our military and their commanders, up to and including the Commander in Chief. Major Murphy asked people to write down this address and send words of support to our young United States soldiers in Honduras. Joint Task Force Bravo will get the letters out to the 82d and 7th Infantry. The address is: Palmerola Air Force Base APO, Miami, FL 34042. They will make sure your cards and letters get to those defending our national security.

TRACEY McFARLANE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2819) for the relief of Tracey McFarlane.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding her age, Tracey McFarlane may be naturalized under section 322 of the Immigration and Nationality Act if a petition is filed on her behalf pursuant to that section not later than 2 years after the date of enactment of this Act.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. MAZZOLI] is recognized for 1 hour.

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

Mr. Speaker, I rise in support of the bill, and I submit the following extraneous material:

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, February 12, 1988.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 2819) for the relief of Tracey McFarlane, there is attached a memorandum of information concerning the beneficiary.

Notwithstanding her age, the bill would allow the beneficiary to be naturalized under section 322 of the Immigration and Nationality Act as a child born outside of the United States, if the petition is filed on her behalf within two years after the date of enactment of this act.

For the Commissioner.

Sincerely,

BONNIE DERWINSKI,

(For Greg Leo, Director, Congressional and Public Affairs).

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: H.R. 2819

The following information was obtained from the beneficiary's mother and adoptive father, Judith Deanne Mount and Richard Frederick Mount.

The beneficiary, Tracey McFarlane, a native and citizen of Canada, was born July 20, 1966. She is single and attends the University of Texas at Austin, Texas, under the auspices of a full athletic scholarship from the University. She also receives a $450 monthly stipend. She resides in an apartment in Austin, Texas. The beneficiary's mother and adoptive father contribute about $3,000 a year toward her incidental expenses.

The beneficiary first entered the United States on November 28, 1978, as a minor child of an intra-company transferee. She accompanied her mother and stepfather, Jack McFarlane. The beneficiary obtained status as a lawful permanent resident of the United States on August 7, 1984.

The interested party, Judith Deanne Mount, the beneficiary's mother, was born in Canada on February 5, 1941. She obtained a divorce from the beneficiary's natural father, John Douglas Guild, on October 5, 1973, in Canada. She entered the United States for the first time on November 28, 1978, as the wife of an intra-company transferee. Mrs. Mount's second marriage to Jack McFarlane was dissolved on April 14, 1981, and she married her current husband, Richard Frederick Mount, on February 6, 1982. Mrs. Mount has two other children, John Michael Guild age 19, and Dean C. McFarlane age 13, who are natives and citizens of Canada. They are both currently residing with their mother in California. John Michael Guild is currently attending college in the United States under a student visa. Dean C. McFarlane and Mrs. Mount are currently filing applications for adjustment of status under the Immigration Reform and Control Act of 1986.

The interested party, Richard Frederick Mount, was born July 20, 1925, in Canada to American citizen parents. He is self-employed and earns about $40,000 annually in industrial design. He works out of an office in his home. He recently sold an industrial patent worth about $40,000 with a future royalty interest. He served honorably in the United States Navy from December 8, 1942 to March 9, 1945. He has four adult children from a previous marriage. His petition for the adoption of the beneficiary was granted on February 23, 1984, in the Superior Court of California, County of Riverside.

The beneficiary, Tracey McFarlane, stated that she has been a member of the swimming team at the University of Texas since September 1984, and during this time the team has won three national championships. She won national titles in the 100 breaststroke in 1985 and 1987, as well as titles in both the 200 and 400 medley relays. She would like to compete for the United States team in the summer olympic games, but she must be a United States citizen to represent the United States.

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

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

Mr. LEWIS of California. Mr. Speaker, the minority has reviewed this question. We have no comments to make. We suggest that it go forward to a vote.

Mr. MAZZOLI. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

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

APPOINTMENT AS MEMBER OF THE SELECT COMMITTEE ON HUNGER

The SPEAKER. Pursuant to the provisions of section 103 of House Resolution 26, 100th Congress, and the order of the House of January 22, 1987, the Chair appoints the gentleman from West Virginia [Mr. STAGGERS], to the Select Committee on Hunger to fill the existing vacancy thereon.

□ 1245

APPOINTMENT AS MEMBERS OF MONITORED RETRIEVABLE STORAGE REVIEW COMMISSION

The SPEAKER. Pursuant to section 143 of the Nuclear Waste Policy Act, as amended by section 5021 of Public Law 100-203, the Chair appoints, with the concurrence of the President pro tempore of the Senate, the following individuals to the Monitored Retrievable Storage Review Commission:

Mr. Victor Gilinsky, of Glen Echo, MD;

Mr. Alex Radin, of Washington, DC; and

Mr. Dale E. Klein, of Austin, TX.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

FEDERAL EMPLOYEES' LEAVE-TRANSFER ACT OF 1988

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3757) to amend title 5, United States Code, to permit voluntary transfers of leave by Federal employees where needed because of medical or other emergency situation, as amended.

The Clerk read as follows:

H.R. 3757

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Employees' Leave-Transfer Act of 1988".

SECTION 2. VOLUNTARY TRANSFERS OF LEAVE.

(a) AUTHORITY.—Chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—VOLUNTARY TRANSFERS OF LEAVE

"§ 6331. Definitions

"For the purpose of this subchapter—

"(1) the term 'employee' means an employee as defined by section 6301(2), excluding an individual employed by the government of the District of Columbia;

"(2) the term 'personal emergency' means a medical or family emergency or other hardship situation that requires, or is likely to require, an employee's prolonged absence from duty and to result in a substantial loss of income to the employee because of the unavailability of paid leave;

"(3) the term 'leave recipient' means an employee whose application to receive donations of leave under this subchapter is approved; and

"(4) the term 'leave donor' means an employee whose application to make 1 or more donations of leave under this subchapter is approved.

"§ 6332. General authority

"Notwithstanding any provision of subchapter I, and subject to the provisions of this subchapter, the Office of Personnel Management shall establish a program under which annual leave accrued or accumulated by an employee may be transferred to the annual-leave account of any other employee if such other employee requires additional leave because of a personal emergency.

"§ 6333. Receipt and use of transferred leave

"(a)(1) An application to receive donations of leave under this subchapter, whether submitted by or on behalf of an employee—

"(A) shall be submitted to the employing agency of the proposed leave recipient; and

"(B) shall include—

"(i) the name, position title, and grade or pay level of the proposed leave recipient;

"(ii) the reasons why transferred leave is needed, including a brief description of the nature, severity, anticipated duration, and, if it is a recurring one, the approximate frequency of the personal emergency involved;

"(iii) if the employing agency so requires, certification from 1 or more physicians, or other appropriate experts, with respect to any matter under clause (ii); and

"(iv) any other information which the employing agency may reasonably require.

"(2) If an agency requires that an employee obtain certification under paragraph (1)(B)(iii) from 2 or more sources, the agency shall ensure, either by direct payment to the expert involved or by reimbursement, that the employee is not required to pay for the expenses associated with obtaining certification from more than 1 of those sources.

"(3) An employing agency shall approve or disapprove a proposed leave recipient's application for leave under this subchapter, and shall notify the proposed leave recipient (or other person acting on behalf of the proposed recipient, if appropriate) of the agen-

cy's decision, in writing, within 10 days (excluding Saturdays, Sundays, and legal public holidays) after receiving such application.

"(b) A leave recipient may use annual leave received under this subchapter in the same manner and for the same purposes as if such leave recipient had accrued that leave under section 6303, except that any annual leave, and any sick leave, accrued or accumulated by the leave recipient and available for the purpose involved must be exhausted before any transferred annual leave may be used.

"(c) Transferred annual leave—

"(1) may accumulate without regard to any limitation under section 6304; and

"(2) may be substituted retroactively for any period of leave without pay, or used to liquidate an indebtedness for any period of advanced annual leave, which began on or after a date fixed by the employee's employing agency as the beginning of the personal emergency involved.

"§ 6334. Donations of leave

"(a) An employee may, by written application to such employee's employing agency, request that a specified number of hours be transferred from such employee's annual-leave account to the annual-leave account of a leave recipient in accordance with section 6332.

"(b)(1) Upon approving an application under subsection (a), the employing agency of the leave donor may transfer all or any part of the number of hours requested for transfer, except that the number of hours of annual leave so transferred may not exceed one-half of the total number of hours of annual leave standing to the credit of the leave donor at the time of the transfer.

"(2) The employing agency of a leave donor may waive the limitation under paragraph (1). Any such waiver shall be made in writing.

"(c) Regulations prescribed under section 6342 shall include procedures to carry out this subchapter when the leave donor and the leave recipient are employed by different agencies.

"§ 6335. Termination of personal emergency

"(a) The personal emergency affecting a leave recipient shall, for purposes of this subchapter, be considered to have terminated on the date as of which—

"(1) the leave recipient notifies that individual's employing agency, in writing, that the emergency no longer exists;

"(2) the leave recipient's employing agency determines, after written notice and opportunity for the leave recipient (or, if appropriate, another person acting on behalf of the leave recipient) to answer orally or in writing, that the personal emergency no longer exists; or

"(3) the leave recipient is separated from service.

"(b)(1) A leave recipient's employing agency shall, consistent with guidelines prescribed by the Office of Personnel Management, establish procedures to ensure that a leave recipient is not permitted to use or receive any transferred leave under this subchapter after the personal emergency terminates.

"(2) Nothing in section 5551, 5552, or 6306 shall apply with respect to any annual leave transferred to a leave recipient under this subchapter.

"§ 6336. Restoration of transferred leave

"(a)(1) The Office of Personnel Management shall establish procedures under which, except as provided in paragraph (2), any transferred leave remaining to the credit of a leave recipient when the personal emergency affecting the leave recipient terminates shall be restored on a prorated basis by transfer to the appropriate accounts of the respective leave donors.

"(2) Nothing in paragraph (1) shall require the restoration of leave to a leave donor—

"(A) if the amount of leave which would be restored to such donor would be less than 1 hour or any other shorter period of time which the Office may by regulation prescribe;

"(B) if such donor retires, dies, or is otherwise separated from service, before the date on which such restoration would otherwise be made; or

"(C) if such restoration is not administratively feasible, as determined under regulations prescribed by the Office.

"(b)(1) Transferred annual leave restored to a leave donor under subsection (a) before the beginning of the third biweekly pay period preceding the end of a leave year shall be taken into account, for purposes of subsection (a) or (b) of section 6304, as applicable, as if such leave had accrued to such donor during the leave year in which it is so restored.

"(2) Transferred annual leave restored to a leave donor under subsection (a) after the end of the fourth biweekly pay period preceding the end of a leave year shall be taken into account, for purposes of subsection (a) or (b) of section 6304, as applicable, as if such leave had accrued to such donor during the leave year following the leave year in which it is so restored.

"(c) The Office shall prescribe regulations under which this section shall be applied in the case of an employee who is paid other than on the basis of biweekly pay periods.

"(d) Restorations of leave under this section shall be carried out in a manner consistent with regulations prescribed to carry out section 6334(c), if applicable.

"§ 6337. Accrual of leave

"(a) For the purpose of this section—

"(1) the term 'paid-leave status under subchapter I', as used with respect to an employee, means the administrative status of such employee while such employee is using sick leave, or annual leave, accrued or accumulated under subchapter I; and

"(2) the term 'transferred-leave status', as used with respect to an employee, means the administrative status of such employee while such employee is using transferred leave under this subchapter.

"(b)(1) Except as otherwise provided in this section, while an employee is in a transferred-leave status, annual leave and sick leave shall accrue to the credit of such employee in the same manner as if such employee were then in a paid-leave status under subchapter I, except that—

"(A) the maximum amount of annual leave accruable by an employee while in transferred-leave status in connection with any particular personal emergency may not exceed 5 days; and

"(B) the maximum amount of sick leave accruable by an employee while in transferred-leave status in connection with any particular personal emergency may not exceed 5 days.

"(2) Any annual or sick leave accrued by an employee under this section—

"(A) shall be credited to an annual-leave or sick-leave account, as appropriate, separate from any leave account of such employee under subchapter I; and

"(B) shall not become available for use by such employee, and may not otherwise be taken into account under subchapter I, until, in accordance with subsection (c), it is transferred to the appropriate leave account of such employee under subchapter I.

"(c)(1) Any annual or sick leave accrued by an employee under this section shall be transferred to the appropriate leave account of such employee under subchapter I, effective as of the beginning of the first applicable pay period beginning after the date on which the employee's personal emergency terminates as described in paragraph (1) or (2) of section 6335(a).

"(2) If the employee's personal emergency terminates as described in section 6335(a)(3), no leave shall be credited to such employee under this section.

"§ 6338. Exclusion authority

"(a) Upon written request by the head of an agency, the Office of Personnel Management may exclude that agency, or a unit of that agency, from the leave-transfer program under the preceding sections of this subchapter if the Office determines that inclusion in such program is causing substantial disruption to the agency or unit involved.

"(b) An agency, or unit of an agency, which is excluded under subsection (a) shall, to the extent practicable, make a sustained effort to eliminate the conditions on which the exclusion is based.

"(c) The Office shall periodically review any exclusion under subsection (a) and may, at any time, revoke any such exclusion. A revocation under this subsection shall be made in writing.

"(d) The Office shall provide prompt written notification to the Congress with respect to any exclusion, and any revocation of an exclusion, under this section.

"(e) Any transferred leave remaining to the credit of an employee whose personal emergency has not terminated before that employee's employing agency, or unit, is excluded pursuant to this section shall remain available for use in the same way as provided for under section 6343(b).

"§ 6339. Alternative leave-transfer programs

"(a)(1) In order to determine the feasibility and desirability of each alternative leave-transfer program under subsection (b), the Office of Personnel Management shall, with the concurrence of the head of the Executive agency involved, carry out a demonstration project under which each such alternative program shall be tested on an agency-wide basis in accordance with the provisions of this section.

"(2) Under the project, each of 3 Executive agencies shall, instead of participating in the leave-transfer program under sections 6331 through 6338, implement the alternative program incorporating the requirements described in subparagraph (A), (B), or (C) of subsection (b)(2), respectively.

"(b)(1) The terms and conditions governing the alternative leave-transfer programs under this section shall be the same as those governing the program under sections 6331 through 6338, except—

"(A) to the extent necessary to implement the requirements of paragraph (2); and

"(B) as provided in paragraph (3) or subsection (c).

"(2) The alternative leave-transfer programs under this section shall be as follows:

"(A) One program under which any transfers of annual leave shall be effected by donations to and withdrawals from a common, agency-wide 'leave fund', rather than by direct transfers from leave donors to leave recipients.

"(B) One program under which, in addition to allowing transfers of annual leave in accordance with sections 6331 through 6338, sick leave accrued or accumulated by one employee shall be transferable to the sick-leave account of any other employee if such other employee requires additional sick leave because of a personal emergency.

"(C) One program under which, in addition to allowing transfers of annual leave in accordance with sections 6331 through 6338, sick leave accrued or accumulated by one employee shall be transferable to the sick-leave account of any other employee in the circumstances described in subparagraph (B), but only if transfers of annual leave are inadequate, or would be inadequate, to meet the personal emergency involved.

"(3)(A) The terms and conditions relating to the transfer, use, and restoration of sick leave under the respective programs described in subparagraphs (B) and (C) of paragraph (2) shall be consistent with the terms and conditions governing comparable matters under sections 6331 through 6338.

"(B) In administering subparagraphs (A) and (B) of section 6337(b)(1) (relating to the maximum amounts of annual and sick leave accruable while in a transferred-leave status) with respect to any leave recipient who, under either of the programs referred to in subparagraph (A) of this paragraph, is permitted to use both transferred annual leave and transferred sick leave in connection with the same personal emergency, the total amount of annual leave accrued, and the total amount of sick leave accrued, while in transferred-leave status (whether transferred annual leave or transferred sick leave) in connection with such emergency may not, in the aggregate, exceed the maximum amount allowable under subparagraph (A) or (B) of section 6337(b)(1), as the case may be.

"(C) Nothing in section 8339(m) shall apply with respect to any sick leave transferred to a leave recipient under either of the programs referred to in subparagraph (A).

"(c)(1)(A) Upon written request by the head of an agency testing an alternative program, the Office of Personnel Management may, if the Office determines that the program is causing substantial disruption to the agency involved—

"(i) terminate the alternative program; and

"(ii) concurrent with the action under clause (i)—

"(I) discontinue the exclusion of the agency from the program under sections 6331 through 6338;

"(II) continue the exclusion of the agency from the program under sections 6331 through 6338; or

"(III) discontinue the exclusion of the agency from the program under sections 6331 through 6338, with the exception of 1 or more units of the agency involved.

"(B) An agency, or unit of an agency, shall, to the extent practicable, make a sustained effort to eliminate the conditions on which is based the continued exclusion of such agency or unit under subclause (II) or (III) of subparagraph (A)(ii), as the case may be.

"(C) The Office of Personnel Management shall periodically review any exclusion referred to in subparagraph (B) and may, at any time, provide that the exclusion be revoked.

"(2) The Office shall submit a written report to the President and the Congress with respect to any alternative program terminated under this subsection. A report under this paragraph shall be in lieu of any report which would otherwise be required with respect to such program under section 6341.

"(3) Any program termination, continuance of an exclusion, discontinuance of an exclusion, or revocation under this subsection shall be made in writing.

"§ 6340. Prohibition of coercion

"(a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using annual or sick leave under this subchapter.

"(b) For the purpose of subsection (a), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as an appointment or promotion or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"§ 6341. Reporting requirements

"(a) Not later than 6 months before the scheduled termination date of any program under this subchapter (excluding any program under section 6344), the Office of Personnel Management shall submit a written report to the President and the Congress with respect to the operation of such program.

"(b) The Office of Personnel Management may require agencies to maintain such records and to provide such information as the Office may need in order to carry out subsection (a) or section 6339(c)(2).

"§ 6342. Regulations

"The Office of Personnel Management may prescribe regulations necessary for the administration of this subchapter.

"§ 6343. Commencement and termination of programs; treatment of residual leave

"(a) The voluntary leave-transfer program under sections 6331 through 6338, and each alternative leave-transfer program under section 6339, shall commence not later than 4 months after the date of the enactment of this subchapter and, except as provided in section 6339(c), shall terminate 3 years after its commencement date.

"(b) If a leave-transfer program referred to in subsection (a) terminates before the termination of the personal emergency affecting a leave recipient under such program, any leave which was transferred to the leave recipient before the termination of the program shall remain available for use (including by restoration to leave donors, if applicable) as if the program had remained in effect.

"(c) Any annual leave remaining in an agency-wide leave fund under the alternative program incorporating the requirements of section 6339(b)(2)(A) shall, upon termination of such program, be dispensed in accordance with the following:

"(1) If there are any employees who, based on applications submitted before the program's termination date, are found (before, on, or after that date) to be eligible to make withdrawals of leave in connection with any personal emergency, annual leave donated to the leave fund before the program's termination date shall—

"(A) remain available for withdrawal by any such employee until the last such emergency has terminated, and

"(B) if so withdrawn, remain available for use (including by restoration to leave donors, if applicable),

as if the program had remained in effect.

"(2) If there are no employees eligible to make withdrawals as of the date on which the program terminates, or if the application of paragraph (1) does not result in the exhaustion of all annual leave which was donated to the leave fund before the program's termination date, any remaining leave shall be restored to leave donors in a manner consistent with the procedures under section 6336.

"§ 6344. Additional leave-transfer programs

"(a) For the purpose of this section—

"(1) the term 'excepted agency' means—

"(A) the Central Intelligence Agency;

"(B) the Defense Intelligence Agency;

"(C) the National Security Agency;

"(D) the Federal Bureau of Investigation; and

"(E) as determined by the President, any Executive agency or unit thereof, the principal function of which is the conduct of foreign intelligence or counterintelligence activities; and

"(2) the term 'head of an excepted agency' means—

"(A) with respect to the Central Intelligence Agency, the Director of Central Intelligence;

"(B) with respect to the Defense Intelligence Agency, the Director of the Defense Intelligence Agency;

"(C) with respect to the National Security Agency, the Director of the National Security Agency;

"(D) with respect to the Federal Bureau of Investigation, the Director of the Federal Bureau of Investigation; and

"(E) with respect to an Executive agency designated under paragraph (1)(E), the head of such Executive agency, and with respect to a unit of an Executive agency designated under paragraph (1)(E), such individual as the President may determine.

"(b) Notwithstanding any other provision of this subchapter, neither an excepted agency nor any individual employed in or under an excepted agency may be included in a leave-transfer program established under any of the preceding provisions of this subchapter.

"(c)(1) The head of an excepted agency shall, by regulation, establish a program under which annual leave accrued or accumulated by an employee of such agency may be transferred to the annual-leave account of any other employee of such agency if such other employee requires additional leave because of a personal emergency.

"(2) To the extent practicable, and consistent with the protection of intelligence sources and methods (if applicable), each program under this section shall be established—

"(A) in a manner consistent with the provisions of this subchapter applicable to the program under sections 6331 through 6338 (including sections 6340 and 6343), but

"(B) without regard to any provisions relating to transfers or restorations of leave between employees in different agencies and the provisions of section 6338.

"(d) Not later than 6 months before the scheduled termination date of any program under this section, the head of the excepted agency involved shall submit a written report to the President and the Congress with respect to the operation of such program.

"(e) The Office of Personnel Management shall provide the head of an excepted agency with such advice and assistance as the head

of such agency may request in order to carry out the purposes of this section.

"§ 6345. Inapplicability of certain provisions

"Nothing in section 7351 shall apply with respect to a solicitation, donation, or acceptance of leave under this subchapter.".

(b) CHAPTER ANALYSIS.—The analysis for chapter 63 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—VOLUNTARY TRANSFERS OF LEAVE

"6331. Definitions.
"6332. General authority.
"6333. Receipt and use of transferred leave.
"6334. Donations of leave.
"6335. Termination of personal emergency.
"6336. Restoration of transferred leave.
"6337. Accrual of leave.
"6338. Exclusion authority.
"6339. Alternative leave-transfer programs.
"6340. Prohibition of coercion.
"6341. Reporting requirements.
"6342. Regulations.
"6343. Commencement and termination of programs; treatment of residual leave.
"6344. Additional leave-transfer programs.
"6345. Inapplicability of certain provisions.".

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York [Mr. ACKERMAN] will be recognized for 20 minutes and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. ACKERMAN].

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

Mr. Speaker, H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988, as amended by the Post Office and Civil Service Committee, would allow Federal employees to donate annual leave to coworkers who face a prolonged absence from work due to a personal emergency.

Mr. Speaker, H.R. 3757 is not the Federal Government's first experience with leave-sharing. The continuing resolution for fiscal year 1987 established a limited leave-sharing program for Federal employees. The Office of Personnel Management was permitted to select three cases to test this concept. In response to that law, OPM received more than 240 applications for the 3 experiments.

The large number of worthy applicants for that program clearly demonstrated the need for a broader leave-transfer program.

Mr. Speaker, the continuing resolution for fiscal year 1988 granted the Office of Personnel Management the authority to establish a Government-wide program allowing Federal employees to transfer annual leave to their coworkers. But that authority will expire at the end of this fiscal year. That is why it is important that the House act promptly on a longer-term measure.

Last year, our colleague from Virginia, Congressman FRANK WOLF, introduced H.R. 2487, which was the subject of hearings last August by the Subcommittee on Compensation and Employee Benefits. H.R. 3757 reflects many of the suggestions recommended at those hearings, and I am pleased that Congressman WOLF is an original cosponsor of the new bill.

The Federal Employees' Leave-Transfer Act directs the Office of Personnel Management to establish procedures by which employees can donate annual leave to fellow employees who are experiencing personal or family emergencies. The act also directs OPM to select three agencies for the purpose of testing alternative methods of transferring leave—one based on an agencywide leave fund, and two establishing agencywide programs which will permit the sharing of sick leave as well as annual leave.

Mr. Speaker, many of my colleagues have told me of the plight of constituents who face overwhelming hardships which require extended absences from their jobs. And we know of many cases where their coworkers are ready and eager to help alleviate that plight by sharing their annual leave; all that they need is the legal permission to do so. The Federal Employees' Leave-Transfer Act provides that permission and establishes the mechanism for an orderly program of leave-sharing.

Mr. Speaker, I urge my colleagues to support H.R. 3757.

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

It is my privilege, Mr. Speaker, to speak in favor of H.R. 3757. I take this opportunity to commend the gentleman from New York [Mr. ACKERMAN] for his leadership and interest in the subject of leave-transfer for Federal employees, and for bringing this important piece of legislation quickly to the floor.

When Mr. ACKERMAN introduced H.R. 3757 on December 14, 1987, he stated that he did not "pretend to have fathered the concept of leave-sharing"; he gave due recognition to our colleague, the gentleman from Virginia [Mr. WOLF] who introduced the first bill on leave-sharing and is the chief cosponsor of H.R. 3757. I would also like to give credit to the gentleman from Virginia who has consistently held the well-being of the Federal employees in the forefront.

Mr. Speaker, the minority has no objection to H.R. 3757 which was passed unanimously by the Post Office and Civil Service Committee. I am proud to be a cosponsor of this important legislation.

This bill establishes a government-wide program to transfer annual leave for a 3-year period under which leave can be voluntarily donated by an employee to another who, because of illness or family emergency, must be absent from the job but has depleted all leave. This bill also provides for demonstration projects in three agencies. One would study leave being donated in a common, agencywide leave fund; one would permit the donation of sick leave in addition to annual leave; and the third demonstration would include donations of sick leave only if donated annual leave were insufficient.

The Office of Personnel Management has the authority to exclude agencies from the program at the agency's request, if they can show that substantial disruption will result if the program were to be instituted at that agency. Furthermore, the bill provides that Federal employees may donate up to half of their annual leave. This leave can be restored to the donating employee if the recipient employee no longer needs the donated time.

Mr. Speaker, I am pleased with the inclusion of demonstration projects in the bill. I believe it is always useful to try various methods when establishing a program. As the gentleman from New York has indicated, the concept of leave sharing is not new. It has been tried and has been successful in the private and public sectors in other parts of our country. In Montgomery County, which I represent, sharing of sick leave has worked very well for county government employees. The Board of Education of Montgomery County has a leave bank for sick leave and annual leave is transferred on an employee-to-employee basis. We will never know whether sick leave and the leave fund provisions can work or whether they are cost efficient unless they are tried. The aim of these demonstration projects is to evaluate various alternatives. In the final analysis, we can eliminate the provisions that are not workable and include provisions which have proven to be cost effective.

Last week this House passed technical amendments which would permit leave transfer among all levels of Federal employees. The first provision of leave sharing was passed in the 99th Congress on an experimental basis and proved to be very successful. The President signed Public Law 100-202 on December 22, 1987, to expand the three-person experimental program to include the Federal civilian employees for 1 year. H.R. 3757 expands the program for 3 years.

Mr. Speaker, this program is one of the most humanitarian provisions in the Federal employee sector. I believe it will help in boosting the morale of employees who are facing long-term absence from the job. At the same time, it will help those employees who, prior to this, could only look on while their colleagues bore the burden of family emergencies; they will be able to help their colleagues during this time, by donating excess leave time.

Many of my constituents have called for information about the provisions passed during last session. Many of them are requests for transfer of leave between parents in Federal service to children in Federal service; some of the requests are for transfer between siblings in Federal service fortunately in the same department and other requests are for employees within an agency. There is much employee interest in the bill.

Mr. Speaker, I urge my colleagues to vote favorably for H.R. 3757 and again take this opportunity to commend the sponsor and the original cosponsor of the bill.

Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Virginia [Mr. WOLF] a major cosponsor of the bill.

Mr. WOLF. Mr. Speaker, I rise today in support of H.R. 3757 and urge my colleagues to support this worthwhile concept of Federal employees sharing their leave with other Federal employees who do not have sufficient leave to face hardship situations such as long-term illnesses or family medical emergencies.

I was pleased to join with Congressman GARY ACKERMAN on this legislation and want to thank him for becoming involved with the Federal leave-sharing concept and for moving this legislation through the Post Office and Civil Service Committee to permanently establish a governmentwide leave-sharing program.

As many of our colleagues may recall, the Office of Personnel Management was directed in 1986 to conduct a leave-sharing study which proved to be tremendously successful and we included a temporary governmentwide leave-sharing program which will be in effect through fiscal year 1988 in last year's continuing resolution.

We now have the opportunity to establish leave sharing as a permanent fixture in the personnel management of Federal employees. A recent Federal Times editorial, "The Gift of Time," notes that without this program "employees who use up their sick leave and annual leave are faced with an impossible choice. They can choose to remain with their loved ones, or they can return to work to accrue additional leave, maintain their benefits, and, of course, earn a paycheck. They cannot have both."

Federal employees who have exhausted their annual and sick leave can have both with this gift of time donated by other Federal employees. This is a program that will help those in desperate need of assistance and will boost camaraderie among fellow Federal workers.

To illustrate that point, the idea for leave sharing was first brought to my attention in 1986 by a constituent of mine, Robert Hague, of McLean, VA. Mr. Hague wrote me about his desire to share some of his leave with a blind colleague, Barbara DiPietrantonio, who, as a relatively new employee, had not accrued enough leave of her own to cover time needed to train a new guide dog. Barbara's ability to carry out her job effectively is dependent on the mobility she has achieved, despite her handicap, through reliance on a guide dog. Mr. Hague recognized her need and wanted to give her some of his annual leave time.

With the recognition of the potential benefit for a leave-sharing program, a provision in the fiscal year 1987 continuing resolution directed OPM to conduct a feasibility study on developing a Governmentwide shared leave program. From the over 240 requests for inclusion in that study for 3 test cases, it was readily apparent that there are many hardship cases in the Federal work force which could benefit from a shared leave plan.

Additionally, in this time of tight Federal budgets we all recognize how important it is to find innovative ways to improve civil service and its benefits without creating additional costs to the public. The Federal employee leave-sharing program will assist Federal employees who experience long-term illnesses and extended family emergencies without any cost to the U.S. taxpayer and at the same time will help to minimize for the individual the financial and emotional impact that severe hardship situations usually create.

I urge my colleagues to join me in supporting a permanent leave-sharing program. This is an important concept whose time has come. We have an opportunity to do something positive in the Federal workplace which can encourage good employees to stick with Federal service. And that's good for all American taxpayers.

I urge a unanimous vote to give Federal employees the chance to share the gift of time with their fellow Federal employees who may need it so desperately.

Mr. Speaker, there are so many good reasons for this program that I would urge when we have an opportunity to vote that all of us support this.

Mr. Speaker, I wonder if I could ask the gentleman from New York one question that crossed my mind.

May I ask the gentleman from New York, does this legislation cover, and if it does not, I wonder if we could look at the possibility, does this provide leave sharing for legislative employees, members of the House or office staff and particularly those of the Doorkeeper and other Federal employees who are working for the legislative branch, are those covered?

The SPEAKER pro tempore. (Mr. PANETTA). The time of the gentleman from Virginia has expired.

Mrs. MORELLA. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Virginia.

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

Mr. ACKERMAN. Mr. Speaker, I am afraid those employees are not covered by this legislation, but the gentleman's point is well-taken and perhaps we should revisit the topic and take a look at the inclusion of those, as well as other employees.

Mr. WOLF. I would appreciate that, because I was standing here thinking there are many permanent employees of the House, the majority and minority, who have been here for a long period of time. I think it may be appropriate either in separate legislation or if this goes to conference perhaps seeing if there may be a way we could cover the legislative branch.

Mr. Speaker, I want to again acknowledge publicly and thank the gentleman from New York [Mr. ACKERMAN], because he has moved this legislation very quickly, as he has the other leave-sharing legislation, and all Federal employees are especially indebted to him. I want to thank the gentleman and thank the gentlewoman from Maryland.

Mr. ACKERMAN. Mr. Speaker, allow me to express my gratitude and the gratitude of the entire committee for the gentleman's initiatives and leadership in this area, not just his comments, but his very creative imagination and continued dedication to Federal employees. His humanitarian cooperation is greatly admired and appreciated.

Mr. WOLF. Mr. Speaker, I thank the gentleman.

Mrs. MORELLA. Mr. Speaker, I yield 3 minutes to again another distinguished colleague, the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I rise in strong support of H.R. 3757, the Federal Leave-Transfer Act of 1988.

As I have stated before, leave sharing, which allows Federal workers to donate leave to a colleague experiencing a family or medical emergency situation, is a concept whose time certainly has come. The leave-transfer program proposed under H.R. 3757 is good for Federal workers, good for the Federal Government, and fosters the sense of community and nurturing spirit that strengthens the Federal work force.

H.R. 3757 would extend for 3 years temporary leave-sharing experiments now in existence and under review. The legislation anticipates the need for continuing review of the leave-sharing program by sunsetting the program for a period of 3 years and requiring the Office of Personnel Man-

agement [OPM] to report to Congress on the operation of the program not later than 6 months prior to this 3-year sunset date. Additionally, H.R. 3757 is responsive to criticisms advanced against earlier versions of the legislation by directing OPM to select three agencies to test variations of the leave-sharing concept, as follows: First, establishment of a general "leave bank" in lieu of specific recipient-directed leave donations; second, inclusion of both sick leave and annual leave transfers; and third, inclusion of both sick leave and annual leave transfers when the latter proves inadequate to cover anticipated family and medical emergencies.

I urge my colleagues to vote in favor of H.R. 3757, a rational, and humane response to problem situations that otherwise can devastate Federal workers and their families.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Virginia, who has always been an advocate for Federal employees.

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

Mr. BOEHLERT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in very strong support of this very humane, compassionate piece of legislation.

While I want to commend the gentleman from New York [Mr. ACKERMAN], chairman of the subcommittee, I wish to pay particular tribute to the gentleman from Virginia [Mr. WOLF], who has carried the banner for this much needed legislation for a number of years. I have had the privilege of working with the gentleman from Virginia [Mr. WOLF] because I sought his guidance when I faced in my district a crisis situation with a constituent of mine, Nancy Brady, who is an employee of Griffiss Air Force Base in Rome, NY. She had a serious illness requiring extensive medical care. She had used up all of her sick time and her annual leave time. Her fellow employees were understanding, they were compassionate. They wanted to help her in this time of cirsis, and they offered to donate their sick leave and annual leave time.

The fact of the matter was, however, they could not do so. There was no provision in the law to permit that.

Working with the gentleman from Virginia [Mr. WOLF] and seeking the guidance from a number of my other colleagues, and particularly I wish to commend the gentleman from Massachusetts [Mr. FRANK] we crafted a private relief bill. Testifying in support of that bill we were able to secure support from the Department of the Air Force and the Office of Personnel Management. So in essence, this was a test case, finally signed into law by President Reagan last November 23.

The law is working, and it is working to the benefit of the very people who make this Government function so effectively, so efficiently, 24 hours a day.

Mrs. Brady has enjoyed the benefit of her coworkers' generosity. She has been able to use their donated leave time. It has helped her in a time of crisis. It has boosted morale significantly at Griffiss Air Force Base.

It is a test case that proved beyond a shadow of a doubt that when you have a heart in Government, good things come from it.

So I want to commend once again the gentleman from New York [Mr. ACKERMAN], the gentleman from Virginia [Mr. WOLF], and the gentlewoman from Maryland [Mrs. MORELLA], and all of those who are associated with with this very significant piece of legislation.

Ms. OAKAR. Mr. Speaker, I thank the gentleman for yielding me this time. This is a very important bill that in a very, very specific way affects the lives of people.

I remember Congressman LEHMAN coming before our committee and asking for some relief for an individual who was terminally ill, and the fact was they were not really related to in the manner in which the continuing resolution passed. So we put in a sort of pilot situation for him in the continuing resolution and allowed three or four other individuals to transfer their annual leave to their coworkers who were forced to be absent from work for extended periods of time due to personal or medical emergencies.

Mr. Speaker, the thing I feel is very important about this Federal Employees' Leave-Transfer Act of 1988 is the fact that so often our Federal employees are berated and demeaned and treated as if they are second-class citizens. They are the ones who are the easy targets in the budget.

As one who has had the pleasure of chairing the subcommittee that my distinguished colleague from New York, Mr. ACKERMAN, now chairs, and one who still sits on the committee, we have seen the kinds of ways they have been treated where we have had budgets that offered what they called a minus 5-percent pay raise, when it was really a decrease, tried to gut their health benefits, tried to indeed cut their important pensions in half, which is a contract between the Government and the employees, and yet the fact is that here we have a situation where Federal employees care about one another and are willing to give up their time so one of their colleagues with whom they work can get the necessary leave when they have a critical illness.

I think this mirrors really the magnanimity of Federal employees and the fact that we would have some control over their benefits and the manner in which they are treated. I always say that we have the greatest country in the world partially because we have such dedicated public servants, who are our Government workers, our postal workers, and our letter carriers. I think those of us who really understand the great gift of public service that our Federal employees do give really want to say thank you, because this bill really evolved out of the generosity of coworkers who saw the potential.

Mr. Speaker, I think this bill is the bill where Federal employees say thank you to each other in saying in fact that they care about each other so much so that they would give up their own time, their own periods of time off to their coworkers so that that person who happened to be ill could in fact take care of the situation.

So I am delighted with the hearings we have had. I want to especially pay tribute to the chairman, who moved this out, because we needed to make this happen on a more permanent basis and he has done that. I think this bill is simply an acknowledgment of the good work of our Government workers and the kind of caring that does go on among them.

Mr. Speaker, I want to congratulate the chairman and congratulate everyone on the other side of the aisle who cooperated so well with the chairman.

Mr. ACKERMAN. Mr. Speaker, I thank the gentlewoman from Ohio for her encouraging remarks and for her pioneering effort in this field.

Mr. LEHMAN of Florida. Mr. Speaker, as we consider H.R. 3757 today, the Federal Employees' Leave-Transfer Act of 1988, I would like to take a few moments to share with my colleagues my personal experience with this important issue.

In August 1986, I paid a courtesy visit to the Internal Revenue Service office in North Dade County, FL, in our 17th Congressional District, to learn how it operated and how our office might help it provide even better service to our constituents. It was during this visit that I first learned about Shannon and Joe Chiles and their two young children.

Both the Chiles worked at the North Dade IRS office, but their family was undergoing severe strain. Shannon had inoperable cancer, and both she and Joe has used all of their sick leave and annual leave because of this sickness and the necessary treatments. That meant that the additional time off that they needed had to be unpaid leave, which added a serious financial hardship to an already painful situation.

Two supervisors in this office, Gary Krevat and Bill Pfeil, had a novel idea for helping the Chiles: leave sharing. Scores of employees in their office had expressed the willingness to donate their own sick leave or vacation time to help out the Chiles family, but there was a Federal law that specifically prohibited that kind of transfer. They asked me to introduce a bill to exempt their office from this law. In response, we introduced H.R. 5545 in September 1986.

Thanks to the help and assistance of Congresswoman MARY ROSE OAKAR, then-chairwoman of the Subcommittee on Compensation and Employee Benefits of the House Post Office and Civil Service Committee; Congressman FRANK WOLF, a member of our own Transportation Appropriations Subcommittee; Congressman ED ROYBAL, chairman of the Treasury-Postal Appropriations Subcommittee; and Congressman STENY HOYER, a distinguished member of the subcommittee who has been a tireless worker for the rights of Federal employees, this legislation was enacted into law.

The Chiles family became the very first beneficiaries of leave sharing in the Federal Government. The program proved to be an enormous success, bringing together managers and employees in a common effort to help two colleagues who faced uncommon hardships. Leave sharing improved office morale and performance, it was cost-effective, and it was not complicated to administer. The Chiles case became the test case that showed leave sharing was possible and that paved the way for the bill we consider here today.

Mr. Speaker, Shannon Chiles died last year from the disease against which she struggled so valiantly. She was a remarkable person, a strong woman. Her legacy is H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988, which was expertly crafted by Representative GARY ACKERMAN, chairman of the Subcommittee on Compensation and Employee Benefits of the House Committee on Post Office and Civil Service.

I strongly support H.R. 3757, because I have seen firsthand how well leave sharing can work and what a difference it can make in the lives of both donors and receivers. I urge my colleagues who have not had this experience to nevertheless support the bill and allow this great experiment in human kindness and decency and creative management to move forward.

Mr. DEWINE. Mr. Speaker, I rise in strong support of H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988. I am a cosponsor of an earlier version of this legislation and testified last summer before the Subcommittee on Compensation and Employee Benefits in support of establishing a Government-wide leave-sharing program.

This legislation authorizes a 3-year Governmentwide program under which Federal employees may voluntarily transfer up to one-half of their available annual leave to coworkers who face a serious medical or family emergency and whose annual and sick leave have been exhausted. The bill essentially would allow Federal employees to donate their own previously earned leave to colleagues in need. H.R. 3757 also would establish three agency-wide pilot programs to test the feasibility of implementing other types of Federal leave-sharing plans.

I believe that a properly implemented leave-sharing program can be of tremendous value in helping workers cope with serious family and medical crises. I personally have heard of a number of cases in which such a program could provide a vital sense of economic and emotional security and peace of mind to employees faced with personal emergencies. In addition, I understand that in conducting its original leave-sharing pilot program, OPM received applications from some 242 individuals for 3 available openings. These figures indicate that there is a significant opportunity out there for a leave sharing program to do a great deal of good where it is needed most.

In addition, many of my constituents have contacted me to express their support for a leave-sharing plan and to indicate that they would be willing to donate leave to needy coworkers under such a plan. Last August, during hearings on Federal leave-sharing legislation, I submitted to the subcommittee on Compensation and Employee Benefits a petition I received signed by several hundred Wright-Patterson Air Force Base employees in support of an earlier version of the legislation before us today. That petition reflects the spirit of generosity and compassion among the men and women throughout the Federal work force and, I believe, is a good indication of the type of broad support a leave-sharing program will attract.

In short, Mr. Speaker, we're not talking about a Government handout; we're talking about allowing employees who have earned annual leave to donate their own annual leave benefits to others who need help and have no available leave time of their own. Such a program will not only provide tangible benefits to employees receiving donated leave time, but also will boost employee morale by allowing Federal employees the opportunity to give of themselves to help coworkers in need.

I want to commend all of the Members who worked so hard to develop and bring to the floor this very important and compassionate legislation, and I urge all of my colleagues to support H.R. 3757.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988. H.R. 3757 authorizes the Office of Personnel Management [OPM] to establish within 4 months of enactment a program allowing Federal employees to transfer annual leave to colleagues facing a family or medical emergency. Employees who have exhausted all personal leave time may seek to receive donated leave by submitting a written application to their employing agency.

This is a humanitarian piece of legislation. It also makes sound fiscal sense. Accordingly, I urge my colleagues to support H.R. 3757.

Mr. LUJAN. Mr. Speaker, I rise in support of the Federal Employees' Leave-Transfer Act of 1988. While this legislation is the end result of months of study, hours of hearings, and the support of thousands of Federal workers, at the same time it is also the beginning of a new initiative to help keep dedicated Federal employees in our Federal work force.

This legislation will not only allow Federal workers to donate their annual leave to other Federal employees who face serious illness or personal emergencies, but also authorizes the study of some innovative approaches to meeting the needs of Federal workers in these situations.

I support the study approach being used for the leave bank and for the types of leave allowed to be donated under this legislation in certain specific circumstances, to ensure that the intent of this leave sharing program is sustained, and the good will of the donor employees is not abused.

This leave-sharing program not only shows sensitivity, it also shows good sense. Dedicated workers who want nothing more than to continue to serve all of us as Federal employees, are given the opportunity to do just that. The additional cost of this program to the taxpayers is relatively minimal, and the retention, over the long run, of Federal workers with experience and expertise, is invaluable.

Mr. Speaker, while I believe that this program should only be used in instances of serious illness of the Federal worker, I am glad that I was able to contribute to the development of this important legislation introduced by my colleagues, Mr. WOLF and Mr. ACKERMAN. This measure also demonstrates that the creation of a responsive new Federal program does not require the creation of an expansive new funding authority.

In closing I would like to urge my colleagues to support this leave sharing legislation, which demonstrates that a sometimes faceless bureaucracy can still have a warm heart.

Mr. GRADISON. Mr. Speaker, I rise today in strong support of H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988, and urge my colleagues to lend their support to this innovative and important legislation.

Individuals facing a life-threatening disease or other personal emergency are engaged in an intense struggle that strains personal and financial resources. In an effort to assist those who must come to grips with a major medical problem or family emergency, the concept of "leave sharing" has made great strides.

In general, leave sharing permits employees to donate all or part of their annual or sick leave to another employee faced with a severe personal emergency. Although leave sharing is not yet a widely used practice, numerous school districts, local government, States such as Connecticut, and some businesses have experimented with the leave-sharing concept. The programs vary widely, but there is growing agreement that leave sharing, in cases of personal emergency, is a needed addition to employee benefit packages.

At the Federal level, leave sharing began as a response by the Congress to a case brought to the attention of the House by Representative LEHMAN of Florida. Shortly thereafter a small pilot program was authorized by Public Laws 99–500 and 99–591, the continuing resolution for fiscal year 1987 to study further the leave-sharing concept. Under that limited program, three individuals were to be selected for participation.

I was pleased that one of those selected for participation in the program was a constituent of mine, Mr. William J. Ault, an international examiner for the Internal Revenue Service in Cincinnati. Unfortunately, Mr. Ault recently lost his courageous struggle against cancer. I can, however, attest to the House that the benefits of leave sharing, supported enthusiastically by his fellow workers, to Mr. Ault and his family were substantial and greatly helped them in dealing with his situation.

The temporary program generated over 240 applicants from 32 agencies. Public Law 100–202, the continuing resolution for fiscal year 1988 took the program the next logical step by removing numerical limits and giving the

Office of Personnel Management [OPM] broader authority to conduct the program.

H.R. 3757 is an effort to perfect further Federal policy. The bill would authorize, for a 3 year period, OPM to administer a program allowing Federal employees to transfer annual leave to their fellow workers who may be facing a family or medical emergency. H.R. 3757 also sets forth criteria to testing alternative leave transfer methods.

Although the Congressional Budget Office [CBO] does not have sufficient information to estimate the extent to which Federal employees would make use of this benefit, CBO estimates that the program would cost approximately $7 million. In my view, this sum is small compared to the resulting benefits.

Mr. Speaker, I have closely observed how leave sharing may benefit Federal employees. I am convinced this an area in which the Federal Government can, and should, play a role. Not only will this legislation benefit Federal employees who need it, but it will serve as a model for greater expansion and experimentation of leave-sharing programs elsewhere in the public and private sector.

In conclusion, I would like to commend Mr. LEHMAN of Florida, Mr. WOLF, and Mr. ACKERMAN as chairman of the Subcommittee on Compensation and Employee Benefits for the leadership they have demonstrated on this issue. This legislation deserves the support of my colleagues and I urge its adoption by the House.

Mr. BRENNAN. Mr. Speaker, I rise today in support of H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988. This bill establishes a program that would authorize any Federal employee to transfer his or her annual leave to a coworker who has exhausted his or her leave and is facing a personal or medical emergency. This program would enable Federal employees to reach out to one another during a time of personal crisis which I believe would contribute to an improvement in the morale of the Federal work force. I can't think of a better way to encourage cooperation among Federal employees.

H.R. 3757 also establishes three experimental leave transfer programs. One of the programs would establish a general fund where employees could contribute their annual leave for use by a needy coworker. A second program would permit a worker to transfer their sick leave as well as their annual leave. A third experimental program would allow the transfer of sick leave only in cases when annual leave is insufficient in covering the amount of time needed for the leave of absence. Last, the bill establishes general criteria as to who may receive the donated leave and who may donate the leave.

I am a cosponsor and strong supporter of H.R. 2487, the Experimental Leave-Sharing Program which was adopted in the continuing resolution. However, this measure will expire in September 1988. Last week, H.R. 3981, technical amendments to this program, passed the House enabling subordinates to donate leave to their superiors. The passage of H.R. 3757 is the final step toward permanently implementing the Federal Employees' Leave-Transfer Act of 1988. I urge my colleagues to join me in voting in favor of H.R. 3457.

Mr. HOYER. Mr. Speaker, I am pleased to again have an opportunity to register my strong support for one of the most humane pieces of legislation affecting Federal employees that the 100th Congress will consider.

When I supported last year the effort to expand the Office of Personnel Management's authority to engage in a limited experiment on leave sharing, I was prompted to act on behalf of Federal employees who were suffering a personal tragedy.

When Congressman BILL LEHMAN explained the plight of two of his constituents, I was moved to act. Joe and Shannon Chiles, both IRS employees, participated in the limited leave-sharing experiment that Congressman LEHMAN and I helped push through in 1987. Unfortunately, Shannon Byne Chiles, a wife and the mother of two young children, did not survive her tragic battle against cancer. The leave-sharing experiment, however, may be counted as a small victory along this family's anguished path.

Passage of this legislation means that we accept one of those principles the American public expects the Congress to respect: H.R. 3757 makes sense. It makes budget sense. It makes human sense, and it makes common sense. We have a chance to exercise sound fiscal judgment in weighing the real costs to the taxpayers when even a family or medical crisis envelopes an experienced, committed, effective member of the Federal work force.

H.R. 3757 permits voluntary transfers of accrued leave by Federal employees to colleagues experiencing medical or other emergencies, and it does make good sense. But above all else, H.R. 3757 is a compassionate response to a human problem. All too often, unless there is an outcry from millions, we do not hear the plea for help.

I represent thousands of Federal employees, and I know firsthand of their commitment, compassion, and diligence. I also recognize the rules and regulations that guide Federal employees occasionally deter flexible and commonsense responses to unusual problems or difficult circumstances.

Each year, a certain number of Federal employees face life threatening illness, the emotional trauma of a seriously ill child, or some other family emergency. H.R. 3757 alleviates a small measure of the financial hardship and emotional stress that invariably accompanies unexpectedly prolonged and often uncompensated absences from work.

Every one talks about "the government," and usually not very appreciatively. I want to thank Representative ACKERMAN for bringing this bill before the House. Because, through his efforts on H.R. 3757, we are again thinking about government. More importantly, we are considering the genuine needs of the men and women who make our Federal work force one of the most effective and efficient in the world.

Mr. McMILLEN of Maryland. Mr. Speaker, it is a distinct pleasure for me to rise in strong support of H.R. 3757, the Federal Employees' Leave-Transfer Act of 1988. As a cosponsor of the original bill proposed last year, I am indeed gratified by the favorable support that this bill received in committee action, and I look forward to swift passage by this House.

The logic behind the leave-sharing concept is well-founded; better yet, it costs the Federal Government no additional money. This bill allows Federal employees to transfer annual leave time to coworkers who face a family or medical emergency and who have used their allotment of sick and annual leave. Importantly, this bill goes a long way toward bolstering morale in the Federal civil service by loosening bureaucratic restrictions for those in a time of need. This, along with other thoughtful human resource policies, will help to ensure that the Federal Government continues to retain and attract the very best people for public service. We need more of this type of innovation and flexibility in our Federal personnel management. I applaud the efforts of Representative ACKERMAN and the Post Office and Civil Service Committee, and I look forward to further legislation from this committee that reinforces the human dimension of our vast Federal bureaucracy.

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

The SPEAKER pro tempore (Mr. PANETTA). The question is on the motion offered by the gentleman from New York [Mr. ACKERMAN] that the House suspend the rules and pass the bill, H.R. 3757, as amended.

The question was taken.

Mr. ACKERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior annoucement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill just considered.

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

There was no objection.

DENIAL OF NONIMMIGRANT CREWMEMBER STATUS IN THE CASE OF CERTAIN LABOR DISPUTES

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 285) to deny crewmember status in the case of certain strikes and lockouts, as amended.

The Clerk read as follows:

H.R. 285

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

SECTION 1. DENIAL OF CREWMEMBER STATUS IN THE CASE OF CERTAIN LABOR DISPUTES.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(e)(1) No alien shall be entitled to nonimmigrant status under section 101(a)(15)(D) if the alien intends to land for the purpose of performing service on board a vessel of the United States (as defined in section 2101(46) of title 46, United States Code) or on an aircraft of an air carrier (as defined in section 101(3) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(3)) during a labor dispute where there is a strike or lockout in the bargaining unit of the employer in which the alien intends to perform such service.

"(2) An alien described in the paragraph (1)—

"(A) may not be paroled into the United States pursuant to section 212(d)(5) unless the Attorney General determines that the parole of such alien is necessary to protect the national interest of the United States; and

"(B) shall be considered not to be a bona fide crewman for purposes of section 252(b).".

(b) CONFORMING AMENDMENT.—Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended by inserting "or in section 214(e)" after "except as provided in subparagraph (B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to admissions occurring on or after the date of the enactment of this Act.

SEC. 2 REPEALED.

Section 315(d) of the Immigration Reform and Control Act of 1986 (100 Stat. 3440) is hereby repealed.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes and the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 20 minutes.

PARLIAMENTARY INQUIRY

Mr. BARTLETT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BARTLETT. Mr. Speaker, is a second required on this bill? Is the gentlewoman from New Jersey [Mrs. ROUKEMA] opposed to the bill?

The SPEAKER pro tempore. A second is not required on this bill.

Mr. BARTLETT. I have a further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT. Mr. Speaker, is the gentlewoman from New Jersey [Mrs. ROUKEMA] opposed to the bill?

Mrs. ROUKEMA. No, I am not opposed; I support the bill.

The SPEAKER pro tempore. Is the gentleman from Texas [Mr. BARTLETT] opposed to the bill?

Mr. BARTLETT. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas qualifies.

The gentleman from Texas [Mr. BARTLETT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

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

Mr. Speaker, when this body considered the Immigration Reform and Control Act of 1986, we included a provision to deny admission to alien crewmembers during a strike in the bargaining unit of the employer in which the alien intended to work. The Senate bill contained no comparable provision. In conference, an important inequity in the law that needed redress was recognized and the conference adopted a revised provision. Because the committees of jurisdiction did not have an opportunity to consider the amendment, the conference committee provided for a 1-year sunset of the provision it adopted during time which Congress was to study and investigate the issue.

At the beginning of this Congress, the gentlewoman from New Jersey [Mrs. ROUKEMA] introduced the bill we are considering now. On July 23, the Subcommittee on Labor-Management Relations held a hearing on the bill and on July 28 the bill was favorably reported by the Committee on Education and Labor.

The provision adopted as part of the Immigration Reform and Control Act expired on November 5, 1987. Since enactment of that law we have studied and investigated this issue pursuant to the normal legislative process. This legislation is necessary to confirm section 214 of the Immigration and Nationality Act to the general philosophy embodied in that law that the rights of American workers should not be undermined as a result of unfair competition by nonimmigrant aliens. I urge the adoption of H.R. 285.

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

Mr. BARTLETT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of H.R. 285 and urge my colleagues to suspend the rules and pass this measure which will prohibit the use of aliens in strikes involving American workers on American ships or aircraft entering the United States. This bill will protect our workers from unfair foreign competition when they are involved in a labor dispute.

This bill merely conforms one section of our immigration laws with the other. It maintains Government neutrality in labor disputes. Currently, most nonimmigrant aliens are denied admission to work for a company when its American employees are on strike or locked out. One would have thought this was true of all situations, but, in 1986, we learned that TWA was able to employ aliens to perform the work of striking American crewmembers. After looking into this, I discovered that one category of nonimmigrant aliens—so-called class D crewmembers—could still be admitted even during a strike or lockout.

In the 99th Congress, I offered an amendment to the Immigration and Nationality Act to close a glaring loophole in our immigration laws with potential for great abuse. The 1986 immigration reform bill, Immigration Reform and Control Act of 1986, included my amendment with a 1-year sunset, which expired last November. The purpose for the time limit was to allow time for Congress to study and investigate the issue before enacting something permanent. The issue has now been studied by the Education and Labor Committee, which held a hearing where all interested parties were invited to testify. In addition, the Judiciary Committee has considered the bill and it is now time to make this provision a permanent part of the Immigration and Nationality Act.

This bill simply fills a gap in the law—which is probably just an oversight—which currently permits unfair competition against American workers. Aliens should not be allowed to hurt American employees by working in their jobs as strikebreakers. Moreover, by allowing the use of our immigration laws to fill strikers' jobs, the Federal Government is, in effect, taking sides in a labor dispute. This violates longstanding principles of American labor law. For example, we don't allow employers to use JTPA funds to train strikebreakers because it would jeopardize our Government's neutrality.

I would just like to address one objection which has been raised to the lack of any exemption for current employees working their normal flights. According to administration testimony, such an exemption would be "difficult, if not impossible, to administer." Moreover, it would undermine the very purpose of the bill.

No such exemption exists in the H-2 domestic worker program. Indeed, if an H-2 worker is already working here, they have to leave when there is a work stoppage. Meanwhile, the exemption would be an enormous loophole. Because of the strict procedures of the Railway Labor Act, the parties know well in advance of the potential for a work stoppage. An employer could bring on foreign employees just to prepare for the eventuality of a work stoppage. Indeed, the very existence of this loophole may encourage such a practice.

As the ranking Republican on the Labor-Management Relations Subcommittee, I can verify that our labor laws have long protected certain rights of American workers. One of these protected rights is the right to strike. This right is meaningless if employers can hire foreigners to work in American workers' jobs. Permitting such use

of foreign workers to break the strikes of American workers is contrary to all notions of justice and fairness. If we continue to allow this practice, we jeopardize the essential role of Government as a neutral umpire in a labor dispute and in effect encourage American employers to replace their American workers with foreign labor.

I urge your support for this important protection for American workers.

□ 1315

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

Mr. Speaker, I rise in opposition to H.R. 285 in its current form and believe that this bill, if it is to be passed by Congress, should be brought back to the House under an open rule or reformulated to extend the law that was passed, that is the 1986 immigration law which in fact does what the sponsors say that they would wish to do. That is to deny foreign crewmembers any opportunity to take the place of American workers in jobs and yet allow those legitimate workers who already have jobs to continue on their already preassigned routes.

Mr. Speaker, I respect the gentlewoman from New Jersey a great deal but this may be one of the most misunderstood minor pieces of legislation this Congress has considered this year.

Let me walk through a few of the facts.

First of all, without this law we do not take away American jobs. These are not American jobs; we are discussing international flights that have an international arrival or destination. Nor would the practice permit the strikebreakers to take those American jobs. In fact, all that is at dispute is whether a worker who has a class D permit already flying a route will be allowed to continue to fly that same international route.

Let me walk through some of the facts on the bill.

What H.R. 285 does is, it is a bill to require the revocation of class D work visas for non-U.S. citizens currently working on U.S. carriers on an international route when the route originates or ends in the United States in the case of a domestic strike.

So it affects and revokes those class D permits for workers who are working international routes if there is a domestic U.S. strike.

Now that argument has some surface popularity. It is easy to be against foreign nationals. But in this case to vote for this bill places also one in the position of being against U.S. passengers who may well be stranded on an international destination and not be able to get back. It is further to be in favor of a unilateral and federally mandated lockout of workers who choose to and who wish to work.

Now this legislation, this issue was considered in the last session of Congress by the Subcommittee on Immigration of the Committee on the Judiciary. They reached an entirely different conclusion.

In the 1986 immigration law they reached the conclusion that for a short period of time—and I wish they had put it in permanently—for a short period of time they would place a prohibition against new class D permits in the event of a domestic strike for international workers, but they would not revoke those worker permits for existing workers on existing routes. The grandfather in that bill was very clear and very explicit: for existing workers.

This legislation, H.R. 285, does not have that grandfather provision and does not continue to permit existing workers to work their existing routes.

Presently foreign employees, when foreign employees are issued class D visas, those visas allow them to enter the United States on any trip which departs from a foreign port for a U.S. destination and vice versa.

Such visas do not permit foreign employees to work on trips which both originate and end in the United States. H.R. 285 is legislation then that has a surface appeal but its application would be damaging.

This bill, if enacted, would in effect require employers to lock out current employees. It would not discriminate between a 10-year employee or a 10-day employee.

Proponents of the legislation claim they are simply prohibiting U.S. employers from hiring and utilizing foreign labor during a strike, but that is not correct. The bill requires every foreign worker to be locked out regardless of their route and regardless of their prior employment status.

The legislation would establish several very negative precedents in the field of both immigration and labor law. First, this is an immigration matter, not a labor matter.

This issue was considered by the Committee on the Judiciary in 1986 and that committee reached a different conclusion.

The 1986 Immigration and Control Act states that class D visas in these situations shall not be revoked for employees who were employees before the date of the strike and who will continue to perform the same services on the same routes as the employees performed before the strike.

The only issue here is whether those employees who are currently employed with currently valid class D visas will be locked out of their current routes which they are already working.

The committee then, the Committee on the Judiciary, chose to sunset the provision on November 6, 1987, and has not chosen even to extend that provision with a grandfather clause. A simple extention of that provision would at least be fair to the nonstriking, non-U.S. employees and consistent with international obligations.

Second, H.R. 285 would unilaterally, unilaterally change current accepted multilateral conditions for working. Every country in this world handles its own labor disputes involving its own domestic routes. H.R. 285 would extend U.S. law to non-U.S. citizens in non-U.S. territory.

Other countries then could reciprocate mandating that U.S. citizens be locked out on comparable international flights. The result is chaos and the result is damaging to American workers. Third, this legislation would require, require an employer by law to lock out nonstriking employees during the strike on routes where they are not affected. The employer further would be required to pay the employee during the U.S. Government-mandated lockout. This may well be, in the history of U.S. labor law, the first mandatory lockout that the Congress has ever considered.

The bill originated from a March 7, 1986, TWA flight-attendants' strike when they went on strike and that is the sole genesis of this bill so far as anyone can determine.

On March 7, 1986 in order to return aircraft to the United States and to prevent inconvenience and possible stranding of booked passengers, 3 flights, Mr. Speaker, 3 flights left Europe for JFK attended by 24 TWA personnel employed overseas. These long-time employees of TWA worked as contingent flight attendants on these flights. On March 8, one additional flight from Milan, Italy, to JFK was made for the same reasons. Five TWA employees employed overseas worked that flight. That is the reason for this bill. All work in that situation was performed on transatlantic segments only. No overseas personnel were used on domestic flights, nor could they have been. A class D visa only permits an alien crew member to work on flights between the United States and a foreign destination.

H.R. 285 would, in effect, increase economic pressure on an employer by interrupting his operations which are otherwise not directly involved in the strike. It requires him to lock out current employees.

Proponents of the bill contend that it closes a loophole in the current law. This argument is simply untrue.

The jobs covered by H.R. 285 are not U.S. jobs in the same sense as those covered by other provisions of the Immigration and Nationality Act. That act does permit for example, class H visas to be issued for temporary farm workers entering the country to perform work. However, regulations do prohibit these and other types of non-

immigrant aliens already from working when their employers of American workers are on strike. But these are U.S. jobs. The jobs of an airplane crew of an international flight are performed in international air space and a substantial portion of the remaining work time, takeoffs and landings, is spent in foreign countries.

Further evidence of the jobs in question are only marginally U.S. jobs at all is that the jobs are already over before the foreign crew members seek to enter the United States. Indeed, if the crew members were willing simply to remain on board the aircraft, they would not need to be admitted to the United States at all in the technical sense of the immigration law.

This bill should not be on the suspension calendar. One simple amendment, one amendment, the grandfather clause which has already been passed by this House and recommended by the Committee on the Judiciary in 1986, a grandfather clause which says that any alien employee who was employed before the date of this strike and who is seeking admission to the United States to continue to perform service on the same routes could be offered and that is all that is necessary to make the bill acceptable. The bill ought to be brought up, brought back up under an open rule to allow the House to vote on that grandfather clause which the Immigration Subcommittee and the Committee on the Judiciary had previously concluded.

Now, Mr. Speaker, I have received a letter from the Department of Justice in which they analyzed this legislation. I do want to read into the RECORD one portion of that letter. They do recommend a "No" vote on this and do recommend the extension of the grandfather clause. One of the things that the letter says specifically is that the grandfather clause exemption for a current employee can work.

The letter says:

> We see no reason why an exemption for foreign crew members already employed in a certain job along with specified routes could not be reasonably administered. All that would be required is a showing by the employer through documentary evidence that the foreign worker has been so employed for some minimum period of time before the beginning of the strike. For the foregoing reasons, the Department of Justice views H.R. 285 in its current form to be an ill-conceived measure. We would not object to H.R. 285, however, if amended to extend permanently section 315(d) of IRCA in order to allow continued international air or shipping service by alien crew members on routes they had previously served.

Mr. Speaker, in summary, one can make a case to deny class D visas to new workers, particularly over American air space. But we should reinstate that prohibition of those new workers that we passed in 1986; but with it we ought to bring this bill up on suspension so that we can adopt a grandfather clause so that current workers flying current routes can continue those routes in international air space without a mandated Federal lockout that this bill provides.

□ 1330

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

Mr. BARTLETT. I am happy to yield to the gentleman from Georgia.

Mr. SWINDALL. Mr. Speaker, I would like to make just one comment that really focuses not on the merits or the demerits of this particular legislation but, rather, on the procedure.

As the ranking member of the Immigration Subcommittee which has, of course, jurisdiction and oversight over this issue, I think it is significant that we have held no hearings on this issue during this Congress. It is true there were hearings held in the last Congress, but the point is that we are seeing a very disturbing pattern occurring in this House of Representative. We will see another chapter of that same book being written later this afternoon when we explore the so-called Civil Rights Restoration Act, a piece of legislation that bypassed the committee process, did not go through the Judiciary and in fact went straight to the floor and was passed. That is part of the reason the President found it necessary to veto that legislation, because as a result of that procedure, I think there was no opportunity to make corrective amendments.

My focus here in terms of H.R. 285 is really twofold. First, it is always a mistake, whether you are for or against a piece of legislation, to bypass the safeguards granted under our rules and under our procedure that allow the types of hearings and exploration within the committees that have assigned jurisdiction and hopefully expanded on the ramifications intended, and otherwise.

But the second aspect of it that concerns me is by bringing it out on suspension, in addition to having bypassed the procedural safeguards designed to inform Members within the committee system, as well as outside the committees of expertise, what the ramifications are, you also find yourself in the posture of not being able to make any amendments that would address some of the concerns which I think are very legitimate about this bill.

So for both of those reasons, I say to my colleagues whether you are for or against this bill, certainly we ought to have enough respect for the integrity of a system that we put in place, not with an eye on any particular piece of legislation but, rather, with an eye on the integrity of the process, to vote against it. But the point I would like to make is that irrespective of how you feel about the bill, let us protect the integrity of the process, vote it down on a suspension vote, so that it can go through the system and come forth as I think we would all like to see legislation come forth.

Mr. BARTLETT. Mr. Speaker, the gentleman, of course, is the ranking member of the Immigration Subcommittee. I have one additional comment, and that is that one time the subcommittee and the Judiciary Committee did consider this legislation, and they reached the opposite conclusion.

Mr. SWINDALL. That is a very good point.

Mr. BARTLETT. They passed a bill that in fact would allow existing employees to continue to work their existing routes on international routes. That is all that needs to be done with this legislation. That makes it fair legislation, one that everybody can agree to.

Mr. Speaker, I thank the gentleman at this point.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

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

Mr. Speaker, I, as a member of the Immigration Subcommittee of the Judiciary Committee think it is important to correct a misimpression that may have been given. The Judiciary Committee has a sequential referral on this bill. I know that I was aware of this legislation. I know that we agreed with what the gentlewoman was seeking to do with this bill and with what the Committee on Education and Labor intended to do. I know that our committee has a number of pressing issues which we are dealing with, and I know that the vast majority of the membership of that subcommittee and of the full committee believed there was no point in exercising our right to take this bill and to work on it because we agreed with what the committee was doing.

It was not a case of avoiding the Judiciary Committee. It was a conscious decision by the Immigration Subcommittee and the Judiciary Committee not to go and review that which we already agreed with.

Mr. Speaker, I do want to make one additional point. I was involved in 1986 and 1985 in extensive negotiations on another program, the H-2 Program, where growers were seeking to expand this use of temporary guest workers in agriculture and many other areas. We had a lot controversy, a lot of discussions, a lot of disagreements. We worked out some negotiations. At no time in any part of that were the growers of this country or any other employer group that I am aware of suggesting that foreign guest workers, nonresident aliens, should be brought

in for purposes of working during a labor dispute.

The one point that was always conceded from the beginning by every employer group is this is an improper use of our immigration processes, our work permits, our work visas. I have never heard that suggested except by the opponents of this particular legislation, and I find it quite an astonishing contention.

Mr. Speaker, I support the bill that is before us. I congratulate the committee and the gentlewoman for introducing it.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

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

Mr. Speaker, I rise in support of H.R. 285 which would prohibit the use of aliens to take the jobs of striking American workers on American ships or aircraft entering the United States. This bill will protect our workers from unfair foreign competition when they are involved in a labor dispute.

Mr. Speaker, this legislation raises a fundamental issue in American labor law: when labor and management engage in economic warfare, should the Federal Government take sides?

Over the past few years, Federal laws relating to labor disputes have been put to the test. We have seen a number of instances where companies have replaced strikers in virtually every industry. There are those who question whether our laws should even allow this. That, of course, raises a much larger issue than does this bill and I am sure we would all have our reasonable differences over whether that law is good policy.

But I have always thought that there is one aspect of labor disputes on which everyone agrees: the Federal Government does not take sides. Of course, we try to help. We establish certain ground rules. We provide mediation assistance. But even in those situations where mediation is required, we have never imposed binding arbitration on the parties. That would violate our traditional neutrality.

Nor do we allow the use of Federal funds to assist either party in a labor dispute. For example, an employer can't use Federal job training funds to train strike replacements.

Since I had thought that this traditional neutrality was complete, I was shocked to learn that an employer could actually use the Federal immigration statutes to facilitate the replacement of strikers. Although it is prohibited in the H-2 farmworker program, under current law, an American airline or ship can actually bring in under a class D visa a foreign national who is performing the work of a striking American worker. This is an outrage.

Why does the law permit this? As is the case with most laws, until someone took advantage of the situation, no one thought to make it illegal. Well, after the TWA situation, we now know that companies can and will do it. So let's clean up the law and enact this prohibition.

Mr. BARTLETT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I rise in opposition to H.R. 285. This bill would amend the Immigration and Nationality Act to revoke class D work visas for non-U.S. citizens currently working on U.S. carriers on international routes when the route originates or ends at a U.S. port in case of a U.S. domestic strike. Why? Proponents argue that domestic carriers have used alien crewmembers as strike breakers. During the hearings on the matter, the evidence presented to support this claim was at best inconclusive.

The class D visas permit the alien to work on international trips—it does not permit the alien to work on trips which originate and end within the United States. Passage of this bill would prohibit foreign crewmembers who were employed on routes previous to any strike to serve those same routes once a strike began. It would delete the grandfather clause in current law allowing foreign crewmembers employed prior to a strike to continue to work the same routes before any strike began.

This situation would establish a lockout on foreign nationals and terminate the international air operations of any U.S. carrier experiencing a domestic strike. This would present the possibility of reciprocal legislation by other countries and cause confusion.

According to the Justice Department, passage of this bill would also escalate economic pressure on any employer by interrupting operations of that employer which may not be directly involved in the strike. This amounts to unfair interference.

The claim by proponents that a vote for this legislation is a vote for the American worker is preposterous, and I resent the assertion. The jobs that are the subject of this bill are not U.S. jobs because the work performed is primarily in international airspace. The use of the rhetoric of economic nationalism to garner support for passage of this bill is misleading and unfortunate. Any examination of the facts will clearly show this legislation is unnecessary.

As the old adage says, "If it ain't broke, don't fix it." Well, it ain't broke. I urge my colleagues to vote against H.R. 285.

Mr. BARTLETT. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to say one thing very clear, and that is that this does not involve U.S. jobs. The gentleman from California was correct as far as immigration law goes on farmworkers. Those are U.S. jobs. Forget that class H farmworker permits are not permitted to come in during a domestic strike. This is a domestic strike, but these are international jobs.

Let me explain briefly how it works. Crewmembers fly routes. A route originates in Europe and lands in New York. A United States or foreign national crewmember can fly that route, and usually both do. Those existing crewmembers have jobs, have routes, and have rights. If we take those rights away, then another foreign country will and can reciprocate to take rights away from U.S. workers. All that the crewmembers are involved with in the United States is class D permits to land, to turn back around and fly the route back. It is not a U.S. job; it is an international job that the foreign crewmember already has. Mr. Speaker, this bill would mandate, would take sides by madating a lock out of those international jobs.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont [Mr. JEFFORDS], the ranking member of the Committee on Education and Labor.

Mr. JEFFORDS. Mr. Speaker, I rise in strong support of H.R. 285, which would deny airlines the use of foreign strikebreakers in flights to and from the United States. As the ranking Republican on the Education and Labor Committee and an original cosponsor, I urge the House to suspend the rules and pass this bill.

Mr. Speaker, the sound policy underlying this bill is so obvious that it does not need a lengthy explanation. It is beyond comprehension that an American employer should be allowed to use our immigration laws in order to find replacements from beyond our borders for striking employees.

The need for such a prohibition is so clear that its existence in the H-2 Domestic Worker Program has never been challenged. Indeed, the absence of such a prohibition in the crewmember program has gone virtually unnoticed. It was only when an airline used this loophole during a strike in 1986 that it came to our attention.

In reaction to this apparent oversight in the law, we included in last year's immigration reform measure a 1-year prohibition on the entry of nonimmigrant crewmembers during a strike or lock-out. The purpose of the 1-one year timeframe was to allow us to study the issue to see if there really was some sound reason for treating alien crewmembers differently from other temporary foreign workers.

We could find no such reason and, therefore, the committee has reported a permanent prohibition. It is worth noting that no representative of indus-

try appeared before our committee, despite the fact that they were invited. There was testimony submitted for the record, with a suggestion that existing employees be exempted. Yet, no explanation was provided as to why this exemption was needed here, when it does not exist in the H-2 program. Moreover, not a single amendment was offered to the bill, and it was reported on a voice vote. Thus, I think it is entirely appropriate to put this legislation on the suspension calendar.

Meanwhile, both the State Department and the Immigration and Naturalization Service indicated that it would be difficult, if not impossible, to administer a "current employee" exception. No exception was offered in committee and the bill was ordered reported by voice vote.

Mr. Speaker, it has been stated that the use of alien crewmembers has worked smoothly for 70 years without the need for a prohibition such as that contained in this bill. The point is that, for 69 of those years, no company found it necessary to use foreigners to break strikes. Somehow, they managed to cope with the effects of strikes without using the loophole. Now that we know a company can and will use it, it is necessary to close it before it becomes widely abused. Nothing in this bill would prohibit a carrier from hiring replacement workers—they simply would have to be American workers.

This bill simply corrects an inconsistency that heretofore went unnoticed. Let's pass this measure quickly today under suspension and make this technical correction without further delay. I urge my colleagues to vote "aye."

□ 1345

Mr. BARTLETT. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. SWINDALL], the ranking member of the Immigration, Refugees, and International Law Subcommittee.

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

Let me first state that we are talking here about an immigration reform, not a labor reform, an immigration reform.

Obviously, it would have been beneficial had we had hearings on this at the Immigration Subcommittee level. I think it is significant that there are no reports here today. You will not find an Immigration Subcommittee report on this subject. In fact, you will not find the chairman of the subcommittee here today.

The point is, this is a major substantive change in the immigration law and yet we have had no hearings.

My friend, the gentleman from California, suggests that it was a deliberate decision made not to have hearings. Let me say, as the ranking member of that committee, that I was never consulted. I certainly would have liked to have had an opportunity to at least have issued a minority report.

The last point I would make is that we hold these hearings during each Congress that we are going to consider because we have a turnover in the Congress. We have had some 15-percent turnover since these hearings were held where a contradictory opinion was reached.

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

Mr. BARTLETT. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. SWINDALL. The reason I feel, Mr. Speaker, that it would be very beneficial had we had hearings, we could have cleared up the misconception and misrepresentation in terms of what really is occurring in our immigration law. Under current law, these individuals would not be locked out because they were grandfathered. That is to say if they were already in place, already working, they would not be kicked out.

This is a substantive change in the intent of Congress and the substantive change is that these individuals would be deprived of an existing job for which they have already been hired.

We are not taking away American jobs here. We are taking away an individual job granted to a foreigner, but still their jobs are effectively removed as a result of this substantive immigration change.

Mr. CLAY. Mr. Speaker, I yield myself whatever time I might consume.

Let me attempt to clarify the statements that are being made that are inaccurate.

This is both an immigration bill and a labor bill, but they, the Labor Committee, had the primary jurisdiction on this bill, the Judiciary Committee had an opportunity, if they so chose, to act on this bill. They choose to concur with the position being taken by the Labor Committee and are supportive of this position. So if there was no action coming from the Judiciary Committee, it is because there was no will and nobody requested any action.

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

Mr. CLAY. Yes, I yield to the gentleman from Georgia.

Mr. SWINDALL. Mr. Speaker, my concern with the gentleman's statement is this. It is a change in the immigration law by definition. My point is, how can you say that the Immigration Committee made decisions when the minority, that is, the ranking member, was never consulted on it?

Mr. CLAY. Mr. Speaker, I reclaim my time.

I still contend that if the Judiciary Committee had wanted to act, they would have acted. The ranking minority member should have requested such action.

In addition to that, Mr. Speaker, I do not know why we should permit in our land to have an exemption to use current alien employees to replace American workers under any circumstances, and that is precisely what TWA admitted to this committee that they did, that they hired people as contingent workers in anticipation of a strike and they used those people in that behalf.

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

Mr. MURPHY. Mr. Speaker, I thank Chairman CLAY for yielding me this time and commend him for bringing this very needed legislation out on the floor.

It is both an immigration matter and a labor matter. It is a matter concerning the American economy and the economy of American workers as well.

I say, in answer to the gentleman from Georgia, this bill was introduced in January 1987. Any member of that committee who would have been interested in the measure could have called it to the attention of his chairman, called it to the attention of the minority members, requested a hearing, could have done anything they wanted in order to have that committee review it.

It has been under study by this Congress for well over a year. That is why today it should be considered under suspension.

The very fact is that we, the U.S. Government, have been granting an exception under our regular immigration laws, and that exception has been to the detriment of American seamen and to the detriment of American airline personnel.

Now, how can we in good conscience say that we are protecting labor, we are protecting people, when we have an exception on the books that particularly adversely affects American citizen employees of our airlines and our maritime service?

Mr. Speaker, I urge the Members to join us in voting for suspension today.

Mr. BARTLETT. Mr. Speaker, I yield myself my remaining 1½ minutes.

Mr. Speaker, I seek to try to put this debate into context, and let me add some additional facts.

First of all, there is more opposition to this bill from the Education and Labor Committee than was developed at the markup, because the markup happened rather suddenfly and members, frankly, were not advised of the consequences of this bill.

The bill, to read the summary of it and the description, sounds pretty

good. The difficulty is the bill also mandates a lockout of current employees, and that was on the basis of a 15-minute briefing in our caucus followed by a very quick markup. There was not really ample opportunity to discover that.

I am advised that there was one hearing somewhere in a subcommittee. I was not a member of that subcommittee, and I did not know of that hearing at the time.

Further, the Judiciary Committee has acted on this matter at one time. They acted in 1986. It is the only time they ever acted in exactly the opposite direction.

Today there is no letter from the Judiciary Committee. There is no markup. There is no hearing report. There is no hearing record. There is no report. There is just simply a substantive unilateral change of multilateral immigration law.

I do call to the attention of the other Members that there is a dissenting view that was published after the markup in the dissenting views, signed by Congressmen BARTLETT, PETRI, GOODLING, BALLENGER, and ARMEY.

There are other members of the Education and Labor Committee who plan to vote against this bill, but it is difficult to go up against the ranking member of our own party and seem to advocate foreign nationals; but the fact is if we pass this bill, it is going to be contrary to the best interests of U.S. workers. It is also correct that neither the State Department nor INS supports this legislation. They along with the Department of Justice and the administration oppose the legislation.

Mr. Speaker, I urge a "no" vote to pass this legislation.

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the gentlewoman from New Jersey [Mrs. ROUKEMA], the ranking minority member of the subcommittee.

The SPEAKER pro tempore. The gentlewoman from New Jersey [Mrs. ROUKEMA] is recognized for 2 minutes.

Mrs. ROUKEMA. Mr. Speaker, I want my colleagues to know that this part of our immigration laws is broken. It has got to be fixed and it has got to be fixed here.

The TWA strike proved that the law was deficient, that there was a gaping loophole.

What our opponents now say is that we should retain that loophole in the form of their proposed exemption. If we were to keep that exemption, the loophole would be big enough to drive a 747 through.

As far as this red herring about the Judiciary Committee is concerned the committee had 1 year in which to act including a 60-day sequential referral of this bill. They chose not to act and in this body, that is considered consent.

One final point. There has been an intimation here today that these are not American jobs that we are talking about. Indeed these are American jobs. They are American-owned companies with American employees protected by American labor law. It is only because of our immigration laws that alien foreign workers are permitted to fill these jobs. If we are to reject this legislation today, not only will these foreign aliens be permitted on their current jobs, which is perfectly correct and feasible, but they may also be used to break strikes of American workers and deny other American workers further job opportunities.

In conclusion I see absolutely no reason why this should be controversial. It is simply making our laws consistent, whether they be immigration or labor laws and is completely consistent with all previous legislation. It is the closing of an unintended loophole, a loophole, that we do not want exploited at the expense of American workers.

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

Mr. DAVIS of Michigan. Mr. Speaker, I rise in strong support of H.R. 285, prohibiting the use of aliens to replace striking American workers on U.S. ships or aircraft entering this country. We should not allow foreign competition of interfere in domestic labor disputes.

While the Federal Government has been in the position of trying to help resolve labor disputes through mediation, I believe it is agreed that we, the Federal Government, should not take sides, that we remain neutral. For instance, we do not provide Federal funds to either party in a labor dispute.

What is happening, however, is that Federal immigration laws are being used to allow replacement of American workers with alien workers during such disputes, belittling our workers' ability to maintain a reasonable influence on labor-management negotiations.

This is unfair and should be stopped. H.R. 285 will do that, and I urge my colleagues to support it.

Mr. FORD of Michigan. I rise in support of H.R. 285, which would prevent the importation of foreign strikebreakers during labor disputes involving airlines or vessels. And I would like to salute the bill's authors, the gentlelady from New Jersey and the gentleman from Missouri, for their leadership on this issue.

H.R. 285 is a simple bill which has a single purpose—to close an unintended gap in our immigration laws that allows the admission of alien workers to the United States to take the jobs of Americans employed as airline or vessel crewmembers. As others have pointed out, this gap is not merely theoretical. In 1986, TWA exploited this loophole in order to staff its flights to and from the United States with foreign scabs, many of them hired and trained solely for that purpose. With that unfair advantage, TWA broke the flight attendants' strike, at tremendous cost to those American workers in terms of lost jobs, lost wages, and lost benefits.

Our immigration laws are supposed to protect the American labor market against the exploitation of alien workers, and generally speaking, they do. There should be no exception for airlines. I must admit, I am not moved by those who argue that this bill will require the airlines to lock out their foreign flight crews. It may be that some foreign employees will be temporarily disadvantaged during a strike, but my sympathies lie with the American workers, not the aliens.

The gentleman from Texas [Mr. BARTLETT] and others who worry about locking out foreign employees should look at the other side of the equation. Their solution, to allow foreign employees hired before a labor dispute begins to continue working, is tailor-made for union-busting. TWA could hire additional aliens in anticipation of a labor dispute (as it did in 1986), lock out its American workers, and replace the Americans with aliens—without the U.S. workers ever calling a strike.

Once again, I am far more worried about the possibility that American workers would be locked out and replaced by aliens than I am about the reverse.

Join me in protecting American workers. Support H.R. 285.

Mr. HAWKINS. Mr. Speaker, I rise in support of H.R. 285, a bill to deny to a nonimmigrant crewmember entry status to the United States during certain labor disputes. This is a very limited proposal designed to insure American workers the freedom to exercise their right to strike without fear that foreign workers will be used as strike breakers. It involves only American companies and their employees when they are involved in overseas travel with either a departure or arrival point in the United States.

A review of the record of the strike between TWA and the Independent Federation of Flight Attendants in 1986 illustrates the need for this legislation. The company admitted in written testimony submitted for the subcommittee hearing that it "trained a number of its European-based employees as contingent flight attendants in the event that those represented by IFFA elected to strike." The company explicitly made advance preparations for the use of aliens as strike replacements.

This use of foreign labor as a means of breaking a strike between an American union and an American company is inconsistent with the very foundation of our labor laws, and should not be allowed simply because of a gap in our immigration laws. This bill closes this gap.

Mr. Speaker, we have long appreciated the value of the right to strike and have limited admissions in other instances such as H–2's when there is a labor dispute in progress. This is not new law, it is consistent law, especially if we care about American jobs. I urge my colleagues to support H.R. 285.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 285, as amended.

The question was taken.

Mr. BARTLETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

ORPHAN DRUG AMENDMENTS OF 1988

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3459) to amend the Federal Food, Drug, and Cosmetic Act to revise the provisions respecting orphan drugs and for other purposes, as amended.

The Clerk read as follows:

H.R. 3459

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Orphan Drug Amendments of 1988".

SEC. 2. DESIGNATION AS AN ORPHAN DRUG.

(a) REQUEST.—Section 526(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb(a)(1)) is amended by adding after the first sentence the following: "A request for designation of a drug shall be made before the submission of an application under section 505(b) for the drug, the submission of an application for certification of the drug under section 507, or the submission of an application for licensing of the drug under section 351 of the Public Health Service Act.".

(b) DISCONTINUANCE.—Section 526 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb) is amended by redesignating subsections (b) and (c) subsections (c) and (d), respectively, and by adding after subsection (a) the following:

"(b) A designation of a drug under subsection (a) shall be subject to the condition that—

"(1) if an application was approved for the drug under section 505(b), a certificate was issued for the drug under section 507, or a license was issued for the drug under section 351 of the Public Health Service Act, the manufacturer of the drug will notify the Secretary of any discontinuance of the production of the drug at least one year before discontinuance, and

"(2) if an application has not been approved for the drug under section 505(b), a certificate has not been issued for the drug under section 507, or a license has not been issued for the drug under section 351 of the Public Health Service Act and if preclinical investigations or investigations under section 505(i) are being conducted with the drug, the manufacturer or sponsor of the drug will notify the Secretary of any decision to discontinue active pursuit of approval of an application under section 505(b), approval of an application for certification under section 507, or approval of a license under section 351 of the Public Health Service Act.".

SEC. 3. FINANCIAL ASSISTANCE

(a) MEDICAL DEVICES.—Section 5 of the Orphan Drug Act (21 U.S.C. 360ee) is amended—

(1) In subsection (a), by inserting "(1)" after "assist in" and by inserting before the period a comma and "(2) defraying the costs of developing medical devices for rare diseases or conditions", and

(2) in subsection (b)(2)—

(A) by inserting "(1) in the case of a drug," after "means" in the first sentence and by adding before the period in that sentence a comma and "(2) in the case of a medical device, any disease or condition that occurs so infrequently in the United States that there is no reasonable expectation that a medical device for such disease or condition will be developed without assistance under subsection (a)", and

(B) by striking out "under this subsection" in the last sentence and inserting in lieu thereof "under section 526 of the Federal Food, Drug, and Cosmetic Act".

(b) MEDICAL FOODS.—Section 5 of the Orphan Drug Act (21 U.S.C. 360ee) is amended—

(1) in subsection (a) (as amended by subsection (a)), by inserting before the period a comma and "and

(3) defraying the costs of developing medical foods for rare diseases or conditions",

(2) in subsection (b)(2) (as amended by subsection (a)), by inserting before the period at the end of the first sentence a comma and "and (3) in the case of a medical food, any disease or condition that occurs so infrequently in the United States that there is no reasonable expectation that a medical food for such disease or condition will be developed without assistance under subsection (a)", and

(3) by adding at the end of subsection (b) the following:

"(3) The term 'medical food' means a food which is formulated to be consumed or administered enterally under the supervision of a physician and which is intended for the specific dietary management of a disease or condition for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation.".

(c) AUTHORIZATION.—Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

"(c) For grants and contracts under subsection (a) there are authorized to be appropriated $10,000 for fiscal year 1988, $12,000,000 for fiscal year 1989, $14,000,000 for fiscal year 1990.".

(d) STUDY.—The Secretary of Health and Human Services shall conduct a study to determine whether the application of subchapter B of chapter V of the Federal Food, Drug, and Cosmetic Act (relating to drugs for rare diseases and conditions) and section 28 of the Internal Revenue Code of 1986 (relating to tax credit) to medical devices or medical foods for rare diseases or conditions or to both is needed to encourage the development of such devices and foods. The Secretary shall report the results of the study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate not later than one year after the date of the enactment of this Act. For purposes of this section, the term "rare diseases or conditions" has the meaning prescribed by section 5 of the Orphan Drug Act (21 U.S.C. 360ee).

SEC. 4. NATIONAL COMMISSION ON ORPHAN DISEASES.

Section 4(n) of the Orphan Drug Amendments of 1985 (42 U.S.C. 236 note) is amended by striking out "September 30, 1987" and inserting in lieu thereof "February 1, 1989".

The SPEAKER pro tempore. Is a second demanded?

Mr. WHITTAKER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes and the gentleman from Kansas [Mr. WHITTAKER] will be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3459, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, 5 years ago the Congress passed the Orphan Drug Act, incorporating into legislation the public's strong resolve to discover and develop drugs for rare diseases. At the time, we had high expectations and we talked of the enormous good the act could do.

Today, all Members can point with pride to the incredible success of the Orphan Drug Program. In 5 years, development and testing of 188 orphan drugs has taken place and 24 orphan drugs have been approved. This represents over five times as many drugs under development since the act as during the 10 years prior to enactment.

The Orphan Drug Act was adopted in January 1983 and amended in 1984 and 1985. Our years of experience now indicate that the reauthorization of the Orphan Drug Grant Program and some further fine tuning of the act is warranted. H.R. 3459 will accomplish the needed changes.

The bill extends the authorization for the Orphan Drug Grant Program for 3 years, fiscal years 1988–90, and expands the program to allow grants for the development of orphan medical devices and orphan medical foods. These grants have proven to be very instrumental in the development of many orphan drugs. They are awarded by the Food and Drug Administration to independent researchers when no private pharmaceutical company will

sponsor the testing and development of an orphan drug. The results are then used to encourage pharmaceutical companies to sponsor the drugs. The expansion of the grant program to include orphan medical devices and orphan medical foods is necessary because the lack of financial incentives deterring orphan drug work also affects these other products.

The bill also directs the Secretary of Health and Human Services to study whether the other provisions of the Orphan Drug Act that encourage private company development, should be available to companies working on orphan medical devices and orphan medical foods.

The bill also amends the orphan drug provisions in the Federal Food, Drug and Cosmetic Act to assure that companies which choose to stop the production of an approved orphan drug provide notice to the FDA 1 year prior to discontinuing the drug. The 1-year notice will give the agency the opportunity to try to secure another manufacturer so that patient care is not disrupted.

Mr. Speaker, one provision in H.R. 3459, as reported by the Committee on Energy and Commerce, has been deleted from the bill before us. That provision dealt with the 7-year period of market exclusivity that is currently awarded to an approved orphan drug.

The purpose of market exclusivity is to protect the company that develops an orphan drug whose patent has expired or would expire by the time the drug can be tested and approved. Exclusivity assures such a company that it can offset some or all of its costs of development by recouping all possible revenues from the sale of the drug during the 7-year period of exclusivity.

Market exclusivity is intended to be an incentive to develop orphan drugs with little or no commercial value and inadequate patent protection. However, it can also be used to block competitors of drugs with significant commercial value due to the very high prices that are charged for them. In such cases, a company would seek to designate a drug as an orphan drug solely to get market exclusivity that would cut off competitors who might also seek approval of the drug.

In at least one case so far, with human growth hormone, market exclusivity has been used to block several companies that would like to sell the drug. These additional companies are interested because the price of human growth homone is estimated to be $10,000 per person per year. So even with this small market of 10,000 patients, human growth hormone is a very successful drug.

In addition to human growth hormone, there are several other drugs now under development where more than one sponsor is seeking approval because of the drug's perceived commercial value.

These commercially viable—even highly profitable—drugs fit within a strict construction of the Orphan Drug Act. But the Congress never intended to extend the benefits of the act to such drugs.

While I believe this unintended use of the act must be stopped, there is considerable disagreement over how the act should be changed. Because we do not want to jeopardize the reauthorization of the grant program, I believe Congress should pass these amendments and return to the problems of market exclusivity at a later time.

Mr. Speaker, I am deeply concerned with what I believe is the increasing use of the Orphan Drug Act by companies to cover highly profitable drugs. The act has already done enormous good in 5 short years. We should not allow profit motivated companies to endanger this successful law. I intend to follow this matter closely and expect to introduce legislation in the near future.

The Orphan Drug Act has always enjoyed broad bipartisan support. The bill before us warrants the continued support of all Members.

□ 1400

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

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

Mr. Speaker, today we are considering amendments to the orphan drug law that we passed in 1983. I firmly believe that over the past 5 years the orphan drug law has played a really important role in encouraging the development of drugs for those limited patient populations which have rare diseases. The pharmaceutical industry has responded quite favorably to the incentives in the law. Evidence clearly indicates that manufacturers have devoted substantial resources toward the development of orphan drugs. As of last week, the Food and Drug Administration reports that 190 drugs have been designated as orphans under the law—and some 24 of these have been approved for market distribution.

It is important to note that the amendments considered today do not alter any of the key provisions in the law that have accounted for the industry research and development on orphan drugs. Instead, the amendments are narrowly focused on reauthorizing the FDA's authority to make grants for the development of orphan drugs. The amendments will also help the FDA improve its administration of the law and develop information on whether the incentives in the law should be extended to cover medical devices and medical foods.

The Orphan Drug Program's greatest strength over the years is the widespread support that it enjoys—from the Congress, the administration, the patients, and the pharmaceutical manufacturers. However, this consensus has been seriously tested over the past few months, while possible changes to the current law's exclusive marketing incentives have been contemplated. Many suspect that the central goal of the law—that of encouraging the development of orphan drugs—might be compromised by the approaches suggested thus far to address perceived problems associated with a few orphan designations.

Accordingly, I am pleased that the decision was made to hold off trying to address these preliminary concerns regarding the scope of the exclusive marketing provision, until more information is developed on whether changes to the current law are in fact needed. Moreover, if changes are found to be necessary, additional efforts must be made by all concerned to reach a consensus on how the changes should be fashioned. I believe that it is imperative that we maintain a consensus behind this program to ensure its continued viability and success.

In conclusion Mr. Speaker, I support the bill before us. I want to commend my colleague, subcommittee Chairman WAXMAN, for his efforts in developing this bill, and for deleting sections of the bill reported out of committee which might have threatened the broad support enjoyed by the orphan drug law.

Mr. Speaker, I have further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 3459, as amended.

The question was taken.

Mr. WAXMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3757, by the yeas and nays; H.R. 285, by the yeas and nays; and H.R. 3459, by the yeas and nays.

The Chair will reduce to a minimum of 5 minutes the time for each additional vote after the first such vote in this series.

FEDERAL EMPLOYEES' LEAVE-TRANSFER ACT OF 1988

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3757, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. ACKERMAN] that the House suspend the rules and pass the bill, H.R. 3757, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 9, not voting 15, as follows:

[Roll No. 38]

YEAS—408

Ackerman	Clement	Flake
Akaka	Clinger	Flippo
Alexander	Coats	Florio
Anderson	Coble	Foglietta
Andrews	Coelho	Foley
Annunzio	Coleman (MO)	Ford (MI)
Anthony	Coleman (TX)	Ford (TN)
Applegate	Collins	Frank
Archer	Combest	Frenzel
Armey	Conte	Frost
Atkins	Conyers	Gallegly
AuCoin	Cooper	Gallo
Baker	Coughlin	Garcia
Ballenger	Courter	Gaydos
Barnard	Coyne	Gejdenson
Bartlett	Craig	Gekas
Barton	Crane	Gibbons
Bateman	Crockett	Gilman
Bates	Dannemeyer	Gingrich
Beilenson	Darden	Glickman
Bennett	Daub	Gonzalez
Bentley	Davis (IL)	Goodling
Bereuter	Davis (MI)	Gordon
Berman	de la Garza	Gradison
Bevill	DeFazio	Grandy
Bilbray	DeLay	Grant
Bilirakis	Dellums	Green
Bliley	Derrick	Gregg
Boehlert	DeWine	Guarini
Boggs	Dickinson	Gunderson
Boland	Dicks	Hall (OH)
Bonior	Dingell	Hall (TX)
Bonker	DioGuardi	Hamilton
Borski	Dixon	Hammerschmidt
Bosco	Donnelly	Hansen
Boucher	Dorgan (ND)	Harris
Boulter	Dornan (CA)	Hastert
Boxer	Dowdy	Hatcher
Brennan	Downey	Hawkins
Brooks	Dreier	Hayes (IL)
Broomfield	Duncan	Hefley
Brown (CA)	Durbin	Hefner
Brown (CO)	Dwyer	Henry
Bruce	Dymally	Herger
Bryant	Dyson	Hertel
Buechner	Early	Hiler
Bunning	Eckart	Hochbrueckner
Burton	Edwards (CA)	Holloway
Bustamante	Edwards (OK)	Hopkins
Byron	Emerson	Horton
Callahan	English	Houghton
Campbell	Erdreich	Howard
Cardin	Evans	Hoyer
Carper	Fascell	Hubbard
Carr	Fawell	Huckaby
Chandler	Fazio	Hughes
Chapman	Feighan	Hunter
Clarke	Fields	Hutto
Clay	Fish	Hyde
Inhofe	Morrison (CT)	Sikorski
Ireland	Morrison (WA)	Sisisky
Jacobs	Mrazek	Skaggs
Jeffords	Murphy	Skeen
Jenkins	Murtha	Skelton
Johnson (CT)	Myers	Slattery
Johnson (SD)	Nagle	Slaughter (NY)
Jones (NC)	Natcher	Slaughter (VA)
Jones (TN)	Neal	Smith (FL)
Jontz	Nelson	Smith (IA)
Kanjorski	Nichols	Smith (NE)
Kaptur	Nowak	Smith (NJ)
Kasich	Oakar	Smith (TX)
Kastenmeier	Oberstar	Smith, Denny (OR)
Kennedy	Obey	
Kennelly	Olin	Smith, Robert (NH)
Kildee	Ortiz	
Kleczka	Owens (NY)	Smith, Robert (OR)
Kolbe	Owens (UT)	
Kolter	Oxley	Snowe
Konnyu	Packard	Solarz
Kostmayer	Panetta	Solomon
LaFalce	Parris	Spence
Lagomarsino	Pashayan	Spratt
Lancaster	Patterson	St Germain
Lantos	Pease	Staggers
Latta	Pelosi	Stallings
Leach (IA)	Penny	Stangeland
Leath (TX)	Pepper	Stark
Lehman (CA)	Perkins	Stenholm
Lehman (FL)	Petri	Stokes
Leland	Pickett	Stratton
Lent	Pickle	Studds
Levin (MI)	Porter	Sundquist
Lewis (CA)	Price (NC)	Sweeney
Lewis (FL)	Pursell	Swift
Lewis (GA)	Quillen	Swindall
Lipinski	Rahall	Synar
Livingston	Rangel	Tallon
Lloyd	Ravenel	Tauke
Lott	Ray	Tauzin
Lowery (CA)	Regula	Taylor
Lowry (WA)	Rhodes	Thomas (CA)
Lujan	Richardson	Thomas (GA)
Luken, Thomas	Ridge	Torres
Lungren	Rinaldo	Torricelli
Mack	Ritter	Towns
MacKay	Roberts	Traficant
Manton	Robinson	Traxler
Markey	Rodino	Udall
Martin (IL)	Roe	Upton
Martin (NY)	Rogers	Valentine
Matsui	Rose	Vander Jagt
Mavroules	Rostenkowski	Vento
Mazzoli	Roth	Visclosky
McCloskey	Roukema	Volkmer
McCollum	Rowland (CT)	Vucanovich
McCurdy	Rowland (GA)	Walgren
McDade	Roybal	Watkins
McEwen	Russo	Waxman
McGrath	Sabo	Weber
McHugh	Saiki	Weiss
McMillan (NC)	Savage	Weldon
McMillen (MD)	Sawyer	Wheat
Meyers	Saxton	Whittaker
Mfume	Schaefer	Whitten
Michel	Scheuer	Williams
Miller (CA)	Schneider	Wilson
Miller (OH)	Schroeder	Wise
Miller (WA)	Schuette	Wolf
Mineta	Schulze	Wolpe
Moakley	Schumer	Wortley
Molinari	Sensenbrenner	Wyden
Mollohan	Sharp	Wylie
Montgomery	Shaw	Yates
Moody	Shays	Yatron
Moorhead	Shumway	Young (AK)
Morella	Shuster	Young (FL)

NAYS—9

Badham	Lukens, Donald	Nielson
Cheney	Marlenee	Stump
Kyl	McCandless	Walker

NOT VOTING—15

Aspin	Gray (IL)	Lightfoot
Biaggi	Gray (PA)	Madigan
Chappell	Hayes (LA)	Martinez
Espy	Kemp	Mica
Gephardt	Levine (CA)	Price (IL)

□ 1428

Messrs. COYNE, MOLINARI, BILIRAKIS, and DENNY SMITH changed their votes from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRANT). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

DENIAL OF NONIMMIGRANT CREWMEMBER STATUS IN THE CASE OF CERTAIN LABOR DISPUTES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 285, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 285, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 302, nays 114, not voting 16, as follows:

[Roll No. 39]

YEAS—302

Ackerman	Byron	Donnelly
Akaka	Callahan	Dorgan (ND)
Alexander	Campbell	Dornan (CA)
Anderson	Cardin	Dowdy
Annunzio	Carper	Downey
Anthony	Carr	Duncan
Applegate	Chandler	Durbin
Atkins	Clarke	Dwyer
AuCoin	Clay	Dymally
Bates	Clement	Dyson
Beilenson	Clinger	Early
Bennett	Coble	Eckart
Bentley	Coelho	Edwards (CA)
Berman	Coleman (MO)	Emerson
Bevill	Coleman (TX)	Erdreich
Bilbray	Collins	Espy
Boehlert	Combest	Evans
Boggs	Conte	Fascell
Boland	Conyers	Fazio
Bonior	Cooper	Feighan
Bonker	Coughlin	Fish
Borski	Courter	Flake
Bosco	Coyne	Flippo
Boucher	Crockett	Florio
Boxer	Darden	Foglietta
Brennan	Davis (IL)	Foley
Brooks	Davis (MI)	Ford (MI)
Broomfield	DeFazio	Ford (TN)
Brown (CA)	Dellums	Frank
Bruce	Derrick	Frost
Bryant	Dingell	Gallo
Buechner	DioGuardi	Garcia
Bustamante	Dixon	Gaydos

Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Lowry (WA)
Luken, Thomas
Lukens, Donald
MacKay
Manton
Markey
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Pickett
Pickle
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Regula
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)

NAYS—114

Andrews
Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boulter
Brown (CO)
Bunning
Burton
Chapman
Cheney
Coats
Craig
Crane
Dannemeyer
Daub
de la Garza
DeLay
DeWine
Dickinson
Dreier
Edwards (OK)
English
Fawell
Fields
Frenzel
Gallegly
Gekas
Gingrich
Gradison
Hall (TX)
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Kasich
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lujan
Lungren
Mack
Marlenee
Martin (IL)
McCandless
McCollum
McCurdy
McEwen
Montgomery
Moorhead
Morrison (WA)
Nielson
Oxley
Packard
Petri
Porter
Ray
Rhodes
Roberts
Rogers
Roth
Schulze
Sensenbrenner
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Thomas (CA)
Upton
Valentine
Vucanovich
Walker
Weber
Whittaker
Young (FL)

NOT VOTING—16

Aspin
Biaggi
Chappell
Dicks
Gephardt
Gray (IL)
Gray (PA)
Hayes (LA)
Kemp
Levine (CA)
Lightfoot
Madigan
Martinez
Mica
Michel
Price (IL)

□ 1435

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

Messrs. McMILLAN of North Carolina, PURSELL, YOUNG of Alaska, and TAYLOR changed their votes from "nay" to "yea."

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read "A bill to amend the Immigration and Nationality Act to deny crewmember status in the case of certain labor disputes."

A motion to reconsider was laid on the table.

ORPHAN DRUG AMENDMENTS OF 1988

The SPEAKER pro tempore (Mr. GRANT). The pending business is the question of suspending the rules and passing the bill, H.R. 3459, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 3459, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 409, nays 1, not voting 22, as follows:

[Roll No. 40]

YEAS—409

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Cheney
Clarke
Clay
Clement
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Pelosi
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)

Smith (TX)	Swift	Walker
Smith, Denny (OR)	Swindall	Watkins
	Synar	Waxman
Smith, Robert (NH)	Tallon	Weber
	Tauke	Weiss
Smith, Robert (OR)	Tauzin	Weldon
	Taylor	Wheat
Snowe	Thomas (CA)	Whittaker
Solarz	Thomas (GA)	Whitten
Solomon	Torres	Williams
Spence	Torricelli	Wilson
Spratt	Towns	Wise
St Germain	Traficant	Wolf
Staggers	Traxler	Wolpe
Stallings	Udall	Wortley
Stangeland	Upton	Wyden
Stark	Valentine	Wylie
Stenholm	Vander Jagt	Yates
Stokes	Vento	Yatron
Studds	Visclosky	Young (AK)
Stump	Volkmer	Young (FL)
Sundquist	Vucanovich	
Sweeney	Walgren	

NAYS—1

Crane

NOT VOTING—22

Akaka	Hunter	Martinez
Aspin	Jenkins	Mica
Biaggi	Kemp	Oberstar
Chappell	Levine (CA)	Price (IL)
Gephardt	Lewis (CA)	Schulze
Gray (IL)	Lightfoot	Stratton
Gray (PA)	Lowery (CA)	
Hayes (LA)	Madigan	

□ 1446

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKAKA. Mr. Speaker, I did not vote on H.R. 3459. Had I voted, I would have voted "yea."

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 255) to authorize and request the President to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week," 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.

Mr. MORRISON of Washington. Mr. Speaker, I would like to thank both the chairman of the subcommittee, the gentleman from California, and the gentlewoman from Maryland for their cosponsorship of this important resolution. I would also like to express my appreciation to the over 225 of my colleagues who have joined me in sponsorship of National Organ and Tissue Donor Awareness Week.

The need for organ and tissue donation is a great one. We have all been reminded of this need far too many times through letters describing the pain and frustration endured by our own constituents seeking suitable organs and tissues for transplantation. In my district, 4-month-old Holly Nelson of Yakima suffers from biliary atresia, a congenital disease of the liver, and is in need of a liver transplant if she hopes to celebrate her first birthday. Like Holly, Kimberly Anthis of Entiat, and Ben Contine of Richland needed and received successful liver transplants.

But the pool of available organs nationwide is simply too small to accommodate all those needing lifesaving transplants. Right now, more than 12,500 people in the United States are awaiting kidney transplants. More than 800 are waiting for heart transplants. Almost 500 are on waiting lists for liver transplants, more than 150 for heart-lung transplants, and close to 100 for pancreas transplants. I strongly believe if more people were aware of the tremendous need for organ and tissue donors, thousands of additional lives could be saved each year.

Mr. Speaker, my goal is to encourage families to take time to talk about organ donation during this special week of April 24 through April 30, and to join me and thousands of other Americans in signing and carrying an organ donor card. Donor cards will be available throughout the week at local hospitals and chapters of the National Kidney Foundation, and are always available through the American Council on Transplantation by calling 1-800-ACT-GIVE. You too could give someone like Kimberly Anthis, Ben Contine or little Holly Nelson the gift of life.

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. 255

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 24 through April 30, 1988, as "National Organ and Tissue Donor Awareness Week.".

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

NATIONAL DRINKING WATER WEEK

Mr. ACKERMAN. 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. 185) to designate the period commencing on May 2, 1988, and ending on May 8, 1988, as "National Drinking Water Week." and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this legislation.

Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, as a cosponsor of House Joint Resolution 381, I urge my colleagues to support the bill which designates April 24 through April 30, 1988, as "National Drinking Water Week."

As a nation, Mr. Speaker, we now have clean, safe water flowing through our taps. However, it was not so long ago that some of cannot remember that everyone did not have this luxury. It is due to the commitment of dedicated people that clean water has become the norm in our lives; we barely give it a second thought as we turn on the faucet and drink potable water. We owe an expression of appreciation to these people who operate the storage, collection, treatment, and distribution of this precious commodity.

The Washington Suburban Sanitary Commission [WSSC], which serves the bicounty areas of Montgomery and Prince George's Counties, MD, is performing laudable service; the public is being well served and at the same time the WSSC is making strides in improving the quality of water which is received in our homes, and the treatment of waste water as it flows back to the source. I want to take this opportunity to express a special note of thanks to WSSC and to encourage it to continue its good work.

Mr. Speaker, I urge my colleagues to support Senate Joint Resolution 185 and commend the gentleman from New Jersey for introducing the measure in the House.

Mr. ROE. Mr. Speaker, I want first of all to thank Chairman FORD, Mr. DYMALLY, the distinguished chairman of the Subcommittee on the Census and Population and the gentlelady from Maryland, whom I have the pleasure of sitting with on my Science and Technology Committee, Mrs. MORELLA, for their support on the expedient passage of Senate Joint Resolution 185, the "National Drinking Water Week." I would also commend my fellow sponsors of the identical House bill, House Joint Resoution 391, for their assistance and attention to a matter which is of growing concern to our Nation.

You have heard my statements over the years with regard to the great importance of water. My colleagues and I worked for years to pass the Clean Water Act and Superfund legislation in order to protect our precious supply of this most valuable resource. With this legislation, we have the opportunity to make the public more aware of the need to act now to insure that in the future we will have safe, adequate supplies of drinking water.

Every day we are reminded that this resource like any other is finite and can be contaminated through carelessness or accident. The recent incident on the Monongahela River

which left over 1 million people with either contaminated supplies or no drinking water whatsoever is only one example of how man's encroachment on the environment can have serious consequences. Simply finding adequate reservoirs to treat and distribute has become a nationwide problem. It is no longer true that only arid regions in the west are faced with this difficult task. Population pressures have peaked demand and made this an issue of concern for areas throughout the entire country.

Drinking water obviously does not appear from the tap by magic and yet for the most part none of us gives it a second thought when we fill our glasses. Many persons playing many different roles are involved in the distribution of what we have all come to take for granted—fresh, safe drinking water. Without water there would be no life. And I believe it is very appropriate to not only honor those who work to provide this necessity to us, but also to make us more aware of and to educate all of us to the vital need to protect and preserve our water resources.

Finally, Mr. Speaker, I would like to commend the American Water Works Association with the National Water Alliance and all the organizations which lent their support for their work to bring this legislation to life and insure May 2 through May 8 will more than enhance public awareness in name only. Often simply making persons aware of a problem will put you more than half way down the road toward a solution, and I am confident this will be an important step on this journey.

Mrs. MORELLA. Mr. Speaker I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 185

Whereas water itself is God-given, and the drinking water that flows dependably through our household taps results from the dedication of the men and women who operate the public water systems of collection, storage, treatment, testing, and distribution that insures that drinking water is available, affordable, and of unquestionable quality;

Whereas the advances in health effects research and water analysis and treatment technologies, in conjunction with the Safe Drinking Water Act Amendments of 1986 (Public Law 99-339), could create major changes in the production and distribution of drinking water;

Whereas this substance, which the public uses with confidence in so many productive ways, is without doubt the single most important product in the world and a significant issue of the future;

Whereas the public expects high quality drinking water to always be there when needed; and

Whereas the public continues to increase its demand for drinking water of unquestionable quality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on May 2, 1988, and ending on May 8, 1988, is designated as "National Drinking Water Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such period with appropriate ceremonies, activities, and programs designed to enhance public awareness of drinking water issues and public recognition of the difference that drinking water makes to the health, safety, and quality of the life we enjoy.

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

GENERAL LEAVE

Mr. ACKERMAN. 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 New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will begin to recognize Members for special order speeches subject to receipt of a message from the Senate on the veto of S. 557.

ORDER OF BUSINESS

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that the 30-minute special order I had for today be coverted to a 5-minute special order.

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

There was no objection.

THE NEXT STEP IN ARMS CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. MORRISON] is recognized for 5 minutes.

Mr. MORRISON of Washington. Mr. Speaker, debate over the historic INF Treaty has been underway for several months, yet only recently has much attention been given to the nuclear materials contained in those missiles. More specifically, the question has been asked: What is to come of those materials once the missiles are dismantled?

The INF Treaty calls for the most stringent verification measures ever negotiated in an arms agreement. But the plutonium and enriched uranium in the missiles are not destroyed—they go back into stockpiles. This has given rise to a growing school of thought that truly verifiable arms control is not possible unless the "gunpowder" is destroyed along with the "musket."

While the amount of plutonium and uranium in the missiles covered by the INF Treaty is just a fraction of total United States and Soviet arsenals, I believe future, more expansive agreements will mandate the disposal of these materials as well as their delivery systems.

Why? I'll answer that with another question: Can arms control, in the truest sense of the term, really become a reality if the weapons materials are not destroyed? Failure to dispose of the weapons materials means they're available for use in other missiles that could be deployed in a clandestine manner.

Politically, psychologically, and militarily, I think sentiment on both sides of the Iron Curtain calls for these materials to be done away with. Moreover, no matter how secure the stockpiled materials, may be, the assurance that they will never in any way threaten our environment cannot be guaranteed unless they are destroyed.

Today I have introduced a bill that I think will bring us closer to the next plateau in securing a lasting peace in the nuclear age. It calls for the Department of Energy to conduct, in partnership with the Soviet Union, a pilot project to test the feasibility of destroying weapons-grade nuclear materials.

DOE has the expertise to dismantle nuclear weapons and the capability to safely burn the nuclear materials from those reactors in its liquid metal reactors at Hanford, WA, and Idaho Falls, ID. My bill calls for the Secretary of Energy to devise a plan for conducting a pilot project and to report to Congress within 3 months the timetable and funding requirements for carrying out the plan. After it is completed, the President will have the option of inviting the Soviet Union to participate in the project.

Combined with, first, the administration's determination that the Nation's plutonium stockpile has reached required levels and, second, the pending START accord that would free up untold amounts of weapons materials, it's clear we must be prepared for a new era in preserving peace. This project would be a giant step to meeting the demands of the new era. Let's have the technology ready to go when we need it.

THE VOTE TO OVERRIDE PRESIDENT REAGAN'S VETO OF THE CIVIL RIGHTS RESTORATION ACT, S. 557

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. WEISS] is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, last week, President Reagan vetoed the most important civil rights bill passed by Congress in many years. He did so while claiming that "there is no matter of greater concern to me than ensuring that our Nation is free of discrimination." According to the Leadership Council on Civil Rights, it was the first veto of a civil rights bill in 120 years.

The veto must be overridden.

The overwhelming margins by which the House and Senate passed the Restoration Act sent a clear message to the White House that the Congress would not tolerate federally financed

discrimination. Unfortunately, it seems that the President's general disregard for justice and equality, encouraged by the shrill rhetoric of his extremist cohorts, impeded his ability to fairly judge the issue.

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.

Our recent vote in support of the Civil Rights Restoration Act reflected our strong bipartisan commitment to equal rights and equal treatment under the law. We cannot now be intimidated by false information and vitriolic threats. Federally financed discrimination must come to an end.

I urge my colleagues to vote in favor of the resolution to override the President's veto.

MIDWEST FARM PRODUCERS IMPACTED BY USDA DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, I would like to bring to the attention of this body a recent decision made by the Secretary of Agriculture which will have profound negative financial impact on farmers in my State, and, I believe, the taxpayers of this country. Mr. Speaker, I refer to the Secretary Richard Lyng's recent decision not to extend 9-month Commodity Credit Corporation [CCC] 1987 crop loans for wheat and feed grains that mature after March 1, as well as the Department's apparent refusal to extend 1-year loans on the 1985 and 1986 crops of wheat and feed grains approaching maturity. It also appears that the Department is prepared not to renew loans on crop years prior to 1985. I have been urging the USDA to modify the recent decision to allow for a more orderly delivery of grain stored on the farm.

As I review the USDA's most recent plan to move grain held in the farmer-owned reserve to the market pipeline, I am deeply concerned with the economic and logistical problems the proposal will cause. While large quantities of grain are beginning to move in order to satisfy domestic and export needs, and while the market prices for the major commodities are not fortunately comparable to loan rates, I believe that the USDA must reverse or modify its decision in order to minimize the negative financial impact on producers and to avoid the logistical problem that would inevitably occur when an extraordinary amount of grain is moved out of the farmer-owned reserve into commercial channels.

Mr. Speaker, it has been estimated by USDA officials and agricultural economists that nearly 1 billion bushels of feed grains will be needed to meet the increased export demands for the remainder of this year. However, the effect of the decision not to extend the crop loans for the 1985 through 1987 crop years, and the effect of calling the farmer-owned reserve grain into commercial channels, will result in the estimated movement of over 2.7 billion bushels from June through September for the market pipeline to absorb. The USDA would have us believe that there will be room for this additional grain in commercial facilities. However, it is no secret that most country elevators in Nebraska are currently filled to capacity and are having difficulty obtaining rail cars needed to move large volumes of grain. In fact, shippers throughout my district have been experiencing delays in receiving rail hopper cars for up to 90 days from the time the cars were ordered. Furthermore, delays of 5 to 6 weeks are commonplace.

I am also concerned that the USDA is neglecting the congressional intent of the Budget Reconciliation Act of 1987 which, under the farm program adjustments, called for a $230 million reduction in the CCC storage and handling payments made to commercial storage facilities over the next 2 years. It would appear that by in effect forcing farmers to forefeit and deliver their crops to local elevators and commercial facilities, the $230 million savings will be achieved out of the pockets of our producers. Instead of allowing farmers to extend their loans and to continue receiving the much lower storage rate, the CCC will pay for additional handling charges and increased storage payments for commercial warehousing.

Mr. Speaker, in the State of Nebraska alone, the USDA action will result in the movement of over 1.4 billion bushels. Almost 1 billion bushels of corn from crop years 1986 and 1987 alone will be displaced from farm storage to commercial elevators. In purely economic terms, this shift of grain from on-farm storage where Government payments to farmers is at 26.5 cents per bushel, would result in the loss of over $242 million in income to our producers. On the other hand, the Government would have to pay the commercial facility where the farmer must deliver his grain an average of 35 cents per bushel storage for a total of $323 million. This last amount does not include additional handling charges that the Government is required to pay to commercial facilities.

Given the shortage of space at commercial facilities, more temporary storage will have to be made available at warehouse rates. In fact, the USDA has already approved temporary storage at commercial warehouses amounting to over 500 million bushels for 1987-crop grain. Mr. Speaker, in order to emphasize the total unfortunate economic and budgetary impact of the USDA decision, I would like to call to the attention of this body the results of a recent GAO study on what the Government paid to a dozen grain companies for the temporary storage of 65 million bushels of feed grain. The grain was stored in the fall of 1986 on over 1,200 river barges, for a period of 4 months, for a grand total to the taxpayer of $62 million. This temporary storage program cost the taxpayer 69 cents per bushel over and above the normal costs for shipping, storing and disposing of the grain, or an additional $44.8 million. Given this record, I strenuously ask the USDA to reconsider a decision which moves an additional 500 million bushels of 1987-crop grain into temporary storage. Why do that when there is adequate storage capacity in on-farm facilities at bargain rates?

I have been informed by reliable sources within Nebraska that should commercial space be available at all, it would be in the western Panhandle of the State where large stocks of wheat are being shipped to north-western terminal markets. However, because the majority of on-farm storage is corn and other feed grains destined for gulf terminal markets, this would seem to be an excessive demand on already strained transportation systems. Farmers, elevator operators and railroads could not begin to imagine the nightmare that would result in loading unit trains with feed grains, shipping and storing them in western elevators, reloading trains with the same commodities a few months later and shipping it back east for eventual delivery of gulf ports.

As an alternative to the USDA's absurd plan, I have been advancing a proposal for a 9-month extension on all crop loans for 1986 through 1987. Storage payments to producers should continue until the CCC has moved most of its own stocks into the market pipeline and storage space at commercial facilities is available. As additional grain is needed for the replenishment of the commercial channels, the USDA should make every effort to

move stored grain from those crop years prior to 1985. This will allow for the orderly movement of the oldest on-farm grain into commercial channels.

Common sense dictates that older farm-stored grain should be delivered before the later crop years to minimize any possible conditioning damage that may have occurred to older grain while in storage. Unfortunately, the CCC seems to have altered the current Uniform Grain Storage Agreement [UGSA] to allow for more latitude in the blending of a unit train in order to expedite a shipment. I would like to quote from a recent edition of a Grain and Feed publication, outlining CCC modifications to this year's UGSA contract being offered to commercial elevators and warehouses.

"Rejection of individual cars of a county elevator unit shipments: Section VII. F. 6 has been added to the contract to provide greater tolerance governing the rejection of individual cars in a unit shipment to CCC from county elevators. The provision states that except for cars grading sample grade, CCC . . . will not reject individual cars of a unit shipment for individual quality factors, including protein, provided that the shipment as a whole is fairly representative of the quality ordered shipped." In addition, the newsletter states that if the loading order or master trust release for CCC-owned grain at a terminal warehouse calls for delivery to CCC of U.S. No. 2 grain, the numerical grade listed on the official certificates of at least one-third of the bushels represented by the warehouse receipts tendered by CCC must be at least No. 2 or better.

What will be used to measure the other two-thirds of the shipment? It would seem the work this body has done in tightening the grain standards will be thrown by the wayside in order to ship quantity instead of quality.

In closing I would again demand that the USDA reexamine the position they have taken in the calling of on-farm grain and to accept the compromise that I have offered to extend 9-month crop loans on the 1986-87 crop years. The USDA must approach the storage situation in an economically feasible manner, and producers and elevator managers throughout Nebraska agree that this is an equitable compromise to the current situation. They also realize that while there is a need to move grain into the market, the USDA's proposal to shift such a massive amount in a short period of time will be nothing short of disastrous. The agricultural sector has had to adjust to the program reductions contained in the recent budget package. To force an additional policy shift on our producers at this critical spring planting period will result in a devastating loss of income to a number of farmers who have agreed to store this grain in good faith.

□ 1500

SIX-MONTH EXTENSION OF THE DEADLINES UNDER ASBESTOS HAZARD EMERGENCY RESPONSE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ANTHONY] is recognized for 5 minutes.

Mr. ANTHONY. Mr. Speaker, I am introducing a bill, today, to extend the deadlines in the Asbestos Hazard Emergency Response Act of 1986, for 6 months. Let me first state that I recognize the health hazards that asbestos causes, and do not, in any way, wish to minimize the health threat. Rather, my intent is to ensure that we confront this problem in a thorough and responsible manner. For this reason, I am completely supportive of the provisions established in AHERA. It is important that we proceed with efforts to identify and implement plans for removal or management of asbestos material.

However, it has been brought to my attention that numerous school districts will be unable to meet the deadline. Many areas are suffering from a shortage of certified asbestos inspectors, or lack certified State programs for the training of their own personnel. As you are aware, the funds we appropriated last December, in the EPA budget for States to establish their own programs won't even be distributed until April. Therefore, while funding was specifically made available for inspection certification programs to be established under the auspices of the State Departments of Education, the deadline of October 12 does not enable school districts to take advantage of these funds. An extension would enable more school districts to participate in these programs.

I've spoken with officials from several of my school districts, as well as an asbestos company, and they are all working diligently to meet the deadline. Most of the school districts in Arkansas have formed cooperative units to enable them to secure certified inspectors at a reasonable cost, yet the asbestos companies express concern that the imminent deadline will result in a large number of incomplete inspections, or in shortcuts being taken to meet the deadline.

I have introduced this bill to extend these deadlines for 6 months in order to ease the panic and to provide schools with more time to allow them to complete the process correctly. This modest extension cannot be construed as ignoring the existing problems for another year. I believe a 6-month deadline extension is more than adequate in alleviating the pressure from the impending deadline. The intent of my bill is to ensure the proper execution of the AHERA regulations, and that this is accomplished in an expeditious and thorough manner.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

IN TRIBUTE TO THE HONORABLE VICTOR WICKERSHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. ENGLISH] is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, I rise today to pay tribute to a man who graced these Halls for many years, a man whose name is synonymous with public service in his and my home State of Oklahoma.

Mr. Speaker, Victor Wickersham, the elder statesman of Oklahoma politics, passed away last Tuesday evening in Oklahoma City. Intent to the end on serving the people who had come to love him, Victor was an 82-year-old member of the Oklahoma State Legislature when he died.

Those in Congress who are long on seniority will remember Victor Wickersham, and remember him fondly. He was first elected to the House of Representatives by the people of western Oklahoma in 1940, and served here with great distinction for three separate periods before returning home in 1964.

As the Sixth District's Representative in the 100th Congress, I have the honor of trying to live up to the tremendous legacy Victor Wickersham has left behind. He was a man who could always be counted on, someone whose sense of commitment was clear and unyielding. He was the perfect embodiment of the people of western Oklahoma: honest, selfless, and dedicated.

Victor Wickersham moved to Greer County, OK, with his parents in 1915 at the age of 9. Starting as a court clerk in 1926, he spent more than 60 years working on behalf of his neighbors in Greer County and the State. He was to remain there all his life, becoming a fixture to the people of the area, a man whose willingness to help would never waver.

I grew up with his sister in Cordell, OK, and was thus fortunate to be acquainted with Victor's family. All of Oklahoma shares in their loss.

Victor Wickersham was well-known for this saying: "write, wire or call—you always have a friend in Victor Wickersham." Mr. Speaker, that motto was the driving force behind this gentleman's half-century in public life. No request was too small, no person was undeserving of help. It is an attitude that holds a lesson for all of us.

In fact, it was this undeniable calling that led Victor Wickersham out of retirement last winter and back into public life once again. Asked why at the age of 81 he would put aside the quite life he so deserved to serve in the Oklahoma House of Representatives, Vic replied "I tried to retire from politics, but everybody kept saying 'go see

Victor' when hard problems needed fixing."

And so it was that Victor Wickersham was sworn into the Oklahoma Legislature last February 9, exactly 82 years to the minute after his birth. True to form, he dismissed the notoriety of his age, simply saying "I don't know about being the oldest, but I'll be the hardest working one."

Mr. Speaker, I want to extend my heartfelt condolences to Vic Wickersham's family. They have lost a man whose virtues will shine far beyond his death as symbols of the excellence good men are capable of.

AN OPEN LETTER TO THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, as we take this very unusual break in the middle of a legislative day to await our good colleague and Presidential candidate, the gentleman from Missouri [Mr. GEPHARDT], let me avail myself of this opportunity which sometimes works to speak to the President of the United States directly through my colleagues here in the House and through the Chair. If this were a newspaper, I guess I would make it "Open Letter to the President of the United States."

At the meeting with your Republicans in the House this morning, Mr. President, you addressed an interesting scenario that our very eloquent Member, the gentleman from Illinois [Mr. HYDE] outlined. To paraphrase him only, he saw a scene on a brisk winter day this coming January where the President of the United States in the waning days of his 8-year Presidency would lead an entourage of press with cameras clicking down to the beloved Vietnam Memorial with the names of 58,134 Americans on it, men and women who gave their lives in a fight for freedom, and that there in front of that hallowed wall, you would sign a pardon for Purple Heart, Silver Star and Bronze Star winner, Lt. Col. Oliver North and that you would sign a pardon for a distinguished three-star admiral, first in his class of 1958 at Annapolis, John Poindexter.

I was stuck in traffic on the 14th Street Bridge, Mr. President, so I can only relate what my colleagues told me that you turned your head in that winsome way as you do and said, "Well, the issue is in the courts. I can't comment upon it; but Henry, I like your scenario."

Now, Mr. President, everybody in this Nation knows that you are not going to let this hero who fought for freedom for a nation that now suffers so badly, all of Vietnam, not to mention the killing fields of Cambodia and Laos, but Vietnam still suffers so badly that the average of people trying to escape from that country to freedom last month was over 2,000; the month before over 2,000; the month before, 1,700; the month before way over 2,000. The average, 13 years after the collapse of Saigon under the heel of a Communist aggressor from Hanoi, these many years later, still 2,000 people flee every month and we still do not know how many die every day, day in and day out, in the South China Seas in those tiny, little river boats.

Ollie offered his life and saw his friends give their lives in that battle and he was unwilling, no matter how he conducted himself, to see us portray these young boys and girls that he visited within the Contra freedom fighter camps of Central America, and it was an irony that the indictments came out against Poindexter, North, retired major general of the Air Force, Dick Secord, and his partner, Albert Hakim, ironic that they should come out on the 4-year anniversary of the capture of an American diplomat CIA station chief who was tortured to death, William Buckley, on the 3-year anniversary of a man who is still held, the AP bureau chief, Terry Anderson, who is now 2 weeks into his fourth year, and on the very day that the Communist forces of Nicaragua pushed deep into Honduras in hot pursuit of what my colleague, FORTNEY STARK, described as Contra forces with an average age of less than 14. An average age of less than 14, it is hardly that, but it is not too many years away.

This is what Ollie was unwilling to see, and on the day he was indicted this, as you quote it, Mr. President, invasion and near blood bath of the forces of freedom in Central America was taking place, and only in the last few hours have the Communist forces gone back into Nicaragua.

Now, Mr. President, if you wait until January, the trial may still be going on and you may be an ex-President with no power to pardon at all. If you leave the White House in the capable hands of your courageous and excellent Vice President, then it is a supposition that maybe he will get to give that honorable pardon, provided that Ollie and all do not beat all charges before most juries in this country. I think that is possible.

The one area of the country with this moral vacuum inside the beltway is a one area where all or any of them might get hit with some guilty charges on those indictments.

Mr. President, I propose to you that whoever on your staff is telling you not to pardon them today, tomorrow, the day after tomorrow, is going to rue the day that they ever gave you that advice.

Mr. President, we have already seen the independent counsel waste millions of dollars in this prolonged investigation and not one charge is brought that has anything to do with Iran. It all focuses on communism in Central America.

If you do not pardon Ollie now and save the taxpayers millions of dollars, save a beating for your own party, for your country and the possible turning of the White House over to the likes of some of these people who are campaigning, with the loss of several seats in this chamber and in the United States Senate, with more Carter malaise to follow if we get another gutless Democrat in White House, Mr. President, you can see all of that unfold before you in less than 10 months. If you allow this trial to start in July and deliberately drag on under the most liberal judge in the United States, certainly one of the four or five most liberal, Gerhard Gesell, I cannot understand why you do not bite the bullet. This is in no way analogous to Gerald Ford's pardoning of Richard Nixon, a cheap burglary and a stealing of the playbook of the opposition party and lying and covering up and a lot of self-gain, we are talking about people who were trying to stop a Soviet colony getting a foothold on the isthmus between us in Panama.

Mr. President, in closing, I implore you, stop the procrastination, do the inevitable, right now pardon Ollie North and John Poindexter, Secord and Hakim will take care of themselves with excellent lawyers.

REPORT FROM EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, I want to spend a few minutes talking about my recent trip to El Salvador. A group of us were sent by the President to El Salvador this past weekend to monitor the national elections. In that group was Senator LUGER, Senator BOND, Congresswoman BYRON, Congressman MOLLOHAN, Congressman MURTHA, Congressman EDWARDS, Congressman ROWLAND, and myself.

One of the things I had an opportunity to do was to visit the Knights of Malta clinic in El Salvador. The Knights of Malta is a charitable organization and their job is to assist those who have been injured as a result of the war in El Salvador. They will tell you the injuries that have befallen people within El Salvador have been a result of the Marxist guerrilla activity.

I took 14 boxes of medical supplies from my district in Columbus to San Salvador. I want to thank the donors in my district. Jack Sandman, who is the administrator of St. Ann's Hospi-

tal, headed up the effort to gather these medical supplies. St. Ann's was a contributor, along with St. Anthony Medical Center, Mount Carmel Medical Center and Children's Hospital. In an era when we hear a lot of criticism about airlines, U.S. Air transported these medical supplies to Washington free of charge, where we could get them on a plane to San Salvador. So the people of central Ohio really helped in terms of providing badly needed assistance to these fantastic people who have been injured as a result of that war.

When I visited the hospital, I had the opportunity to witness some of the injuries that have occurred to 15- and 16-year-old boys who have had their legs blown off doing nothing more than trying to take care of the family farm, trying to tend to the cotton out in the fields, who step on a land mine and lose their legs.

There was one man there who was asked to join the guerrillas. He refused to do it. The guerrillas took a machete and cut off both his arms and his leg. He was in that hospital trying to receive treatment from the Knights of Malta.

Congressman FRANK WOLF and Congressman BILL MCCOLLUM are way ahead of the curve when it comes to this humanitarian assistance. These two great Congressmen have made a yeoman's effort trying to deliver needed medical supplies to this operation in El Salvador.

Congressman BILL MCCOLLUM, I am told, is responsible for about $5 million of the assistance that has been delivered to these people.

I wish that everybody in this country would have an opportunity to go and to witness the fantastic things that these people are doing and to compliment Congressman WOLF and Congressman MCCOLLUM for the persistence that they have shown in trying to help people out who have been caught in a horrible conflict that really they do not have any responsibility for whatsoever.

□ 1515

Mr. Speaker, I want to shift for a second and talk about the elections in El Salvador because it is something that a lot of people in America are talking about and it is something we really need to understand. As most people in the Congress know, the Arena Party, the more conservative party in El Salvador, won a majority of the seats in the national assembly. People say why did that happen?

There are many people who are concerned about what happened, but essentially the situation in El Salvador was one of frustration come election day. There have been incredible acts of terrorism by the Marxist guerrillas, all of whom are interested in trying to shut down the process of government in El Salvador. If human beings happen to get in the way of the process of government, the Marxists are prepared to blow them up, take their lives, kidnap them, and do virtually anything.

When our party landed in San Salvador on Saturday, we went to the hotel only to find that we had no water and that we had no electricity because the Marxist guerrilla rebels had decided they were going to try to shut down the election process. The rebels in fact had said that any form of transportation on the highways on election day was going to be considered a military target. There was a giant bus strike all over the country. People who owned buses, private bus owners and operators, would not drive their buses on the streets because they were afraid they were going to be attacked.

There were political candidates who were assassinated as close as a week before the election. I have already told my colleagues about the horrible scene in that hospital with amputees being 15 or 16 years old, and I saw people who had been affected who were much younger than that.

There was a sense of frustration in El Salvador whenever there were bombings of cars or buses set on fire, and the military policy would exercise very great restraint because of the criticism they have had in the military and in the government in terms of human rights violations.

There has been a great sensitivity to not overreacting to the problems that occur in the street, not overreacting to the guerrilla problems that occur within the country.

Mr. Speaker, my time has expired, but I would ask time of the gentleman from Virginia [Mr. OLIN] when he is recognized for his special order.

LEGISLATION CONCERNING SATELLITE DISHES

The SPEAKER pro tempore (Mr. PRICE of North Carolina). Under a previous order of the House, the gentleman from Virginia [Mr. OLIN] is recognized for 60 minutes.

Mr. OLIN. Mr. Speaker, I first yield to the gentleman from Ohio [Mr. KASICH].

EVENTS SURROUNDING ELECTION IN EL SALVADOR

Mr. KASICH. Mr. Speaker, I appreciate the gentleman from Virginia [Mr. OLIN] yielding me this time.

The people of El Salvador obviously see the tremendous cost of this civil war and the activities of the guerrillas and at the same time an inability to respond as swiftly and as surely to the violence as they would like. This situation built a sense of frustration within the country. At the same time, there is great frustration with the economy. The greatest enemy of democracy is poverty. We have not been able to solve the economic problems in El Salvador primarily because the guerrillas are intent on destroying the infrastructure of El Salvador, and if a country does not have a good infrastructure that country cannot have economic growth.

Mr. Speaker, taking the frustration present as a result of the guerrilla activity, and combine it with the frustration over the lack of economic growth, there was a great sense of frustration in the Salvadoran people. That is why they voted for a different party. They did not vote for extremists in the other party but they, rather, voted for the leadership, the present leadership in the other party that argues that we ought to have a move to free-market economics in El Salvador and that we ought to continue the road to total democracy in El Salvador.

What is interesting is that over 65 percent of the people in El Salvador voted and many of them had to walk as far as 3, 4, and 5 miles to polling places and in fact were threatened if they would go to vote. They would get a mark on their finger when they voted so that they could not vote a second time.

Many of the voters were told that if they got that mark on their finger, that the rebels were going to cut if off.

In one village that we went to, the guerrillas had staged a firefight 3 or 4 hours before our arrival, the guerrillas attempted to surround the town. However, the army drove them off.

At great personal risk, over 65 percent of the people of El Salvador went to the polls and exercised a free and open democracy and open choice with great personal risk at stake. But they still voted.

It was truly a testimony to democracy in El Salvador. The vote in El Salvador does not reflect the return to death squads or extremism by the military or extremism by the government but, rather, it reflects a growing frustration in dealing with the problems of Marxist guerrillas in El Salvador and their terrorist activities, and the inability to get that economy to grow.

For those who have been concerned about El Salvador and the progress, and I know the gentlewoman from Ohio [Ms. OAKAR] is very concerned, this was not a vote to go back to the 1970s, but rather a vote to go forward. The beautiful thing that happended in El Salvador was when the Arena Party won the election, President Duarte's Christian Democrats stood up and shook hands and assured a transfer of power of the assembly.

Our position in this Government is we are going to work with those people who have been freely chosen to represent the democratic wishes of the Salvadoran people and not to return to extremism. The Area Party is aware

of our position. They need our support. We need to work constructively with them to assure them we can solve many of the problems for the folks in El Salvador, the common people in El Salvador who really want to raise their families and have a hope for a better tomorrow.

Mr. Speaker, I again wish to express my appreciation to the gentleman from Virginia [Mr. OLIN] for yielding me this time, and I look forward to additional special orders and additional explanations about the tremendous democratic movement that we have seen in El Salvador today and which we hope will continue well into the future.

Mr. OLIN. Mr. Speaker, just about a month ago today, I held a special order for the purpose of trying to emphasize to Members of the House the importance of trying to bring to rural and mountainous regions of our districts, to those residents who have satellite dishes and whose signals have been scrambled by the broadcasters of satellite programs, to support the availability of signals and programming to those people at fair cost on an equitable basis.

At that time two of our colleagues joined me on the floor, the gentleman from New York [Mr. MARTIN], and the gentlewoman from Nevada [Mrs. VUCANOVICH]; the gentleman from Wisconsin [Mr. KASTENMEIER] and the gentleman from Vermont [Mr. JEFFORDS], made 1-minute statements regarding support of signal access in their areas. Mr. Speaker, in addition, 21 other Members of the House submitted statements for the RECORD.

This broad showing of support continues to emphasize the need for congressional action on this issue. The purpose of this special order today is to provide time for those who could not be heard 1 month ago to now come to the floor and make their statements.

Mr. Speaker, satellite dishes are the only means that many residents of rural areas have to get television signals. It may sound strange to those who live in urban areas that many of our citizens in mountainous areas far away from cities and towns, that many of these people have never been able to receive good television programming.

This began to change with the use of satellites to transmit television signals. Rural families began to purchase home satellite dishes which cost them between $2,000 and $5,000. For the first time these families were able to get the same television programs as everybody else and they began to participate in the information age.

Then many of these programmers who were concerned that they were not being paid properly for their programming, at least to the dish owners, began to scramble their signals. This left additional owners confused and frustrated. They had invested all this money and they do not know how much programming will be scrambled or whether they will be able to buy the programming or not. No one is saying. The dish owners do not say that they should be able to obtain privately owned programming for nothing, but they should be able to purchase the programming at a fair price and in an equitable manner on the same terms as people on cable systems.

There are two bills before Congress which would support the policy of equitable access and fair pricing for home dish owners. They are the Satellite Home Viewer Copyright Act, H.R. 2848; and the Satellite Television Fair Marketing Act, H.R. 1885.

H.R. 2848 is sponsored by our colleague the gentleman from Wisconsin [Mr. KASTENMEIER], who also chairs the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, of the Committee on the Judiciary, which is the subcommittee considering this bill. This bill would modify the copyright law so that dish owners can legally be sold programming of independent stations which are transmitting these signals over satellite. This bill also establishes a method for the owners of copyrights to be paid for this programming.

As I understand it, hearings on this bill have been completed in subcommittee and the gentleman from Wisconsin [Mr. KASTENMEIER], the chairman of the subcommittee, has announced that the bill will be marked up in the Committee on the Judiciary in the near future.

Mr. Speaker, H.R. 1885, sponsored by our friend the gentleman from Louisiana [Mr. TAUZIN], and at least up to the present time this bill does not seem to be moving.

The basic principle of this bill is the right to buy. The intent is to establish a system where dish owners can buy programming and buy it at a fair price.

The bill is in the Committee on Energy and Commerce, Subcommittee on Telecommunications and Finance. That subcommittee held a hearing on the bill last summer, a hearing that was very well attended but there has not been any subsequent action.

Mr. Speaker, it is time that more hearings be held and the bill be reported on.

Mr. Speaker, at this time I will yield to my colleagues who have come into the Chamber and would like to participate in this special order. I yield first to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I rise to join my colleagues in calling for the House's quick consideration and passage of this legislation. This is a field in which the development of technology has outpaced our legal system, and we do not have a fair and efficient way for protecting the rights of both programmers and viewers.

My district, like that of many other members, has large rural areas and a number of small towns. These areas are not served by any cable system. They are far removed from VHF broadcast stations and the few UHF stations have even more limited broadcast ranges. As a result, my constituents who live in these areas have a real interest in the Satellite Viewing Rights Act. For them, satellite dish reception represents the only reliable way to receive even regular network programming. In past generations rural life along with its many advantages, has also meant a certain degree of isolation. With present-day broadcast technology, literally the entire world can be brought into the home. Not only is the range of entertainment greatly exapanded, but the educational opportunities offered by this technology are unsurpassed.

Unfortunately, at present the lack of uniform rules and the justifiable concern of program originators has resulted in conflicting standards and incompatible coding or scrambling technology. My constituents are willing to pay a reasonable fee for the right to receive programming. What they object to is the multiplicity of decoding devices and the ever-multiplying fees which are being assessed by broadcasters and cable companies seeking to expand their base.

Mr. Speaker, my people recognize that those who originate and broadcast these programs deserve compensation for their efforts, and as I said before, they are willing to pay a reasonable fee for the privilege of receiving these broadcasts. What we in the Congress must do, and do without further delay, is provide a system which fairly addresses the needs of all groups involved in this issue. We must bring stability and predictability to this new technological frontier.

Mr. OLIN. Mr. Speaker, I thank the gentleman from Alabama [Mr. HARRIS] for his comments. I know he is going to help those of us who are interested in this subject to do all we can to push these bills in the committee they are in.

Mr. Speaker, I now yield to the gentleman from Louisiana [Mr. TAUZIN], who is the principal sponsor of H.R. 1885. I have complimented him on his work in this regard and I look forward to what he has to say.

Mr. TAUZIN. Mr. Speaker, I want to thank the gentleman from Virginia [Mr. OLIN] for yielding me this time. I wish to compliment the gentleman from Virginia for taking this special order to talk about an issue that is to so important to so many people of America, not just rural Americans but Americans who live in urbanized areas

and have not yet been touched by cable, and even to those cable subscribers who would like to know that there is competition going on out there to make sure that cable rates are fair and equitable.

Mr. Speaker, we deregulated cable recently.

□ 1530

When we deregulated cable, we did it with the understanding that there would be competition for signals that would be brought to Americans via the satellite, and as a matter of fact, the courts recently upheld that deregulation and said that cable companies under that bill have exclusive right to set their own rates in cities that are served by more than three stations over the air broadcasting. As a consequence, it is important that there be some competition out there to hold down the charges that Americans pay for satellite television services, whether they are delivered via cable or via the special process of a home satellite dish.

Let me compliment, first of all, the cable industry. They have done a good job for America. It has brought programming to American homes that the networks and theatrical producers in Hollywood might never have thought to bring to us. It is some delightful and interesting programming, varied, and in ways enlightening, entertaining, and informational.

I was at the Ace Awards in Los Angeles when cable celebrated its very most recent successes in that type programming. They are to be congratulated and encouraged in their work.

At the same time it is important for those consumers who live outside cable areas, particularly in the rural parts of America or the urbanized parts that do not have a cable in front of their homes that they have access to that same programming. That is what our bill is all about, to guarantee equal, fair access to the programming.

We have some good and bad news for you. Since we have had our hearings, we have been encouraging the cable industry, which controls much of the programming, by the way, to open its doors and to allow some competition to flourish. We have been encouraging it, the good news is that the rates that HBO and ShoTime and others charge home satellite dish-owners to descramble their product have come down to much more reasonable rates, but the bad news is they have not come down enough.

The truth is when you buy those programs over the cable that part of your subscription fee goes to pay for the plant, the plant of the cable and the wire and the equipment and machinery and the buildings that provide that service to you over the cable. But when you buy your own home satellite dish, you are buying your own plant. You ought to get some benefit in the subscription rate, but we do not in rural America.

As a matter of fact, there is not yet a distributor of products outside of the cable-owned or controlled companies that is now offering a full range of programs in a package to rural America. There is one trying hard, the NRTC, which has been organized, and for a year now has been trying to negotiate the rights to sell programming to rural America outside of the cable-controlled operations of the programmers themselves.

Let me tell the bad news. The bad news is that they have yet to sign up one of those premier theatrical producers from Hollywood. Why? Because they are controlled by the cable companies, the big cable companies, and the big cable companies are becoming more and more controlled by a few people. TCI, for example, just recently bought rights and policy control to Turner Broadcasting, and you can see a consolidation of control occurring in cable programming that is not going to help competition.

What we are promoting is a bill that says to NRTC and to other people who want reputable people who want to distribute those programs in a package at fair pricing to Americans, there ought to be a vehicle to do that. The law ought to say that Americans have a right to packaging of programming on their satellite dish just as we have a right to packaging on cable, with competition working in the marketplace giving all consumers in America, whether you live in a remote mountainous area, a distant Plains State, or the Bayou country of Louisiana, the right to receive those signals just as if you lived in a heavily cabled area. That is what the bill is all about. It is a good bill, out of the Senate committee, and we on the House side are going to have an oppportunity later this year hopefully to see some action on our bill on the House side.

We need your help. We need other Members, and other Members who are not part of your committee, especially, to join with us in cosponsorship, to join with the millions of rural Americans who want a chance to see and enjoy the informational, educational, entertainment programming that so many in America have a right to see and enjoy via cable. We need to have competition is all we are asking for, and rural America deserves it.

Mr. OLIN. I thank the gentleman for his comments. He is right on target. There is no question that what we really need is a vehicle that allows the competition and packaging not only to start but to flourish. That is the only way.

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

Mr. OLIN. I would certainly yield to the gentleman from Louisiana.

Mr. TAUZIN. The gentleman put his finger on the right word, that is, fair packaging and the pricing.

Right now if you own a satellite dish and buy a descrambler or you get one of the black market descramblers, and there are many out there, by the way, unfortunately, if you have a descrambler and you want to buy the programming, you can buy it on an a la carte basis, on a very expensive one-time shot program from the programmer. But if you want a fair list of packages, if you want to buy them in a package the same way you buy programs in a package from a cable company, you have a tough time doing it unless you buy it from a cable-controlled company.

Again, what we are saying is there ought to be fair packages at fair, competitive rates. The gentleman from Virginia put his finger on it, fair packaging offered to American consumers, and Americans will be treated fairly in the television world.

Mr. OLIN. I wonder if I could give the gentleman from Louisiana some information I picked up from one of my cities.

In addition to availability has been the pricing. Some of my constituents who have dishes have given me this information.

Right in the center of my district, if you are a cable subscriber in that particular area, you pay $12.75 a month for the basic program. This is a basic mix of programs, a package. If you are a dish owner in that same area, you pay not $12.75 but $19 a month, and furthermore, you have to pay a year in advance, $228, that is for the basic.

If you want an add-on package, that is, 15 more channels and you are a cable subscriber, you pay $5.95 a month, but if you are a dish owner, you can get a package that happens to be only 14, not 15. You will have to pay $20 a month, not $5.95, and you are going to have to pay a year in advance, $240 up front.

Does the gentleman from Louisiana hear the same kinds of things in his area?

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

Mr. OLIN. Absolutely, I will yield to the gentleman from Louisiana.

Mr. TAUZIN. Yes, we hear it all over America. While prices have come down on the a la carte charges, nevertheless, when you total them up as a cable subscriber would pay for total programming in a package, the prices are exorbitantly high to the home satellite dish consumer, and that is not fair.

The rural consumer ought to have the same, indeed, fair rates of pricing for packages that are available over the cable.

Let me add an insult to injury for a minute. It is not just the HBO's and the ShoTimes and the Disneys that

are scrambling the signals. The networks are talking about scrambling, too, and when the national networks begin their scrambling, and they want to do it for good reason, they want to protect their up link signal, because that is an unprotected kind of conversation, to make sure that people are not receiving it and perhaps they would be subject to some sort of suit or damage or lose the confidentiality of a conversation on the up link side.

When they begin scrambling their down link signals, they will begin denying to rural Americans the same commercial television programming that is now available to others over the air broadcasting.

Let me be more specific. In many areas of America, television signals cannot arrive. The only way they can see NBC, CBS, or ABC is to see it over satellite with a home dish.

When those signals are scrambled, unless there is provision made for the rural consumer to unscramble those network signals, he will be denied the variety of network programming that we pay for, by the way, when we go to the supermarket. My point of view is when you buy the soap you ought to be able to see the soap opera, too. That is what it is all about in commercial television. We ought to have a way that the networks make sure that the rural signal is available to the consumers. Several networks are trying to do that, but one is holding back, and we should get the networks to come across by yielding to the consumer, I believe, legitimate requests to see their down link signals in the rural parts of America. Then we will have a better world of satellite viewing as well.

So it is a twofold problem, the problem of the specialized HBO's and Sho-Time programming that is typically seen on cable, or the programming that we normally see over the air of broadcasts from the networks. Both types of scrambling pose new problems for consumers in America, and as the gentleman from Virginia pointed out, they create a situation where prices are not fairly apportioned across the breadth and width of our land.

Mr. OLIN. The gentleman really makes a good point here.

It is true that this subject of scrambling started sort of gradually. It started out with HBO and Cinemax a couple of years ago. Everybody was shocked when that started to happen. We have gotten past that. That is gradually being worked out to some degree, but now it looks as though almost all the signals are going to end up being scrambled in some form, and the poor rural American that has a dish and paid $4,000 for the dish, and he paid $400 for a descrambler, and now he wants a reasonably fair deal on the availability of signals that he can get into his descrambler, it is not yet clear how that is going to happen. Unless we find some way of providing facilities of packaging so intermediate brokers, if you want to call them that or distributors, can make the arrangements to provide different package options for different homeowners according to their needs and desires, rural America is not going to have the privilege that people who live in cities have when they have access to a cable system.

Mr. TAUZIN. If the gentleman will yield, I would love to be able to tell him that legislation is not going to be necessary. I would love to be able to tell him that our hearings and experience in the real world of telecommunications is resulting in a free and fair competitive marketplace for rural consumers.

Unfortunately, I think legislation just might be necessary. Let me give you an example. Two years ago, the Disney channel representatives came before our committee and assured us that they would negotiate a contract with the Rural Telecommunications Corp., the same group trying to put together a package for rural America, 2 years ago. They have yet to negotiate a contract. That is how slowly the cable industry and the producers have moved to this independent form of packaging and sale of the product in America.

If you did not have consolidation of the cable industry, if there was great competition there, then you might not need third-party packaging, but as the cable industry consolidates and as Americans in rural parts of our country find they have to pay these kinds of charges to see what many of us have a right to see because we live near a cabled-up area, then you get the feeling that maybe we need to push this legislation. Maybe we need to pass it this year to guarantee those rights to rural Americans.

Mr. OLIN. I thank the gentleman for his observations.

I would like to call to his attention, as he knows, that there is a companion bill, H.R. 2848, which is in the subcommittee of the gentleman from Wisconsin [Mr. KASTENMEIER]. He thinks he is going to be able to get some movement on that bill. I hope he is right. I am all for him, and I hope that the gentleman from Louisiana is successful in getting some movement on his bill sometime this year, because it is very clear that the market really has not formed in an effective way at this time.

There is unavailability of signals. Some people still like the idea of being able to charge exorbitant amounts for their signals, and they do not make them available except on a preferential basis, and that really has to stop.

Then there is the question of putting together reasonable packages so that the home dish individual gets the same kind of a deal that somebody that lives in a city and has access to cable gets.

Mr. TAUZIN. Let us talk about another issue, that of fairness. When General Instruments, the original maker of this decoder, and that was the centerpiece of the scrambling-descrambling movement here in telecommunications from satellite, when they first appeared before our committee, they guaranteed us their equipment was foolproof, that no pirate could come in and produce a pirated type of equipment from which others could steal the signal. Let me tell the gentleman what he is finding out in the market. Piracy is rampant. We understand the latest pirated black box or phony decoder being sold to consumers out there is undetectable by General Instruments, so here we have some people who buy their satellite dish, who go through the process of correctly buying a decoder and paying these prices the gentleman pointed out, trying to do it the right way, the legal way, when maybe next door, across the street or across the next mountain, somebody else has a pirated box and is getting the signal free.

The system is not working well, and the system will not work well until there is fair pricing and adequate programming available.

As long as the pressure to cheat is there, some young genius is going to be out there in his back garage figuring out how to pirate that macom decorder. It is happening now. Piracy is rampant.

If we are going to have a good system by which pay programs are properly paid for, we ought to have a system where the pricing and the packaging is there, where pirating is not encouraged but, rather, discouraged.

Mr. OLIN. That is a very good factor to bring up.

I would like to comment also that it really is not the function of Congress to dictate the detailed pricing and the arrangements in a market like this. It is too complex. We ought to leave that to the private market system, but we have got to establish the structure that permits a free market to function properly, because the free market finally will bring equity to people if it is open and available to everybody.

Mr. TAUZIN. The gentleman makes a good point which maybe I can stress again.

□ 1545

The bill we have offered to Congress and are asking Members to consider cosponsoring and joining with us on is not a bill to regulate pricing; it is a bill simply to insure fair competitive marketplace, where the marketplace will set the price but in a way that guarantees that there will be competition working.

You see, a fair competitive marketplace does not work when there is only one group of people controlling the pricing out there. That is our problem today. If we can somehow overcome that, the Government does not have to come in and set prices; the marketplace will do an adequate job of it. That is all our bill does, it sets up a good, fair competitive marketplace.

Mr. OLIN. That is why both of these bills ought to get the full support of all Members of Congress and move through these committees faster than they are moving.

Mr. TAUZIN. I thank the gentleman for his special order and encourage him in his efforts to encourage support for the bill.

Mr. OLIN. And I thank the gentleman for having initiated one of these bills and for all the work he is doing to get the bill passed.

I yield to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. I thank the gentleman from Virginia for again holding this special order on an issue of real importance to rural areas, including mine as well.

I am pleased to be a cosponsor again in this Congress of H.R. 1885, the satellite television fair marketing act.

I thank the gentleman for his hard work in behalf of this and other legislation to help solve this critical problem.

H.R. 1885 would do many things. It would require that any programmer who offered his programs to cable also offer them to satellite dish owners. It would require that all PBS and Armed Forces TV be available to dish owners without any scrambling; it would require there be one universal unscrambling system for all channels, it would make sure that prices are fair by having the Federal Trade Commission investigate the competitiveness of satellite TV; it would make sure that network programming is available to all those who cannot get such programs over-the-air.

We have had hearings on this bill in both the 99th and 100th Congresses and dozens of people have testified. What we need now is action, action on this bill by this House, by the Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce and we need this bill to be marked up in that subcommittee so that we can have a vote on it here in the House.

I have spoken to the Chairman Dennis Patrick of the Federal Communications Commission about the issue. He and I do not agree on the issue. I think the only way to resolve the conflict is through passage of H.R. 1885. We are not going to get an administrative solution to the problem.

People in my district have written by the hundreds. They are fair and reasonable people. They want the chance to watch the same programs that their neighbors with cable can watch. I really think we have got a question of free speech here as flagrant as any that you would find.

Many people simply cannot get the cable because they live outside of the town or city or outside the reach of that cable system, outside the reach of an on-the-air signal.

They have invested thousands of dollars in buying what is their own cable system, their own satellite dish and they deserve to be able to have access to these same programs at a reasonable price. And that is what H.R. 1885 would do. I urge all of my colleagues in calling for immediate action on H.R. 1885 and, together, we can get this bill moving forward both in the subcommittee, the full committee and the House at large.

Again, I want to thank the gentleman from Virginia for his leadership on this issue and congratulate him on this special order where we can have a chance to air our support for the measure.

I thank the gentleman for yielding.

Mr. OLIN. I thank the gentleman from Kentucky for his support and for his comments. I am hoping that one of the results of this special order will be that not only our colleagues here in Washington are going to hear this but it is possible that this might be picked up by satellite and there might be quite a few others around the country hearing.

I hope that the people who hear this message will be getting in touch with their Members of Congress, see if they cannot stimulate them a little bit.

Mr. ROGERS. If the people who have communicated with me would communicate with those who are not yet on board, it would help a lot.

Mr. OLIN. It would help a great deal.

Mr. Speaker, I think it is obvious that the issue of program access for home satellite dish owners is very important to a broad segment of the American public. This situation is much like the situation in the 1930's when rural families did not have electricity.

The Federal Government helped bring electricity to the rural areas and helped these rural families get electricity into their homes so they could have the same standard of living that was appreciated by other people in our country.

Today we live in an information age, an age in which all of our citizens need access to information, the type of information provided by television, in order to fully participate in our society. Our rural citizens also have the right to get the same entertainment programming that is available to those who live in cities and towns. It is not just entertainment, it is information, it is news, it is analysis, it is history, it is our culture.

I think that this is a problem of the right to buy. Dish owners, program packagers and others should have a right to buy programming which is sent out over the public airways and over satellites which were put up there in the first place with the aid of taxpayer money. They should have the right to buy this programming at a fair price and on an equitable basis.

This right-to-buy is a policy issue that Congress should address. The two bills before the House are complimentary methods of establishing this right to buy. H.R. 2848, the Satellite Home Viewer Copyright Act reforms copyright law to get it in line with the new demands of satellite technology. H.R. 2848 would establish the right to buy the programming of independent stations. This bill is moving. I want to commend Chairman KASTENMEIER for his work on this measure.

H.R. 1885 would establish the right to buy all programming which is scrambled for resale. This is an important measure which would support equitable access and fair pricing for dish owners.

My colleague, BILLY TAUZIN of Louisiana has worked hard to draft this bill. Unfortunately, the Subcommittee on Telecommunications and Finance has not seen fit to move the bill. We should help all our citizens obtain full access to information and entertainment services provided by television. The current situation is unfair and it is time that it was fixed.

I urge all of my colleagues, particularly those from rural districts and also those in urban districts to do whatever they can to speed action on this issue.

Mr. JEFFORDS. Mr. Speaker, I commend the gentleman from Virginia [Mr. OLIN] for reserving this special order today. I have previously stated the importance to Vermonters of access to satellite programming at a reasonable price.

Vermont is characteristically rural and hilly, the combination of which has made it very difficult to receive a good television signal. If you don't live in a town that broadcasts a signal, then you probably have a hill between you and that signal blocking it.

Satellite dish technology has changed a lot of that. Many people living in rural Vermont have had, for the first time, access to a variety of quality programming. News, sports, education, and entertainment programs are now available because these people have had the initiative to purchase a satellite dish.

It should be noted that the vast majority of people who have purchased dishes in Vermont have done so not as an alternative to cable or local network, but because it is the only way they could ever hope to receive more than one or two channels. Rural Vermonters have made a considerable investment in a dish in order to have access to programming that can enrich the cultural, politi-

cal, and contemporary aspects of their daily lives.

Dishowners in Vermont are not looking for any special treatment. But neither do they want to be shut off from signals being reflected from satellites that have been put into space at Federal expense. I think there is an argument here.

In the 99th Congress I cosponsored legislation to protect satellite dishowners, and in the 100th, my colleague, Mr. TAUZIN, has reintroduced this legislation as H.R. 1885. I am proud to be a cosponsor of this bill, the Satellite Television Fair Marketing Act.

The bill says that if a programmer scrambles a signal and then sells it to someone, then he must offer it for sale to home satellite dishowners, and at a price comparable to those charged to cable subscribers.

It directs the Federal Communications Commission to establish uniform standards for encription.

H.R. 1885 also prohibits scrambling of taxpayer supported Public Broadcasting Service or Armed Service Radio programming intended for broadcast by television stations.

Mr. Speaker, since 1985 we have considered legislation to protect the rights of home dishowners and to allow them access to the same programming as their urban neighbors. Today I join my colleagues in urging Chairman MARKEY to bring H.R. 1885 to the floor for a vote.

Satellite dishowners in rural America deserve our attention. They should not unfairly be shut off from the variety of news, educational and entertainment programming that is available to others.

No one is asking for a free lunch, but merely a place at the table with the same menu.

I ask my colleagues to join me in supporting this bill.

Mr. LUJAN. Mr. Speaker, I appreciate this opportunity to express my strong interest in seeing some attention paid to the rights of home satellite dishowners during this 100th Congress.

Usually, Mr. Speaker, the longer a technology is around, the more accessible and less expensive it becomes. Computers are a prime example of this process. Who, 20 years ago, would have envisioned that computers would become household appliances for many?

Well, this principle, for a variety of reasons, just does not apply where satellite dishes for television reception are concerned. In the last few years, dishowners have discovered that the television programming they once received for the cost of the dish now carries an additional price tag. The same television shows that other Americans receive for free, or for a low subscriber cost, dishowners only receive if they ante up more money.

Now, Mr. Speaker, like many congressional districts across our Nation, the First Congressional District of New Mexico has areas that do not receive any local television signals. Folks in my district, like Dale Hanson, have expressed to me the frustration they encounter in their efforts to simply receive television programming at a reasonable price. I'm sure their views on this don't differ much from the millions of other dishowners in this country. In other words, they are willing to pay their fair share for the programming and related services they receive.

I am encouraged by the interest now being shown in satellite dish television by many rural cooperatives and the rural telephone companies. Involvement by operations like this, I am sure, could certainly enhance viewing opportunities for many residents of rural areas, and additionally provide programmers access to this population.

At the same time, because of the important matters at stake here, I believe serious congressional attention to the subject of satellite television is overdue. More than the concept of a free and spirited marketplace is involved here. There are constitutional questions to be addressed, and the rights of the broadcasters to be considered also. These are clearly not minor considerations.

For this reason, it is my hope that during the remaining months of this 100th Congress, the rights of home satellite viewers, along with the interests of those who provide this programming, will receive the active consideration they deserve.

GENERAL LEAVE

Mr. OLIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. PRICE of North Carolina). Is there objection to the request of the gentleman from Virginia?

There was no objection.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 60 minutes.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I stand before you today, as has been my custom, to recognize and celebrate the 167th anniversary of the independence of the Greek people from their Turkish occupiers. Mr. Speaker, while I fully realize that current political issues may oftentimes cause tensions between our country and Greece, the fact remains that we have been loyal allies who share many bonds that must be brought to light so that they may serve as an incentive for the continuation of good relations between these two historic friends.

Mr. Speaker, March 25 is a day of celebration for those of the Greek heritage and Greek Orthodox faith. Almost greater than any other day of the year in their religious faith and national history, March 25 commemorates the beginning of the Greek struggle for independence from over 400 years of Ottoman domination.

Mr. Speaker, it was on March 25, 1821, that the so-called Greek resistance, small battle-weary groups of guerrillas known as Klephtes, embarked on their long and just struggle against the mighty Ottoman empire.

The Greek resistance appeared to the world as no match for the power of the Turkish military might, but the Greeks fought with the determination and valor that was the personification of the words of their manifesto of independence—reminiscent of the American Declaration of Independence, I might add—which clearly declared that:

> Our tongues, which before dared not utter a sound, except vain supplications for clemency, now cry with a loud voice, and make the air re-echo with the sweet name of liberty. In one word, we are unanimously resolved on liberty or death.

The Klephtes, Mr. Speaker, were ill-clad, ill-fed, and ill-equipped, but fought valiantly and ferociously for their right to a national identity and won battles from the empire almost from the beginning.

The justice of the Greek cause soon spread and encouraged a movement throughout Europe, as well as the United States, to assist the Greeks in their struggle for freedom.

The last battle of Missolonghi, often referred to as the "Greek Alamo," almost more than any other point in the long, difficult, 6-year struggle illustrated the Greek will and the justice of the cause at its best.

Missolonghi, a small fishing village, provided the gateway to free access between the Greek mainland and the Peloponnese and, as such, was the heart of the Turkish concentration. In 1826, the Turks brought the full impact of the Ottomon might to bear on this little village effectively blockading the town by sea and ringing it with cannon and troops by land.

On January 27, 1826, the Turks presented an ultimatum of surrender. However, this ultimatum was answered not with surrender, but, unhesitatingly, on the same day, with the following response, which I quote:

> The Capitan Pasha is well aware that the Greeks have suffered unheard of misfortunes, shed streams of blood, and seen their towns made deserts; and for all this nothing can compensate, nothing can indemnify them, but liberty and independence.

The battle for Missolonghi continued through January, February, March and most of April, with the 15,000 Turkish troops gaining a foothold on the walls three times, only to be hurled back by savage hand-to-hand counterattacks from the 4,000 Greeks.

On the 21st of April, the Turks again offered the garrison surrender

terms, but with a caveat that a refusal would seal the doom of all defenders. The intrepid spirit which had animated the movement of independence had not diminished, even under bombardment, disease, and starvation. The Greeks, again, refused to surrender.

The following day, April 22, saw many acts of heroism by the Greeks. They fought to the bitter end, until there were only 300 men left from the original 4,000 in the garrison. These remaining 300 still would not surrender, however, and sealed themselves in a windmill and fought the Turks until only a few were left alive. Then, as the Turks stormed the mill, the Greeks set fire to their gunpowder and blew into oblivion the defenders as well as the attackers.

The following words, taken from a letter written by a Swiss citizen who perished in the last defense of Missolonghi, was written a few days before his death and shows the spirit which animated the townspeople. I quote:

Seventeen hundred and forty of our brothers are dead. More than a hundred thousand bombs and balls thrown by the enemy have destroyed our bastions and our houses. We have been terribly distressed by hunger and the cold * * * Notwithstanding so many privations, however, it is a great and noble spectacle to witness the ardor and devotedness of the garrison. A few days more, and these brave men will be angelic spirits. * * * I announce you the resolution sworn before heaven, to defend foot by foot the land of Messolongi and to bury ourselves, without listening to any capitulation, under the ruins of the city. We are drawing near our final hour. History will render us justice—posterity will weep over our misfortunes. I am proud to think that the blood of a Swiss, of a child of William Tell, is about to mingle with that of the heroes of Greece. May the relation of the siege of Messolongi, which I have written, survive me.

Yes, Mr. Speaker, it was this kind of will and determination that prevailed among the Greeks and Philhellenes and eventually led to the sultan's conceding of national political independence to the Greek revolutionaries after the battle of Navarino on October 20, 1827.

The Greek war of independence, however, was not the only time that the Greek people have exemplified themselves.

In 1940, the Greeks were handed another ultimatum—this time from Mussolini demanding that Italian troops be allowed to occupy the Greek Islands of Crete and Corfu, parts of Epirus, and the Port of Pireus. The Greeks, as was the case with the Turks, again adamantly rejected the ultimatum with a defiant "oxi"—"no" which is commemorated on October 28 of each year.

As a result of the Greek defiance, Italian troops moved over the Albanian border into Greece on the morning of October 28, and were met with unexpectedly stiff resistance.

The Greek troops again valiantly rose to the occasion and blocked the Italian attacks time after time until, by November 7, the Greek Army of 5,000 officers and 65,000 men had stopped the Italians!

On the 14th, the Greeks counterattacked. By the 22d, not only had all Italians been ejected from Greek soil, but the Greek Army had taken Koritsa, the principal Italian base, and Pogradia—two towns well over the Albanian border.

Some think that this unexpectedly fierce Greek opposition to the Axis invasion of Greece may have saved the British forces which were then assembling in the Middle East. If Greece had given way suddenly and Hitler's drive into the southern part of the Soviet Union been made earlier and had been more successful—as well it might have—the two Axis Powers, Italy and Germany, might have crushed them, one from the southern part of the Soviet Union and the other from North Africa, in a pincer before they were strong enough to resist.

And so, Mr. Speaker, such is the legacy of the Greek people to the free world. By the example of the sacrifices of these patriots, they have, hopefully, given others the strength to defend the principles founded by our ancestors. It was precisely this Greek legacy and spirit that prompted President Harry S. Truman, among others, to note in the post-World War II era that: "The valor of Greece * * * convinces me that the Greek people are equal to the task."

This weekend, Mr. Speaker, the events of March 25 will be marked in countless schools and Greek Orthodox parishes throughout the United States and Greece. The kindred will and spirit that would not then—and will not, now—tolerate domination should, and must, be celebrated, for it has battled for countless other just causes throughout the centuries that appeared unreachable and lost.

The Hellenic spirit and ideal must not be forgotten, Mr. Speaker. It must continuously be kept alive for future generations to learn from, just as it has taught those of the past.

There is no doubt but that the Hellenic tradition has shaped and molded every one of us, whether we are Greek-American or not. It has influenced almost every facet of the composition of the great Nation we live in and has, thereby, touched every one of us as its citizens.

Hellenism is ever-present, and our lives are the richer for it. Whether it be in the political values we are so proud of, the language we speak, the buildings we work in, or the literature, art, and music which soothes us, the Greek influence is real and present and it must be acknowledged and celebrated.

As a Greek-American, Mr. Speaker, I send my best wishes to those of my heritage, both in the United States as well as in Greece, on this historic occasion. As a Member of this body, I pledge my efforts in behalf of improved relations and long-term assistance and understanding between the United States and Greece.

Mr. TALLON. Mr. Speaker, it is a pleasure and an honor that I join with my colleagues in recognizing this Friday, March 25, 1988, as Greek Independence Day.

In 1821, the Greeks won their independence after centuries of bloody battles and foreign domination. Their struggle for freedom was watched with great admiration and passion here in the United States where independence was new and precious.

It is only fitting that the United States mark this special day in Greek history as part of our own heritage. So much of the greatness of the United States has its roots in Greece.

Democracy was the invention of the Greeks. Our Founding Fathers made the Greek model of democracy the core of our representative government. Our judicial system is based on laws and rules of justice created by the ancient Greeks. Moreover, we in America. All Americans need to know that our cherished Government institutions are Greek in origin.

The example of the ancient Greeks in science, culture, and learning have played a vital role in American history. As a democratic nation we see individual expression as the key to a civilized culture. The American commitment to this tenet is equaled only by its Greek archetype.

America also owes a great deal of honor and respect to the sizable Greek population which has immigrated here over the past two centuries. I know that in the Sixth District of South Carolina the Greek-American population has made invaluable contributions to industry, business, agriculture, and government. Greek immigrants and their progeny are the kinds of citizens who make the United States a strong and unique nation.

Greek Independence Day is important to all Americans because of what it symbolizes to us about our heritage and our culture. As Americans, it is a privilege for us to join with the citizens of Greece in celebrating centuries of progress and 167 years of independence.

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

Mr. YOUNG of Florida. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to compliment the gentleman as the representative of probably one of the largest Greek-American communities in the continental United States for calling to the attention of our colleagues and to the attention of the people of America this great relationship that we have and continue to have with the people of Greece.

Mr. ANNUNZIO. Mr. Speaker, 167 years ago, on March 25, 1821, the people of Greece declared their independence, and began a series of uprisings against the oppressive rule of the Turks. It is fitting that

Americans join with the Greeks to celebrate this historic day in the freedom of mankind, not only because this heroic struggle inspired Americans during this period, but also because Greek philosophy, art, literature, and political thought have contributed in countless ways to our own civilization.

In 1814, several Greek merchants performed a secret organization known as the Society of Friends to plan a methodical conspiracy for a general uprising of all of the sections of the Turkish Sultan's Empire. Seven years later, in 1821, this revolution openly broke out achieving successes from the beginning, especially in the Peloponnese, central Greece, and the Aegean Islands. This was followed by 7 more years of fierce fighting during which a handful of rebels were able to contain the combined forces of the sultan's Ottoman Empire. Although they suffered losses and endured much tragedy, the courageous Greek patriots fought valiantly against the might of the Turks and obtained many victories.

On October 20, 1827, at the battle of Navarino, the Turkish fleet was finally defeated and destroyed by the combined elements of the British, French, and Russian navies. This victory gave the Greeks additional strength and resolve in their fight against Turkish oppression, and after many centuries of foreign rule, freedom for the Greeks was regained by the Treaty of Adrianople of 1829 and later by the London protocol of 1830.

In recognition of the contributions the people of Greece have made upon our own political and philosophical experience, and in commemoration of the democratic links which have joined our two governments, I was proud to add my name as a cosponsor to House Joint Resolution 383, a bill to designate March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." Similar legislation was approved by the full House of Representatives and the Senate, and sent to the President for his signature into Public Law. A copy of this resolution follows:

H.J. RES. 383

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1988 marks the one hundred sixty-seventh anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1988, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

Mr. Speaker, the contributions made and still being made to the growth and greatness of the United States by Greeks who have chosen to make their home in our country continues. It is, therefore, a pleasure to join with Greek-Americans in the 11th Congressional District of Illinois which I am honored to represent, as well as Americans of Greek descent across our Nation, on the occasion of Greek Independence Day, as we celebrate the precious heritage of freedom which our two countries have shared over the last 167 years, along with the genuine friendship between the people of America and the people of Greece.

Ms. SNOWE. Mr. Speaker, as a Greek-American and an original cosponsor of House Joint Resolution 383, I am pleased to rise today and to speak in commemoration of Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

This Friday, March 25, 1988, marks the 167th anniversary of the beginning of the Greek revolution, when such brave Greek patriots as Alexander Ypsilanti and Petros Mavomichalis began the struggle for freedom in Greece, after some 400 years of Turkish occupation following the fall of Constantinople to the Ottomans in 1453.

Their struggle found an immediate and sympathetic response in the United States, which only 40 years earlier had fought for many of the same democratic principles in its war of independence. Contemporary American leaders, among them James Monroe, John Adams, and Daniel Webster, recognized that the ideals of individual liberty, representative democracy and the dignity of man for which America's revolutionary soldiers fought and died were also the foundation for Greece's declaration of independence. Just as classical Greece's philosophy and democratic guidelines had inspired America's Founding Fathers, so too had the American Revolution encourged the struggle for freedom in modern Greece.

Since that time 167 years ago, Greece has successfully secured its independence as a sovereign state in modern Europe, and it has proceeded in recent years to reestablish a strong and flourishing democracy. Greece today is a founding member of the United Nations, a Western ally in NATO and a full partner in the European Community, offering the benefits of its ancient civilization and culture to its friends throughout the democratic Western World.

The friendship between Greece and America has also flourished since 1821, as our nations' common interests in Europe and the many ties between our peoples have repeatedly drawn our two countries together. In World I and II, the United States and Greece fought together to preserve freedom in Europe against authoritarian aggression, and American assistance again proved vital to Greece's freedom and security in the years following World War II. It is also appropriate to note, on this anniversary, modern Greece's many contributions to American culture and society, represented by such figures as Maria Callas and Dr. George Papanicolau.

Mr. Speaker, it is clear that Greece and America have a special bond of friendship in the values and the history that our nations have shared, and I join with my colleagues once again in saluting the special relationship between our countries.

Mr. COELHO. Mr. Speaker, I wish to join with my colleagues and Greek-Americans across the Nation, who this week are celebrating Greek Independence Day.

March 25 is a special day for Greeks and the friends of Greece. It is recognized that on this day, in 1821, the people of Greece began their successful battle to oust the oppressive Turkish regime which had occupied the nation for over 400 years. Although full reunification of Greece would involve a long struggle, her people persevered out of their love for the freedom, religion, and culture which the Ottoman Turks had stifled.

As Americans, we also have cause to join our Greek friends in commemmorating this anniversary. It was the ancient Greek ideal of democracy which inspired our revolt from the British Empire in 1776 and was the basis for the Government established under the U.S. Constitution. Our fight for independence and democracy influenced others in the 19th century, such as the French, Germans, and Greeks, and this spirit lives on today, as evidenced by the struggles in the Philippines, South Africa, and Haiti. Ultimately, it was the Greek dogma of democracy that was the catalyst, and it is appropriate that the modern-day nation of Greece eventually benefited.

Congratulations to our Greek friends on this 167th anniversary of their freedom.

Mr. LIPINKSI. Mr. Speaker, as cochairman of the Democratic Council on Ethnic Americans, I rise in strong support of Greek Independence Day. Today marks the 167th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire.

After some 400 years of Turkish domination, the Greek people rose up against oppression, the denial of their civil and religious rights, and the utter disregard for their historical love of freedom and democracy. Daniel Webster, U.S. Representative of Massachusetts at the time of the uprising, stated that the Greek people have been "for centuries under the atrocities unparalleled Tartarian barbarism that ever oppressed the human race."

As every American knows, our own democracy with its emphasis on representative government and freedom of expression is patterned after the ancient Greece James Madison and Alexander Hamilton wrote:

Among the confederacies of antiquity the most considerable was that of the Grecian republics. From the best accounts transmitted of the celebrated institution it bore a very instructive analogy to the present confederation of the American states.

Our Republic also shares much with the formation of modern Greece. Our American Revolution became a rallying cry for the Greeks in their fight for independence in the 1820's. Greek intellectuals actually translated the American Declaration of Independence and used the language as their own declaration. In our century, President Harry S. Truman recognized the importance of Greek democratic tra-

dition and the bonds between the United States and Greece when he pressed Congress for assistance to the country in its struggle against Communist rebels. Today, Greece is a valued friend and integral ally of the United States.

In America, the many accomplishments of Greek-Americans have enriched our Nation's cultural and ethnic heritage. Americans of Greek heritage have been well-represented in all the fields of human achievement in our country, from the sciences to the performing arts. It's my understanding that the children of Greek immigrants now rank No. 1 among American ethnic nationalities regarding educational attainment. In my hometown of Chicago, Greek-Americans have contributed much to civil pride and have served admirably in many public capacities.

I would like to take this opportunity to commend the gentleman from Florida [Mr. BILIRAKIS] for sponsoring this commemoration and to extend my best wishes on this special day to the Greek citizens of my district on the southwest side of Chicago.

I would further like to urge my colleagues to support legislation designating March 25, 1988, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

Mr. MANTON. Mr. Speaker, as a cosponsor of House Joint Resolution 383, which designates March 25 as Greek Independence Day, I am delighted to join my colleagues today in observing the 167th anniversary of Greek independence. I would like to commend my friend and colleague, Mr. BILIRAKIS, for organizing today's special order so we can all mark this special occasion.

Today we commemorate the beginning of the Greek people's brave struggle for independence. After over 400 years of foreign domination, oppression, and abuse, the brave people of Greece claimed their rightful heritage of democracy and freedom. Using the United States Declaration of Independence as their guide, Greek independence was declared. Greece, the birthplace of democracy, was again on the road to democracy and self-determination. The Greek people's commitment serves as an example and a hope to people throughout the world today who are fighting for freedom.

As the proud Representative of the Ninth Congressional District of New York, which has one of the largest Greek-American populations in the Nation, I am pleased to join my constituents in marking Greek Independence Day. I know first hand that Greek-Americans have greatly contributed to the strength and prosperity of the United States. Furthermore, the longstanding friendship between Greece and the United States is a symbol of both nations' commitment to democracy and independence. Our nations have fought together against tyranny. I firmly believe the great friendship between America and Greece will continue to grow.

Mr. Speaker, our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece when they formed our great nation. It is therefore appropriate we join our friends in commemorating Greek Independence Day and reaffirm our similar heritage, values, and ideals.

Miss SCHNEIDER. Mr. Speaker, it is my great pleasure to be a part of this special occasion: Greek Independence Day. Today marks the 167th anniversity of Greece regaining its independence from the Ottoman Empire after 400 years of subjugation. In the year 1821 Alexander Ypsilanti proclaimed the freedom of the Greek people from the foreign domination of the Ottomans.

Over 2,000 years ago, Athens was the scene of the rise of the first democratic republic in the history of man. Figures such as Aristotle and Socrates talked of the dignity and power of mankind. They believed, as we here do today, in the ability of man to rule with compassion and justice.

The same ideals that inspired the birth of a democratic republic in Athens inspired the birth of our Nation. Men such as Thomas Jefferson, Alexander Hamilton, James Madison, and other colonial intellectuals who shaped the American revolution read and believed in the basic ideas of government given birth in ancient Greece.

America has made its own contribution to democracy in Greece. After gaining independence in 1821, Greece translated the Constitution of the United States to be their own. This document, which was so influenced by their ancestors, was taken to heart to be the supreme law of their land. After 2,000 years, democracy returned to Greece.

America and Greece are tied together in more ways than simply intellectual ideals and the love of liberty. After the Second World War, Greece fought against Communist forces to preserve their freedom. The United States aided the Greeks in this battle in what became the first steps in the rebuilding of Europe through the Marshall plan.

The fierce independence that burned in the Greek people at the Battles of Marathon, Salamis, and Thermopylae, and burned in them 167 years ago on the day of their independence, still burns in them today.

Today Greece is our ally in the North Atlantic Treaty Organization. Greece, as it has throughout history, guards the Dardanelles, the important access way to the Black Sea and the southern front of Europe. The United States and Greece do not always agree on issues yet we remain friends and allies. That is the true nature of our relationship, friendship even in the face of disagreement.

Mr. Speaker, I join with my Greek-American friends in Rhode Island and throughout the country on this joyous occasion as we look forward to a future of cooperation and friendship between our great nations.

Mr. PICKETT. Mr. Speaker, Thomas Jefferson once said, "to the ancient Greeks, we are all indebted for the light which led ourselves out of Gothic darkness."

This week, as we remember Greek Independence Day, Jefferson's words should take on a special meaning for all Americans. To a greater extent than perhaps any other people in history, the ancient Greeks and their theories of government provided a framework for constitutional government in America. The ancient Greeks taught us that government is strongest when power is vested in the hands of the people. They taught and practiced equality under the laws, and they recognized that leaders of men should be chosen on the basis of merit. Even the principle of separation of powers, which we often think of as a unique American doctrine, can be traced to ancient Greece.

These contributions are why it is appropriate for Americans to share in the celebration of the 167th anniversary of Greek independence from the Ottoman Empire. For almost 400 years, extending from 1453 until their independence in 1821, Greeks had been deprived of liberty. But as history has shown so many times, those who cherish democracy will always prevail over tyranny.

So this week, we join with Greeks and Greek-Americans in celebrating not only victory 167 years ago, but our Nation's shared democratic heritage.

I thank the distinguished gentleman from Florida [Mr. BILIRAKIS] for taking out this special order, and I join him and other Greek-Americans in this celebration.

Mr. ROE. Mr. Speaker, March 25 marks Greek Independence Day, the 167th anniversary of the beginning of the revolution which freed the Greek people from the 400-year rule of the Ottoman Empire. I believe it is indeed fitting that we take time out in the United States House of Representatives to commemorate Greek Independence Day, because I believe the American people have a special appreciation for this historic event.

Not only has our Nation, like Greece, waged a battle for independence within the last two centuries, but the vision of independence as seen by our Founding Fathers embraced a democratic form of government first conceived by the ancient Greeks. As Aristotle said:

"If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost."

Mr. Speaker, Greece fought its war for independence between 1821 and 1829, when it became a kingdom; it was established as a republic in 1924. This battle for independence and democracy continued when 600,000 Greek citizens lost their lives fighting on the side of the United States during World War II.

While we as Americans take this particular occasion to celebrate Greek Independence Day, in a real sense we celebrate it on a continuing basis. Because the concept of democracy was born in the age of the ancient Greeks, all Americans, whether or not they are of Greek ancestry, have a bond with the Greek people. The common heritage which we share has forged a close bond between Greece and the United States and between our peoples. It is reflected in the numerous contributions made by present day Greek-Americans across the country to our American culture.

Today, let us celebrate with the Greek people, a common heritage of freedom and democracy that both our nations share.

Mr. YOUNG of Florida. Mr. Speaker, I want to commend my colleague from Florida [Mr. BILIRAKIS] for requesting this time to commemorate Greek Independence Day.

It is the spirit and determination of the Greek people that we celebrate today for it was on March 25, 1821, that they rose up and rebelled against the Ottoman Turks who had

ruled their country for more than four centuries. Led by Archbishop Germanos, this uprising marked the beginning of the Greek war for independence and within 9 years this brave struggle resulted in the rebirth of the Greek nation.

Our Nation is indebted to Greece, because many of the most important principles which underly our democratic government were derived from Greek history. Clearly it is this strong belief in democracy and quest for freedom which inspired Greece to reestablish its independence.

In Pinellas County, FL, I'm proud to represent one of our Nation's most active Greek-American populations. They symbolize the same spirit and determination with which their ancestors overthrew those who denied the Greek people freedom for four centuries. Sunday, the United Hellenic Society of Tampa Bay will gather in Clearwater to commemorate Greek Independence Day. Their ceremony stands as a reminder that even the most brutal conquerors cannot squelch the desire for freedom among the Greek people. It is the love of freedom and democracy which provides the special bond that exists between the Greek and American people and is in great part what we celebrate in ceremonies today and throughout this week.

Mr. YATRON. Mr. Speaker, on March 25, 1821, after four centuries of Ottoman rule, Greeks rose up in arms, fought valiantly, and finally achieved a dream centuries old—freedom from Turkish domination.

The ancient Greeks created the very notion of democracy, in which the ultimate power to govern was vested in the people. As Aristotle said: "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be attained when all persons alike share in the government to the utmost." It was this concept that the Founding Fathers of the United States of America drew heavily upon in forming our representative government.

Constitutional democracy has made the American way of life possible. For that contribution alone, we owe a heavy debt to the Greek people. But the contribution of democracy was not the only contribution made by Greek patriots to American society. The ancient Greeks contributed a great deal, both to our cultural heritage, as well as to European culture, in the areas of art, philosophy, science, and law. In the preface to his poem "Hellas" Shelley wrote: "Our laws, our literature, our religion, our arts have their roots in Greece."

Every time I go to vote in our Nation's Capitol, I am inspired by a painting of the signers of the Monroe Doctrine. On the right hand side of this Fresco is a Greek soldier combatting his ottoman oppressors, signifying the linkage between Greek independence and the American Revolution. This picture depicts the common heritage which we share, a heritage which has forged a lasting bond between Greece and the United States.

Greek-Americans have followed the rich tradition of their ancestors. They have made their mark in many professions, including medicine, science, law, and business, among others. The welfare and progress of the Greek community, both here and abroad, is of great importance to all of us. I, together with my esteemed colleagues, realize the enormous contribution Greek-Americans have made to the United States. In order to commemorate the ancient Greeks and pay tribute to the Greek-American community, Congress passed a joint resolution, which is now Public Law 99-532, designating March 25 as "Greek Independence Day." I am proud to have been an original cosponsor of this legislation.

Greek Independence Day was a model for a new Nation, and continues to be an inspiration for all those living in the darkness of oppression.

I want to commend the gentleman from Florida, Mr. BILIRAKIS, for sponsoring this special order. I also want to commend him on his leadership on this, and many other issues in the Congress.

Mr. BROOMFIELD. Mr. Speaker, I commend Congressman BILIRAKIS for his initiative in bringing this special order to the floor. This order marks a truly historic occasion, both for Greeks and for all Americans.

On March 25, 1821, the Greeks gained independence from their Turkish overlords. Though their struggle for freedom was long and hard, the Greeks had the will to persevere. The ancient Greeks and we modern-day Americans share a deep commitment to our freedom.

The Greek pursuit of freedom and democracy and our strong belief in those same values have linked our two countries throughout history.

Jefferson and other great Americans studied the ancient Greeks and their government. Our Founding Fathers transplanted many of the concepts of the ancient Greeks to this new land. America's constitution has a strong classical ancestry. In this Chamber today, we are following a concept of representative government that has its origin in Greece, the cradle of democracy. The richness of the Greek experience must be preserved. It must be shared with those around the world who yearn for liberty.

I salute the Greek people and all Greek-Americans as we mark this celebration of freedom. As we recollect the ties of friendship and shared democratic traditions, let us work to maintain smooth waters in our relationship with Greece, the land that gave democracy its name.

Mr. HOWARD. Mr. Speaker, I am proud to join with my colleagues today in commemorating the 167th anniversary of the Greek war for independence from the Ottoman Empire.

The struggle of the Greek people for political freedom has a special meaning for Americans, because it was in Greece over 2,000 years ago that the idea of democracy was born. The belief that there should be a government of the people, by the people and for the people inspired our own Revolutionary War and laid the foundation upon which the United States stands.

This common belief in the right of a people to self-determination has been the basis of strong alliance between Americans and Greeks. Then Secretary of State John Quincy Adams remarked of the Greek uprising, which was to gain them independence 6 years later, that:

> The people of the United States, sympathizing with the cause of freedom and independence wherever its standard is unfurled, behold with peculiar interest the display of Grecian energy in defence of Grecian liberties, and the association of heroic exertions, at the present time. If in the progress of events, the Greeks should be enabled to establish and organize themselves into an independent nation, the United States would be among the first to establish diplomatic and commercial relations with them.

In 1917, Greece entered World War I on the side of the allies and took part in the allied occupation of Turkey. The republic became an active member of the North Atlantic Treaty Organization [NATO] in 1952, and today United States-Greek relations are stronger than ever.

Greeks are a proud people who have always placed high values on family, church and education. Thus, they valiantly defended their homeland when those beliefs and the freedom they had fought so long to achieve were threatened by a communist takeover shortly after the end of World War II. Despite heavy losses and thousands of forced evacuations, the Greek people were able to turn back the tide of communism in their country and preserve their independence.

This spirit of a tenacious defense of liberty and a traditional way of life thrives today in the Greek-American community which totals over 3,000,000 people. These people are as proud and determined as their ancestors who gave their lives to secure Greek independence some 167 years ago. I take great pleasure in honoring the celebration of Greek Independence Day with the hope that Greece will once again serve as an inspiration to other people struggling for the cause of freedom.

Mr. MATSUI. Mr. Speaker, this Friday, March 25, 1988, marks an important date in the history of freedom and democracy. This Friday is the 167th anniversary of the beginning of the Greek people's struggle for independence from the Ottoman empire. This struggle for freedom, like our own Revolutionary War, succeeded in throwing off the yoke of foreign domination and set the Greek people on the road toward restoring democratic rule to the land where democracy was born.

Friday is a fitting day to acknowledge and celebrate the many influences of Greek culture that we find today in the United States. The British poet Percy Bysshe Shelley wrote:

> We are all Greeks. Our laws, our literature, our religion, our arts have their roots in Greece.

Those words ring as true for 20th-century America as they did for 19th-Century England.

Friday is also an appropriate time to thank and congratulate Greek Americans for their achievements and many contributions to American society. This vibrant ethnic community has only added to the diversity which makes the United States the great nation that it is today. Additionally, the presence of our Greek American colleagues here in Congress and the present success of the first Greek American candidate for president are only two signs of the important role Greek Americans are playing in modern America.

Mr. Speaker, for these reasons and many more, I take great pleasure in joining my col-

leagues to honor and celebrate Greek Independence Day.

Mr. PORTER. Mr. Speaker, I would like to join my colleague, Mr. BILIRAKIS, in this special order on behalf of Greece and Greek independence day.

Greece holds a very special place in the hearts of free men. As the birthplace of democracy, all democratic nations turn to Greece to find freedom's ancient heritage.

As the birthplace of the Olympics, Greece has provided a shining example for the world to fashion into the modern Olympic games. Today, all countries gather as the city states of ancient Greece once did to celebrate athletic excellence and peace among men.

The liberation of the Greek people in 1821 gave a message to the people of Europe that the old dynasties had run their course. Men like Lord Byron responded to the ancient call for freedom. One hundred and sixty-seven years ago, the Greek people rose up in revolt and pushed their Ottoman oppressors out of Greece. In only a few years, they were able to establish their own country, free from foreign rule.

There were tough times ahead: the Balkan Wars, the Nazi occupation and the Civil War. One out of every four young Greek men came to America during that time to provide for their families and support their loved ones at home.

Today, Greece stands as a free and democratic nation and an ally of the United States. With the strong Greek American community here, there is a special bond between our two countries. Although there may be differences at times between the present government of one side or the other, they are like quarrels within a family that must be seen within the context of close cooperation and longstanding ties.

Mr. Speaker, I join with my colleagues in celebrating this day and the continued friendship and cooperation between the United States and Greece.

Mr. LAGOMARSINO. Mr. Speaker, 2 days from today, March 25, marks the 167th anniversary of Greece's independence from the Ottoman empire. I join my colleagues in celebrating this historic event and the heroic legacy of the Greek people.

While many Americans many not realize it, Greece is the birthplace of American democracy. "Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people. When it is a question of settling private disputes, everyone is equal before the law; when it is a question of putting one person before another in positions of public responsibility, what counts is not membership of a particular class, but the actual ability which the man possesses." One might think this statement was made by Thomas Jefferson, James Madison or even by an American living today. But it wasn't. Pericles made these remarks in an address in Greece some 2,000 years ago!

On a more contemporary note, Thomas Jefferson said "to the ancient Greeks * * * we are all indebted for the light which led ourselves—American colonists—out of gothic darkness." His colleagues, James Madison and Alexander Hamilton wrote in the Federalist Papers, "among the confederacies of antiquity the most considerable was that of the Grecian Republics * * * from the best accounts transmitted of this celebrated institution it bore a very instructive analogy to the present confederation of the American States."

The United States, in turn, provided a role model for Greek independence. Our revolution became one of the ideals of the Greeks as they fought for their independence in the 1820's. Greek intellectuals translated our declaration of independence and used it as part of their own declaration. Many volunteers from America sailed to Greece to participate in Greece's war for independence.

Today, the close friendship between Greece and the United States remains strong. Greece is a member of NATO and hosts important American military facilities. The economic, social, and cultural ties grow stronger every day. Greek-Americans have provided great services to both countries. It is only befitting that Americans join their Greek friends in celebrating this joyous occasion. I look forward to celebrating many more March 25ths!

Mr. TORRICELLI. Mr. Speaker, on March 25, 1821, Greek patriot, Alexander Ypsilanti, began a struggle that initially led to Greece's independence from the Ottoman empire in 1829 and eventually led to the creation of a Greek republic in 1924. It was not only a struggle to bring Greece the freedoms of democracy, but it was also a fight to return democracy to its birthplace after a hiatus of many hundreds of years.

Mr. Speaker, it is with great pleasure and respect that I congratulate Greece on the 167th anniversary of its independence and that I thank it for laying the initial foundations of democracy, which so greatly influence America's Founding Fathers. In view of this fact, it is indeed fitting that Congress has passed Senate Joint Resolution 218 making March 25, 1988 a national day of Greek and American democracy.

Greece and America have a special relationship of sharing. Initially, we shared ideas. In the early days of the United States, our Founding Fathers looked to the Greek example of two millennia past when forming our government. The founders of modern Greece, in turn, looked to our modern example of democracy when forming their new society.

Later, we shared customs and families. As Greek immigrants flocked to the United States in the early 20th century, they influenced the nature of the American "melting pot." They brought with them their customs, language, cuisine, religion, knowledge, skills and a heritage of dedicated citizenship. America has, in return, affected life in Greece through Greek-American family ties. In view of the fact that many Greek immigrants left some family behind in Greece, American ideas made their way back to those who remained in Greece. Presently, most Greek families have at least one relative who is an American citizen.

Today, America and Greece continue to strengthen a relationship of sharing. We share in the defense of Europe as members of the North Atlantic Treaty Organization. We also share in the idea of easing tensions between Greece and Turkey, especially with regard to Cyprus. We are all encouraged by Prime Minister Papandreou's recent meeting with Turkish Prime Minister Ozal, and we all hope future talks can lead to the peaceful resolution of any Greek-Turkish disputes. Lastly, the United States and Greece share in the benefits of a full diplomatic, political and economic friendship that will undoubtedly continue on into the distant future.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Stewart, Secretary of the Senate, announced that the Senate having proceeded to reconsider the bill (S. 557) entitled "An act to restore the broad scope of coverage and to clarify the application of title IX of the 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", returned by the President of the United States with his objections, to the Senate, in which it originated.

The message also announced that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

□ 1600

CIVIL RIGHTS RESTORATION ACT OF 1987—MESSAGE FROM THE SENATE

The SPEAKER laid before the House the following message from the Senate:

The Senate having proceeded to reconsider the bill (S. 557) entitled "An act to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964," returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

CIVIL RIGHTS RESTORATION ACT OF 1987—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following veto message from the President of the United States:

To the Senate of the United States:

I am returning unsigned with my objections S. 557 and transmitting for your prompt consideration the Civil Rights Protection Act of 1988. The Congress should enact legislation designed to eliminate invidious discrimination and to ensure equality of opportunity for all Americans while preserving their basic freedoms from governmental interference and control. Regrettably, the bill presented to me fails to achieve that objective.

There is no matter of greater concern to me than ensuring that our Nation is free of discrimination. Our country has paid a heavy price in the past for prejudices, whether based upon race, gender, ethnic background, religion or handicap. Such attitudes have no place in our society.

It was with this commitment in mind that in the wake of the Supreme Court's 1984 *Grove City College* decision, I voiced my support for legislation that would strengthen the civil rights coverage of educational institutions that existed prior to that decision. I have repeatedly endorsed legislation to do just that. Today I am sending to Congress a bill that goes further than the legislation previously endorsed. This proposed bill is intended to accommodate other concerns raised during Congressional consideration of the *Grove City* issue.

Our bill advances the protection of civil rights. It would:

—Prohibit discrimination against women, minorities, persons with disabilities, and the elderly *across the board* in public school districts, public systems of higher education, systems of vocational education, and private educational institutions which receive *any* Federal aid.

—Extend the application of the civil rights statutes to *entire* businesses which receive Federal aid as a whole and to the *entire* plant or facility receiving Federal aid in *every* other instance.

—Prohibit discrimination in *all* of the federally funded programs of departments and agencies of State and local governments.

Our bill complements well our body of existing Federal civil rights laws. But even more remains to be done. For example, I have urged the Congress to enact responsible legislation to deal with some obvious failures of the Fair Housing Act of 1968, including the need to protect persons with disabilities.

Congress, on the other hand, has sent me a bill that would vastly and unjustifiably expand the power of the Federal government over the decisions and affairs of private organizations, such as churches and synagogues, farms, businesses, and State and local governments. In the process, it would place at risk such cherished values as religious liberty.

The bill presented to me would diminish substantially the freedom and independence of religious institutions in our society. The bill would seriously impinge upon religious liberty because of its unprecedented and pervasive coverage of churches and synagogues based on receipt of even a small amount of Federal aid for just one activity; its unprecedented coverage of entire religious elementary and secondary school systems when only a single school in such a system receives Federal aid; and its failure to protect, under Title IX of the Education Amendments of 1972, the religious freedom of private schools that are closely identified with the religious tenets of, but not controlled by, a religious organization.

Businesses participating in Federal programs, such as job training programs, would be subject to comprehensive Federal regulation. While some proponents of S. 557 have claimed that it would not apply to farmers who receive Federal crop subsidies or food suppliers who accept food stamps, the ambiguity in the statute and its legislative history indicates that these exemptions should be made explicit.

A significant portion of the private sector—entities principally engaged in the business of providing education, health care, housing, social services, or parks and recreation—would for the first time be covered nationwide in all of their activities, including those wholly unrelated activities of their subsidiaries or other divisions, even if those subsidiaries or divisions receive no Federal aid. Again, there was no demonstrated need for such sweeping coverage.

Further, this bill would be beyond pre-Grove City law and expand the scope of coverage of State and local government agencies. Under S. 557, any agency of such a government that receives or distributes such assistance would be subject in all of its operations to a wide-ranging regime of Federal regulation, contrary to the sound principles of federalism.

The cost and burdens of compliance with S. 557 would be substantial. The bill would bring to those it covers—which is most of America—an intrusive Federal regulatory regime; random on-site compliance checks by Federal officials; and increased exposure to lawsuits, which are costly to defend even when you win.

Moreover, such legislation would likely have the unintended consequences of harming many of the same people it is supposed to protect. For example, persons with disabilities seeking to enhance their job skills are not helped if businesses withdraw from Federal job-training programs because of their unwillingness to accept vastly expanded bureaucratic intrusions under S. 557. Business groups have indicated many of their members may do just that.

The Civil Rights Protection Act that I am proposing today addresses the many shortcomings of S. 557. The Civil Rights Protection Act would protect civil rights and at the same time preserve the independence of State and local governments, the freedom of religion, and the right of America's citizens to order their lives and businesses without extensive Federal intrusion.

The Civil Rights Protection Act contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly monitored under the civil rights statutes it amends. The bill would:

—Protect religious liberty by limiting coverage to that part of a church or synagogue which participates in a Federal program; by protecting under Title IX, the religious tenets of private institutions closely identified with religious organizations on the same basis as institutions directly controlled by religious organizations; and by providing that when a religious secondary or elementary school receives Federal assistance, only that school, and not the entire religious school system, becomes subject to the Federal regulation.

—Ensure that the reach of Federal regulation into private businesses extends only to the facility that participates in Federally funded programs, unless the business, as a whole, receives Federal aid, in which case it is covered in its entirety. The bill also states explicitly that farmers will not become subject to Federal regulation by virtue of their acceptance of Federal price support payments, and that grocers and supermarkets will not become subject to such regulations by virtue of accepting food stamps from customers.

—Preserve the independence of State and local government from Federal control by limiting Federal regulation to the part of a State or local entity that receives or distributes Federal assistance.

In all other respects, my proposal is identical to S. 557, including the provisions to ensure that this legislation does not impair protection for the lives of unborn children.

I urge that upon reconsidering S. 557 in light of my objections, you reject the bill and enact promptly in its place the Civil Rights Protection Act of 1988.

RONALD REAGAN.

THE WHITE HOUSE, *March 16, 1988.*

□ 1615

The SPEAKER. The objections of the President will be spread at large upon the Journal.

The question is, Will the House, on reconsideration, pass the Senate bill, the objections of the President to the contrary notwithstanding?

The gentleman from California [Mr. HAWKINS] is recognized for 1 hour.

Mr. HAWKINS. Mr. Speaker, I wish to allocate, for debate only, 15 minutes to the minority of the Committee on

Education and Labor to be controlled by the gentleman from Vermont [Mr. JEFFORDS]; 15 minutes to the minority of the Committee on the Judiciary to be controlled by the gentleman from Wisconsin [Mr. SENSENBRENNER]; 15 minutes to the gentleman from California [Mr. EDWARDS] of the Committee on the Judiciary; and I reserve the remaining 15 minutes.

I further suggest, Mr. Speaker, that the Members mentioned alternate and each be recognized in turn, so that we would not use up exclusively each of the 15 minutes until the end. To commence the debate, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, 4 years ago a Supreme Court decision significantly narrowed the scope of four civil rights statutes, and under the so-called Grove City ruling the basic civil rights of women, minorities, the elderly and the disabled, have been threatened, denied, and ignored with no redress.

Mr. Speaker, I am frankly amazed at the holy war that has been going on by the moral majority. Is it not interesting that every religious Christian group that I know of, with the exception of the moral majority, supports the bill. We have the American Jewish Congress, the U.S. Catholic Conference of Bishops, the American Baptist Churches, the United Methodist Church, the Episcopal Church, the Evangelical Lutheran Church, the Presbyterian Church U.S.A., the National Association of Independent Colleges and Universities, which contains small religious colleges, and the list goes on and on.

There has been a sea of misinformation, Mr. Speaker, about this bill. To me, it is unbelievable that this could take place by a so-called Christian organization, but so be it. We will not set back the clock. We were not afraid of civil rights in 1964, when Congress passed the Civil Rights Act and barred discrimination based on race, color, or national origin. We were not afraid of civil rights in 1972 when Congress passed the education amendments and prohibited sex discrimination in educational programs or activities receiving Federal funds. We were not afraid of civil rights in 1973 and 1975 when Congress passed the Rehabilitation Act and the Age Discrimination Act to forbid discrimination against the handicapped and the elderly.

Mr. Speaker, I urge my colleagues to support the Civil Rights Restoration Act and override the President's veto.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I intend to vote to sustain the President's veto.

Mr. Speaker, from an intended course to try to correct Grove City, this body is headed toward Grave City. The unforeseen grave consequences of this piece of legislation no one can predict, and that is the main reason that we ought to have a second look at this legislation. No. 1, what consequences does that have, intended or unintended, for the mom-and-pop grocery store that deals in food stamps? What consequence does this bill hold for a religious institution whose tenets govern their educational program to a degree that this bill might change forever? What intended consequences are there in the realm of housing and other corporate ventures and business ventures and farm institutions around the country?

This is a program, if adopted in this piece of legislation, that will have so many—I repeat—unforeseen consequences that our generations yet to come will suffer the consequences of a system that will be so federally intruded that it would be indescribable.

Mr. EDWARDS of California. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, there are many millions of Americans out there who ask you to vote "aye," to override the sadly mistaken veto of President Reagan.

He has made a terrible mistake and I can only suggest that he received some very bad advice.

S. 557 is a good bill, a decent bill, a much needed bill.

The Supreme Court's unfortunate decision in 1984, allows organizations and people to accept taxpayers' money and to use that money to discriminate against minorities, women and girls, the handicapped and the aged.

The record made before the 98th, 99th, and 100th Congresses clearly demonstrates that discrimination in federally funded institutions is occurring at an accelerated pace. Since 1984, the Department of Education has closed or suspended 674 complaints.

The Grove City decision is affecting court decisions as well. In October 1987 the 11th Circuit Court of Appeals dismissed the Federal Government's complaint against Alabama's higher education system because the Government had failed to establish which programs and activities in the system received Federal funds.

Heaven knows how many thousands of complaints have not even been filed because the world is out that the right to be free from race, sex, handicap, and age discrimination in federally funded programs is no longer enforceable under these four laws.

Mr. Speaker, we are facing an epidemic of discrimination and the veto must be overridden.

The people who have phoned our offices asking us to sustain the veto have been cruelly frightened and shockingly misinformed. The moral majority is responsible for this smear campaign and they have not done their homework.

Mr. Speaker, except for the Danforth abortion amendment, which I find most repugnant, the bill is a simple restoration of the law as it was before February 1984. None of the fears and hysteria whipped up in support of this veto has any foundation whatsoever.

My colleagues, listen to scholarship and reason and not to the unfounded hysteria of the past week. Listen to the U.S. Catholic Conference of Bishops, the major Protestant churches and Jewish leaders; they all support the Civil Rights Restoration Act.

Vote "yes" to override. Vote yes for a decent, fair and equitable law.

Mr. HAWKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I hope the House is about to put into law a very basic principle, that people who voluntarily take Federal funds have an obligation to treat everybody else fairly, on their merits, and without regard to any particular prejudice.

There are two issues in particular I want to address. There has been some question about the position of the home builders indicative of the impact of this on the home building industry. One "Dear Colleague" letter listed the home builders in opposition. As a result of some conversations we have had, the home builders have sent a letter which I have sent to other people making it clear that they are now in favor of the bill. They had some questions. They have now been answered.

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

Mr. FRANK. I will yield briefly to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I think the gentleman——

Mr. FRANK. Mr. Speaker, I said I would yield briefly.

Mr. SENSENBRENNER. I think the gentleman with this organization is showing that the membership is on one side and the executives are on the other side.

Mr. Speaker, I would like to ask unanimous consent to incorporate into the record the resolution by the membership.

Mr. FRANK. Mr. Speaker, I take back my time.

The SPEAKER. The gentleman from Massachusetts declines to yield further.

Mr. FRANK. Mr. Speaker, I do not yield further. The gentleman put out a "Dear Colleague" letter listing this organization in opposition. We have from the president of the organization a letter saying they are in favor of it. They had some questions and they have been answered.

Does that mean that every member is in favor of it? No, but the organization's official position is in favor of it.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield again?

Mr. FRANK. Mr. Speaker, the gentleman has plenty of time on his own. The time is very limited here and the gentleman controls the time period.

The point is that the Home Builders having raised those questions have been satisfied. They have written a letter and have urged us to tell people to support the bill.

The other issue that I was somewhat surprised to hear had to do with AIDS. I heard Jerry Falwell talking about how this bill would force people to hire those with AIDS and there was a lot of discussion about AIDS.

Then we got the President's substitute bill today, and lo and behold, in the President's substitute bill there was the identical language dealing with infectious diseases that we have in our bill.

Now, I look forward to reading the paper tomorrow to hear Jerry Falwell denouncing Ronald Reagan. That will be a very interesting contest.

But the Members ought to be very clear that the bill that Ronald Reagan has sent to us with regard to infectious diseases is word for word the bill that is before us, and it is word for word what was in the Senate bill; so those who have been hearing from the Moral Majority's objections about how this bill deals with infectious diseases, I suggest these members give them the White House answer. I think the answer ought to be, "Let Jerry Falwell and the President debate this, and you can take on the winner." There is no need to debate it simultaneously, because the objections they have to our bill, they must also have to the President's bill.

Now, I do not know how Ronald Reagan is going to explain this to Jerry Falwell, and I would like to be there when he does, but I probably will not be invited.

The relevant point is this. All our bill says with regard to infectious diseases that if you are through any health problem a direct threat to other people, you can be fired or be put in another place where you will not be a threat. We say that. The Senate says that. President Reagan says that. So all this discussion about being forced to hire people with AIDS, it may be a problem, but if it is, it is a problem with a bill that the President of the United States sent to us. Some people do not like that, but they will have to take that up with the President. I do not speak for him.

Mr. JEFFORDS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, it is unfortunate, I believe, that we find ourselves here today. I wish that the President had not vetoed this bill. I believe it is incredibly important that we move forward and that we end the discrimination that has resulted because of the Grove City case.

For three consecutive Congresses now we have struggled to secure legislation overturning the 1984 Supreme Court's Grove City decision, and to make institutionwide the scope of coverage under four civil rights laws that ban discrimination in programs or activities receiving Federal money.

Before Grove City narrowed the reach of those civil rights protections, the courts generally had viewed coverage as institutionwide—which is clearly what Congress had in mind when the laws were written to begin with. Moreover, officials at the agencies with enforcement responsibilities testified that they had applied the laws institutionwide. So all we are really trying to do here is to return to an interpretation of the laws that existed before Grove City.

This vote today is the long-awaited culmination of what we began back in the 98th Congress, in 1984, when the House passed a civil rights restoration bill. Unfortunately, that bill eventually was tabled in the final days of the Senate's session. But in the very next Congress, we again took up the issue, and attempted to answer concerns that had been raised during Senate consideration the year before. We developed a bipartisan bill, which I introduced at the Education and Labor Committee markup in 1985. This time, however, the House never considered the bill, largely because it had become tangled in the highly emotional issue of abortion.

Today, we have before us a bill that essentially is identical to that bipartisan proposal I offered 3 years ago.

And the heart of the bill remains the same—to restore the simple concept in law that the public's money—taxpayers' money—should not and will not be used to support discriminatory practices.

The Federal Government gives money to a lot of people and organizations. When it hands out its checks, the Government has the right to attach conditions to the use of its money, of our money. One of the conditions we have attached is that you cannot discriminate if you take public money. You cannot discriminate against minorities, against women, against the handicapped or against the elderly. If someone wants to avoid being covered by the civil rights law, if they want to discriminate, then they have a clear choice. They do not have to take the public money, but as long as they do, they are bound by the civil rights laws of this Nation that protect against discrimination.

One of the major issues during the debate on this bill over the course of time that I have been involved since 1984 was abortion. Both bills are the same on abortion. They are abortion-neutral.

Another important issue is the religious tenets exemption for church-related colleges and universities subject to title IX. I won't deny that there may not be some problems with the religious tenets issue. With the Senate amendment, however, we have taken care of the title IX abortion regulations, which was the major area of concern for religiously affiliated colleges and universities. Moreover, our past experience with this bill indicates that the current religious tenets language just hasn't been a big problem. In fact, no college has ever been turned down. It's important to note that many religious organizations support this bill. And the National Association of Independent Colleges and Universities—which has been the main advocate of an expanded religious tenets amendment—urged the President not to veto this bill.

Another area that we have heard many complaints and phone calls about has to do with what happens if somebody comes in with AIDS. The bills are both identical on that question.

There have been a great deal of outrageous hypotheticals floating around concerning what this bill would and would not require. We've all gotten the calls, I'm sure, from callers claiming this bill would require you to hire drug-addicted, alcoholic transvestites with AIDS—that the bill is really a gay rights bill, not a civil rights bill. Those kind of claims are absolutely ridiculous. "Sex discrimination" in this bill, for the purposes of title IX, refers to gender, not sexual orientation. Neither this bill nor the four statutes it amends even mention the terms "homosexual" or "sexual orientation." And no Federal statute prohibits discrimination on the basis of homosexuality. If such a prohibition existed, there would be no need for the gay rights bills that have been introduced over the past several years.

The kind of ridiculous claims such as these that have been made about this Civil Rights Restoration bill are basically scare tactics—the kind of tactics we should pay no heed to. Those who have been alarmed by them, however, and who may be leaning toward sustaining the veto so that the President's alternative can be considered should take note: the President's bill does not address any of these allegations at all. If they truly represented real problems, I cannot believe that the President would have ignored them in his own 11th-hour proposal, or that the Senate would have ignored them today.

The reason why neither the President nor the Senate addressed these allegations is because that's all they are—allegations. They are not real problems.

So what are the differences between S. 557 and the President's alternative? What are the basic differences? The only difference in reality when you get down to it is one of religious tenets. I would admit I wish there were some different wording there and I fought for amendments on that in the past; but if you look at the practice, there is no problem. Everyone who asked for and who should logically have been given one, has been granted an exemption. That is why the Catholic Conference supports this bill. That is why we do not have a problem here.

Second, the only area where we really have a difference in these bills is the scope of coverage.

□ 1630

How much of the local government, how much of the State governments are put under the law? The President's alternative narrows the coverage.

Which are covered? Those agencies that receive the money, are they covered? Are they forced not to discriminate? Yes.

Then what is the difference in private enterprise? The only difference and distinction outside of the corporate field is with respect to grocery stores. Our bill says that they are not relieved from discrimination against the handicapped, and if there is a problem with architectural barriers, as long as they do something reasonable, that is all right. That is all that has to be done. The administration only exempts grocery stores. Otherwise the pharmacies and private sector is covered.

They narrow the scope with respect to corporate bodies.

We would cover all, at least those receiving Federal funds.

Mr. Speaker, the differences are very slim. There is no reason not to override.

The only real problem we are dealing with today is the problem of discrimination. Until 4 years ago, before Grove City intervened, our laws ensured that taxpayers' money could not be used to support discriminatory practices. By overriding the veto today, by overturning Grove City, we will restore that basic protection against discrimination in law.

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Speaker, I strongly urge this body to vote to override this mistaken veto.

Mr. Speaker, I rise today in strong support of the Civil Rights Restoration Act. It is a vital piece of legislation that I have backed for 4 years. It was passed by the House and Senate by overwhelming bipartisan majorities. It has the support of some of the President's strongest allies in Congress. High ranking officials from the Nixon, Ford, Johnson, and Carter administrations support the bill. Nearly every religious denomination, countless civil rights groups, and civic organizations support this bill.

With all this bipartisan support, why did the President veto last Thursday? Good question. There isn't a good answer. His veto is the first veto of a civil rights bill in 120 years. I can only conclude that despite what he says, the President is not really concerned about stopping federally sponsored discrimination.

In the years since the Supreme Court's Grove City decision, I've watched its destructive impact with great sorrow. What took us so long to build—equal opportunity for all citizens and an end to Government condoned discrimination—was mangled by the Grove City wrecking ball. Now, instead of signing a 4-year-long bipartisan effort to undo the damage, the President has chosen to swing the demolition ball one more time into the wreckage of Grove City.

It is distressing to see the President fall so completely under the spell of the Jerry Falwells, whose public distortions of this bill are a travesty. In a last-ditch attempt to derail restoration of civil rights, Falwell's organization has put out a disinformation campaign unmatched by any other in recent memory.

Falwell has written a memo to pastors all across America saying that "churches and religious leaders could be forced to hire a practicing, active, homosexual drug addict with AIDS to be a teacher or youth pastor," if this bill becomes law.

This is unadulterated balderdash.

All this bill does is restore four major civil rights laws, some of which have been on the books for over 20 years. These laws were passed to make sure the Government stayed out of the business of racism. They were passed to give all citizens—women, minorities, the elderly, the disabled—an equal opportunity in all endeavors backed by the Federal Government. With the Grove City decision, Congress had to act to restore the original intent of these laws. That is what exactly, precisely, specifically what Congress has done. No more, no less.

I stated before, during House consideration of S. 557, that I am distressed by the Danforth language which was included in this act. Despite my serious opposition to this provision, I remain strongly committed to passage of this vital act.

And I'm confident that the American people, and the Congress, will not be deterred by the vocal distortions of a scared and intolerant minority. A minority which prefers to fan the flames of religious intolerance and bigotry rather than to promote the basic human democratic principles this country was founded on.

But I am greatly troubled by the number of phone calls I received last week urging me to support the President's veto of this bill. Many of my constituents called me with their concerns that this bill was "anti-family," "anti-church," and dangerous.

Most of them were responding to inaccurate inflammatory information given to them by the Moral Majority or by a television evangelist. They were honestly and seriously concerned. But they have been misled. They have been told outright lies. Some of them have taken the time to study this bill and sincerely oppose it. I regret that I find myself in disagreement with them. But others have merely responded to Jerry Falwell's false alarm. And to these people who have called me I want to say that I can't believe they really want me to cast a vote in favor of using Federal dollars to promote racism and discrimination against women and the disabled. I can believe that Jerry Falwell has managed to convince good people of something that is horribly untrue.

If this bill did any of the outrageous things its detractors say it does, how could it possibly have such broad bipartisan support? How could the leaders of the House and Senate—Democrat and Republican—back the bill? How could nearly every religious entity in the country support it?

How could the National Parent Teacher Association, the League of Women Voters, AFL-CIO, NAACP, the Evangelical Lutheran Church of America, the Presbyterian Church, the Episcopal Church, the United Methodist Church, Common Cause, Paralyzed Veterans of America, the American Bar Association, People for the American Way, the National Urban League, the National Association of Independent Colleges and Universities, the American Jewish Congress, the United States Catholic Conference, the American Civil Liberties Union, American Baptist Churches, the Children's Defense Fund, the National Easter Seal Society—and the list goes on and on—how could these fine organizations representing millions and millions of Americans from all walks of life support a bill that would force churches to hire drug addicts?

How? I'll tell you how. Because Jerry Falwell's claims are without foundation. They are not true. They are designed to enrage and fund-raise—not to assure an informed citizenry.

The Moral Majority can call ensuring that tax dollars are not used to discriminate, "the greatest threat to religious freedom and traditional moral values ever passed," if it wants to. I don't. I call it democracy.

My colleagues, I urge you to vote to override the President's veto of this act.

Mr. EDWARDS of California. Mr. Speaker, I yield 7 minutes to the gentleman from North Carolina [Mr. Hefner].

Mr. HEFNER. Mr. Speaker, I approach this legislation a little bit different from other Members. I have been a Baptist for some 42 years and for some 15 years I traveled these United States as a gospel singer in a gospel quartet. I guess I have been in more different churches, in more denominations than probably any Member that has ever sat in this House of Representatives, or most Members.

Mr. Speaker, it disturbs me, the information that has been going out to friends of mine that I have known for 25 years, I have been in their churches, I have been in their homes, I have eaten meals in their homes, broke bread with them, because people have called me and said, "Congressman, I cannot believe that you would vote for legislation that would mandate that

our religious leaders would hire a practicing homosexual drug addict with AIDS to be a young pastor."

It is my belief that I have never done that.

Some of my friends have called me and said, "Congressman, I don't believe that you would vote for legislation that if a Social Security recipient got his Social Security check and went to his church and made a contribution to that church where he had belonged for all these years, that that church comes under the long arm of the Federal Government."

I do not believe I have done that.

I believe there has been so much misinformation about this bill that it saddens me that good people that work hard 5 days a week, go to their churches, and have been told that if they receive a disability check, a Social Security check, a veterans payment, or if they are on food stamps and they go to a little country grocery store and they take these food stamps that in this country store they would have to hire whoever came in to be an employee at that country store.

I do not believe that I have voted for that kind of legislation.

I do not believe the opponents of this believe all these things that I have been told that have been told to these people in my district and in districts in Oregon, in California, and Alabama.

Mr. Speaker, no job is worth it to me. Mr. Speaker, I have served in this body it will soon be for 14 years.

As I have said, I have traveled these United States singing gospel music for many, many years. I have suffered one heart attack. I will be 58 years old on the 11th of April. No job is important enough to me, no job is important to me to lie to the American people, and no bit of legislation is important enough for the American people or against the American people to put out falsehood under the name of religion to the American people.

I find it reprehensible not to those thousands of people that have made the phone calls, but reprehensible to the people that have instigated this misinformation.

I have got friends that I have known for 30 years and have gone to church with them, gone to conventions with them, done favors for them, helped them get Social Security checks to which they were entitled, helped them get veterans benefits, helped them with all sorts of problems that one could have and these same people say to me, "Congressman, I don't believe that you could vote to put us under the long arm of the Federal Government and cause us all these problems."

I do not believe that I have done that. I would not do that. But if it means that I lose my position in the U.S. House of Representatives, and that I have to cave in to false information and base my vote on what people believe to be true but which I know to be not true, I say to my colleagues this job is not worth that to me.

Mr. Speaker, there are other things that I can do. I do not believe that the American people knowing the truth would expect any of us here to cave in and give up our convictions for what we know to be right. I would not knowingly force any individual in my district or anybody else's district to do something that was against their religious convictions, and neither does this legislation.

Mr. Speaker, there may come a time when somebody would wind up with a practicing homosexual drug addict with AIDS in their employ, that might be a member of a church, but it will not be because of this legislation that we are voting on here today. I would just like to urge all the Members to look very closely based on what our convictions are. But I think it is reprehensible for people to put out so much misinformation to good, well-intentioned people that have put their trust in what these people are saying to them.

I do not blame the thousands of people that have called, because they are frightened. It is enough to frighten a pastor when he gets a letter that says that this is a gay rights bill that was slipped in on us during the Presidential primaries. It is enough to frighten anybody. I do not blame them for not listening to us when we say this does not do that, especially when people go on television and go into tirades that if they are a mom and pop operator of a grocery store and if they take food stamps, that they are going to have to hire a homosexual or a transvestite, or will have to hire a practicing homosexual drug addict with AIDS to be a youth pastor.

How ridiculous.

No job is important enough to me for me to compromise my principles in what I believe and I have read the bill over and over and over and over and I would urge the Members to vote to override this veto.

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

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

Mr. DANNEMEYER. I say to my colleague from North Carolina [Mr. HEFNER] that I only hope that along with having read this bill that he will have read the Arline decision because combining the Arline decision of the U.S. Supreme Court of last year with this bill one gets the precise results that the gentleman says are not a part of this legislation.

Let us make no mistake about it. This bill is going to result in the claim being made that a church in America must hire a professing homosexual who has the virus for AIDS because the claim will be made under the Arline decision that such a person fits within the definition of a handicapped person as Congress developed that term in 1973, and the tragedy of the passage of this legislation through the House at this time is that we are not taking the opportunity of debating the issue, and offering of amendments to make sure that does not happen.

I say to my colleagues, I went to the Committee on Rules and I asked for an amendment to be made in order so that we could debate on the floor of the House that the adoption of this legislation and the Arline decision would not result in the definition of a handicapped person, including someone with a communicable disease.

In 1978 Congress by specific act said that we did not intend to include within that definition a person such as a drug addict or alcoholic. I submit it was never the intention of Congress to include within that definition somebody with a communicable disease and communicable disease includes many, for example in my State of California there are 58 on the list. If one has one of those communicable diseases under the Arline decision that person has a leg up on the system because they can come into court and say that they come within the protections of the handicapped act.

That is a part of this whole issue. It was never the intention of Congress to do that, but under the rules fashioned by our Democrat leadership we had 4 hours to debate this when it came up on the floor of the House. That is totally inadequate. The American people deserve a clear understanding of what this is. We need a specific amendment to say that we do not intend to have the definition of a handicapped person be a person with a communicable disease.

Mr. JEFFORDS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank the gentleman from Vermont [Mr. JEFFORDS] for yielding me this time.

Mr. Speaker, on numerous occasions over the last several years lopsided votes have called for overturning the case of Grove City versus Bell, the latest of course being today's vote in the Senate of 73 to 24 to override the President's veto.

I would like to read a letter that is addressed to the gentleman from Vermont [Mr. JEFFORDS] from Terrel H. Bell, who was part of the proceedings that brought us to this matter in the Grove City case.

The letter says:

MARCH 21, 1988.

Hon. JAMES JEFFORDS,
House Office Building, Washington, DC.

DEAR REPRESENTATIVE JEFFORDS: I am writing to urge you and your colleagues to vote to override the President's veto of the Civil Rights Restoration Act, which previously

passed the House and Senate by strong bipartisan margins. The legislation necessarily restores coverage of civil rights laws to their original intent and purpose.

When I was Secretary of Education, we read the law broadly to assure equal educational opportunity. While I had not considered direct aid to a student under the Pell Grant program to be aid to an institution, we had for years considered an institution or school district obligated to comply with all the civil rights statutes if it received any federal assistance. We believed that if you take federal funds you must comply.

With the exception of a few small private institutions, there was broad acceptance and support of the civil rights laws to protect minorities, women, and the handicapped from discrimination. At the time I could see no reason to come forth with a new interpretation of these laws. It would cause strife and bitterness among those currently enjoying the protection of the civil rights laws.

It was clear to me then, as it is now, that the Department of Justice is determined to weaken civil rights enforcement in the nation's colleges and schools. Their position was, in my view, harmful to American education and potentially damaging to the rights of minorities who fought against discrimination.

It was a great disappointment to me when the Supreme Court handed down the decision in *Grove City College* v. *Bell*, affirming the Justice Department's position.

The Civil Rights Restoration Act is as much a Republican bill as a Democratic bill. As you know, thirteen high ranking government officials from the Johnson, Nixon, Ford, and Carter administrations have all testified in support of the legislation to overturn the Grove City decision.

I am grateful for your leadership in this effort and I hope the Congress will, at long last, reaffirm its commitment to civil rights by overriding the President's veto.

Sincerely yours,

TERREL H. BELL.

Mr. HAWKINS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me first salute my colleague the gentleman from North Carolina [Mr. HEFNER]. I have received literally hundreds of phone calls in my office on this issue and I am sure that he has received many more. It took a great deal of courage for him to make the statement that he made earlier.

Mr. Speaker, this issue had been crafted by opponents so that it is a magnet for the phobias of the right-wing in America. They have resorted to scare tactics in an effort to convince Congress to sustain the President's veto. Otherwise good, God-fearing people have been swept into a campaign to believe that this bill will somehow expand the rights of homosexuals, alcoholics, drug addicts, and persons with contagious diseases when in fact the record is clear that this bill does not expand any substantive rights in those areas.

The basic question which we face today in the House of Representatives is whether we are willing to sacrifice basic American protections against discrimination to allay the unfounded fears of both President Reagan and the moral majority.

This bill is sensible and reasonable and in the mainstream of American political thought. It says that as religious belief should not fall victim to our efforts to reverse Grove City, neither should it be a shield for bigotry in the name of God.

□ 1645

It is impossible for us to craft legislation which looks into the motives of a church or an individual practicing its religious beliefs. But we have crafted in this legislation a procedure and language which guarantees that religions will have an opportunity to make a good faith proof that they are in fact acting consistently with their religious beliefs.

I think that is not only harmonious with the American system, but it is a good thing for this country to move forward and out of the shadow of the Grove City decision. It is sad that religious leaders on the right would labor so hard to strike the very body of law which protects their congregations from religious discrimination, for without the protection of law, religious belief is a slender reed. In fact, there are those who would say it is a reed which can be destroyed or uprooted by shifts in the winds of public opinion.

If my colleagues will look to the congregations and religions which have endorsed our legislation today they would find a litany of those faiths which believe that there can be diversity in America and that this legislation poses no threat to those who practice religion. The groups include the U.S. Catholic Conference of Bishops, the American Jewish Congress, the American Baptist Churches, the Evangelical Lutheran Church of America, the Presbyterian Church of the U.S.A., the United Methodist Church, and the Episcopal Church.

Mr. Speaker, the choice before us is clear, and I would hope all of my colleagues would join me in overriding the veto of the President.

Mr. EDWARDS of California. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, every time this body considers civil rights legislation, and I know this only from history because unfortunately we have not considered too much in the last 7 years since I have been here, the same thing happens. A parade of horribles is trotted out: What if, the opponents say, what if this, what if that, what if the other.

Let me say to my colleagues who are wondering about these parades of horribles, these scare tactics that have emanated from all sorts of places, let us look at the real issue. We have tried long and hard in this country to eliminate discrimination. It is a difficult fight. It is a real fight. It is not a hypothetical thing out there. People face it every day.

Mr. Speaker, are we going to let bugaboos and hobgoblins scare us into making the progress that we know we must make in this country in order to fulfill our ideals under the Constitution? I say to my colleagues, this vote determines which side they are on.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, since we have only 15 minutes in which to debate this very important measure, I will rise in support of the President's bill.

Mr. Speaker, I rise in support of efforts to sustain the President's veto of S. 557, the Civil Rights Restoration Act, which is also known as the Grove City bill.

Because there are too many unanswered questions as to the effects of this legislation if enacted, I opposed its passage when it was before the full House of Representatives. Disagreement over what the bill will and will not do does not seem to me, or to my constituents, to be the makings of good legislation.

On face value, it would seem that a so-called Civil Rights Restoration Act should have the unanimous support of the Congress and the people. As we are all well aware, this is not the case. However, a reality of this legislation is that the jurisdiction of several Federal statutes could be vastly expanded to State and local governments, churches and synagogues, religious school systems, businesses, and other elements of the private sector.

Unfortunately, too many questions as to the effect of this legislation remain unanswered. Questions of which institutions will be mandated to comply and what exactly will be required are important questions that tug at the very essense of this proposal. Perhaps if hearings had been held in the House of Representatives during the current session of Congress, some of the important and troubling ambiguities could have been resolved.

I do not believe it is responsible policymaking to rush through legislation without adequate hearings and limited public knowledge. Therefore, I believe we should sustain the President's veto of this questionable bill. We should examine it more closely, along with the President's alternative bill, the Civil Rights Protection Act of 1988. Let's work to ensure that our Federal civil rights laws are adhered to in a manner that protects the rights of all Americans against discrimination while, at the same time, the tendency of the Federal Government to have overreaching powers is curtailed.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. SWINDALL].

Mr. SWINDALL. Mr. Speaker, those who argue in favor of this bill argue that it involves the issue of discrimination. In fact it does not. If it did, we would not be here debating today.

In fact, it involves exactly the same issue from which the bill derives its name: The Grove City issue. If my colleagues read the case, which is instructive, it says: "The undisputed fact is that Grove City does not discriminate and so far as the record in this case shows—never has discriminated against anyone on account of sex, race, or national origin. This case has nothing whatever to do with discrimination past or present."

What then does it have to do with? The case goes on to state exactly what it does have to do with. "Petitioner Grove City College is a private, coeducational, liberal arts college that has sought to preserve its institutional autonomy by consistently refusing State and Federal financial assistance. Grove City's desire to avoid Federal oversight has led to decline to participate, not only in direct institutional aid programs, but also in Federal student assistance programs. * * *

This case, this bill, is not about discrimination. It is about the rights of millions of Americans in churches and synagogues to be free from Federal intrusion.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, I rise in opposition to this bill and in support of the President's veto.

I am for civil rights. I have no problem with the goals of this bill—to restore the pre-Grove City application of civil rights laws.

However, this bill is surrounded with so much ambiguity, so much controversy, and so much confusion that I cannot support it in its present form. And I believe the President has done the right thing in fixing his veto firmly on it.

We have a lot of private schools in the State of Kentucky and they are concerned about this legislation. They are concerned that they are going to be dragged under the full heavy net of Federal intervention, interference, and regulation.

Proponents of the bill say, "Don't worry, this bill won't hurt you. It is simply restoring the pre-Grove City status quo."

Quite a few religious organizations in my State are worried about this bill. They are concerned that if one of their programs or operations takes in a single Federal dollar that they too will fall under the sweeping regulation and paperwork puzzle of the Federal Government.

Proponents of this bill say, "Don't worry, this bill won't hurt you."

Small business in my district is concerned about this bill and concerned that if they take one food stamp or Federal contract that they will be deluged with red tape and lawsuits.

Proponents of the bill say, "Don't worry, this bill won't hurt you."

There are good many farmers in my district who are concerned about this bill. They are concerned that if they take a dollar in price supports or crop subsidies that they will be drawn under the broad network of compliance reviews, accessability requirements and other nightmares of Federal regulation.

The proponents of the bill say "Don't worry, this bill won't hurt you."

I don't know about the rest of you, but in my district when the Federal Government says, "Don't worry, we'll take care of you." That's when the people start sweating.

Wouldn't it be a little easier and a little safer, if we just stop where we are and take this bill back to the drawing board and clarify it?

The proponents of the bill says they simply want to restore things to the way they were before Grove City. Few, if any of us, oppose that goal. But so many people are concerned that this bill goes beyond that goal; so many people and organizations are concerned that this bill is a tremendous expansion of Federal intrusion into their lives and businesses, and churches and schools.

So many people share these concerns, that "don't worry" is not enough even if it is repeated 1,000 times.

We should sustain this veto, send the bill back to the drawing board and come back to the floor with a clean bill that clarifies what it does and does not do. This bill has become controversial because it is surrounded with so much ambiguity and so many contradictions. If we clear that ambiguity and confusion away, this bill will sail through with the blessing of virtually every American.

But passing this bill over the President's veto—in the face of the very real concerns of the thousands of people who are calling our offices every day—is not the way to further civil rights in this country.

I urge my colleagues to join me in supporting the President's veto of this bill. The people who have legitimate concerns with this bill have some rights, too.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. HENRY.]

Mr. HENRY. Mr. Speaker, I rise in opposition to the bill and in support of the veto. I will try to speak very rationally and deliberately to the religious tenets issue alone, not to the issue as to how far ultimate beneficiary ought to be extended or even to how far the question of ultimate beneficiary in the Grove City fix is extended, but simply to the problem of the religious tenet language.

The issue for me, at any rate, Mr. Speaker, is not the issue of discrimination on race or handicap or sex or age, all of which obviously I am opposed to, and my record in any number of other issues clearly indicates that, but the issue of the bill, because of the way in which it is crafted, threatens the religious liberties and independence of religious organizations not only in the religious educational sphere but potentially because of the expansions in the bill, in the social services sector as well.

If we look at the current religious exemption language, we note that statutorily, and if you read carefully the President's language, educational institutions, for example, which are controlled by a religious body, are given legislative protection for when their religious commitments run into or clash with some of the goals of the other civil service civil rights issues. Rightly or wrongly, from our point of view, we have honored the freedom of religion.

The problem arises that due to the expansion encountered in this act and because of the changing way in which religious organizations are organized, organizations that are equally, if not more, religious in many instances than those directly controlled by denominations are not guaranteed the same protections under the law as those which are directly denominationally controlled.

The test has thus become the form of religious governance as a criterion of exemption rather than the religious character of the institution per se and the religious legitimacy of its claim for exemption under the act.

Because of this fact, Mr. Speaker, in 1986 we deliberately broadened the religious tenets exemption under the Higher Education Reauthorization Act. This is not new language.

When this bill was last before the House Education and Labor Committee, the committee voted 18 to 11 to broaden the religious tenets exemption to address this problem. The problem arose for many of us, Mr. Speaker, because the rule under which the bill was brought to the House unfortunately refused to allow us to address this issue without also entangling it in other attempts to narrow the scope and range of the Grove City restoration, and that is the problem.

The religious community, I should point out, is not opposed to religious tenets language. It is true the major religious and ecumenical organizations opposed any amendment which would derail or entangle the passage of the Civil Rights Restoration Act. However, none are opposed to independent and exclusive consideration of the religious tenet language.

The Catholic Conference, the American Jewish Conference, the National Council of Churches, as well as your fundamentalist and evangelical groups run from acceptance to active support for this language. Unfortunately, Mr. Speaker, we were not allowed to present the issue in such a way as to assure the protection of nondenominationally controlled organizations, be they educational or social service, and that is the concern for many of us.

The SPEAKER pro tempore (Mr. PANETTA). The Chair will announce that the gentleman from Vermont [Mr. JEFFORDS] has 6 minutes remaining, the gentleman from Wisconsin [Mr. SENSENBRENNER] has 10 minutes remaining, the gentleman from California [Mr. HAWKINS] has 7 minutes remaining, and the gentleman from

California [Mr. EDWARDS] has 7 minutes remaining.

Mr. HAWKINS. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I would like to engage a member of the committee in a colloquy concerning a certain question that I have, and the question is: Does tax exempt status constitute "Federal financial assistance" or any other "benefit" so as to bring a recipient institution under the coverage of this act? For example, would a private religious school with tax exempt status be covered by this act?

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

Mr. HARRIS. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, the answer is "No." Tax exemption in and of itself will not trigger that, and as the gentleman would note, under our first amendment, we have restrictions on helping directly religious organizations.

If a simple tax exemption were considered a form of Federal financial assistance, Madeline Mary O'Hara would have been in and out of court all the time. A simple tax exemption does not trigger any obligation under this act whatsoever. So a school which gets no Federal financial assistance in any way and simply has a tax exemption is not covered at all.

Mr. HARRIS. I thank the gentleman for his response.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, today each of us faces a difficult choice: Should we vote for a bill because it has an attractive title and worthy goals? Or should we support the President's veto of that bill because it is ambiguous; its scope is ill-defined; and it may therefore vastly and unnecessarily expand Government powers.

This choice is not one of whether we are for civil rights or against civil rights—almost every Member of this body is committed to the rights set out in the four statutes amended by this bill. The question is much more complex and the issues more intricate.

While I embrace the goals of the Civil Rights Restoration Act, I cannot overlook the troublesome questions raised by the statutory language contained in this measure. We can do a better job of legislating. The definition we tried to give the bill through committee reports and floor debate should be part of the statutory language of this bill—we should not leave the job half finished.

The uncertainty about the impact of this legislation on churches, small businesses, and farmers should be eliminated before the measure is enacted into law.

First, the treatment of churches in this legislation should be revised. There is general agreement that entire churches, synagogues, and other religious institutions will be covered by the civil rights laws if this bill is enacted. This is true, even if only a single program operated by the church receives Federal funds. For instance, if a church operates a homeless shelter which receives Federal assistance, not only will the shelter operations be subject to the civil rights laws and regulations, but every aspect of the church will have to comply with these regulations. There is also some uncertainty on the extent of coverage of a diocese if an individual parish participates in a Federal program. We have assurances that only the parish will be covered, but the statutory language itself is unclear.

Thus, this is potentially a great expansion of Government into the free exercise of religion. Congress has traditionally been reluctant to entangle the Government with religion, but this bill compromises this longstanding principle, because the issue has not been fully explored by this body.

An effort was made to partly address this problem as it relates to title IX. A clarification of the religious tenet exemption to reflect the current environment would at a minimum ensure that institutions closely identified with religious institutions would not be forced to comply with a regulation which was in direct conflict with their religious principles. But proponents of this bill did not support this amendment, clearing indicating their desire to place Government civil rights laws above religious freedom in this country.

Second, the impact on small businesses causes concern. Corporation-wide coverage is triggered by this bill. This is an expansion of the scope of the civil rights laws beyond their pre-Grove City status. Moreover, this coverage brings with it several burdens, which will be particularly troublesome for small businesses. These include increased Federal paperwork; compliance with Federal regulations; exposure to Federal bureaucratic on-site compliance reviews; and adherence to accessibility requirements under section 504.

Third and finally, the impact of the bill on farmers is uncertain. While assurances have been made that this bill will not trigger coverage of farmers, the language itself is vague enough to generate doubts, and conflicting interpretations of the statutory language have been advanced. These conflicting readings of the bill should be put to rest by clear statutory language before the bill is enacted.

Before extensively expanding the authority and reach of Government, we, acting on behalf of the people, should clarify precisely the limits of that new Government power. We have assurances from the proponents of the bill that many of these problems are not real, but it would be more meaningful if those assurances were in the statutory language contained in the bill itself.

That is why I am voting to sustain the President's veto—to give this Congress an opportunity to do a better job. And I sincerely hope that, if the veto is sustained, the proponents of this legislation will continue to work for a civil rights bill that can be supported by this body and by the President.

Mr. JEFFORDS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. SCHUETTE].

Mr. SCHUETTE. Mr. Speaker, I rise in support of the Civil Rights Restoration Act.

This legislation demands and deserves a reasoned, measured, and thoughtful deliberation in Congress and across the United States.

Civil rights legislation must not be reduced to a discussion or deliberation based on inaccuracies and misunderstandings.

Therefore, we should assess this legislation and discuss what it does and what it does not do with respect to basic fundamental rights and freedoms for all Americans.

What does the Civil Rights Restoration Act do?

First, it prohibits discrimination on the basis of age, prohibits discrimination against the elderly.

Second, this legislation bars discrimination against the disabled, the handicapped.

Third, this measure forbids gender-based discrimination in the work force.

Fourth, this legislation just says no to discrimination against black Americans, just says no to discrimination based on race, color, creed, or national origin.

Also, let me emphasize an important aspect of this bill: The inclusion of the Danforth amendment, a provision which makes this act abortion neutral.

Now, let us examine what the Civil Rights Restoration Act does not do.

First, this legislation does not require, force, mandate, or dictate the hiring practices of employers.

Second, this measure is not a gay rights bill. This legislation is not directed toward sexual preference. Additionally, the Humphrey-Harkin amendment provides that anyone with a contagious disease or an infectious disease is not covered by this act. Why? Well, because of potential public health risks involved and the potential danger to others.

Third, this legislation does not cover or include farmers receiving government payments or food stamp recipients or Social Security beneficiaries. Why? Well, because section 7 of the

Civil Rights Restoration Act excludes ultimate beneficiaries from coverage.

Fourth, certain exemptions are included in this legislation to ease economic burdens on small businesses throughout America.

Fifth, the legislation does not intrude upon religious freedoms, which are the very foundation of this land. Religious freedom, religious independence, a hallmark of the United States—which reflect our basic values and character as a people—are protected by this legislation.

In conclusion, we, as a people, must be for equal opportunity and freedom in America. We, as a people, must be for equal protection under the laws in America. We, as a people, must be for equal treatment in America.

With this civil rights bill we are saying:

In America, we will not permit gender based discrimination.

In America, we will forbid discrimination based on your age, forbid discrimination because you may be a senior citizen.

In America, we will prohibit discrimination on the basis of a handicap or disability.

And, in America, we will not tolerate discrimination on the basis of your creed, race, national origin or the color of your skin.

□ 1700

Mr. EDWARDS of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, I rise as an original cosponsor of this legislation to urge my colleagues to vote to pass this bill, notwithstanding the action of the President of the United States.

The debate we have heard today is the debate, as previous speakers have indicated, that has occurred on this floor before.

There is always a time to insure the extension of civil rights tomorrow.

The previous speaker, I think, was absolutely correct, and I will not repeat his judgments because I agree with them, as to what this bill does and does not do. But I want to say to all my colleagues, all 434 of you, like the rollcalls of 1964 or 1965 or on other times when this House was called to express its opinion on guaranteeing the rights that our Constitution so eloquently stated were the people's of the Untied States, this vote will be looked at in years to come.

I urge all of my colleagues to remember that this is an historical vote for the rights of all Americans.

Mr. Speaker, on March 2, 1988, the House overwhelmingly passed S. 557, the Civil Rights Restoration Act of 1987. Following the example of the Senate, the House demonstrated the commitment of the 100th Congress to ensuring full civil rights for all Americans.

I am proud to have been an original cosponsor of the House version, H.R. 1214, also designed to overturn the narrow and restrictive application of some of the Nation's most important civil rights laws. In 1984, the Supreme court in Grove City College versus Bell reversed the existing interpretation—an interpretation that had evolved over 20 years of struggle for civil rights for all Americans—that Federal anti-discrimination laws applied to an entire institution if any program within that institution received Federal assistance.

The Congress, in originally enacting these civil rights measures, intended a broad interpretation, prohibiting discrimination on the basis of race, sex, religion, age, or handicap, in any organization that received Federal aid. With the Supreme Court's Grove City decision, only the particular program or activity that received Federal aid had to comply with these laws.

Our Nation has made tremendous strides toward eliminating discrimination. Unfortunately, our work is far from finished. The House of Representatives, composed of the elected spokesmen and spokeswomen of the American people, has an opportunity to show unequivocally and clearly that we will not tolerate discrimination.

It is unfortunate that we must take this action. A New York Times editorial stated yesterday, "Ronald Reagan appears determined to go down in history as a President who sought actively to set back the cause of civil rights." The President's veto of the fundamental bill is an embarrassment.

Today, a vote to override the President's veto of S. 557 is a signal that we support the idea of equal protection under the law for every American. Let us remember the words of the Reverend Martin Luther King, Jr., who on August 28, 1963, speaking before the Lincoln Memorial, said, "[e]ven though we must face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream that one day this Nation will rise up and live out the true meaning of its creed—we hold these truths to be self-evident, that all men are created equal."

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

Miss SCHNEIDER. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of overriding the veto.

Let me share with my colleagues that the comments that have already been made in the previous last two speakers I will not bother to reiterate, but I would like to share with my colleagues a letter that was written by Secretary Bell urging us and our colleagues to vote to override the President's veto of the Civil Rights Restoration Act.

To quote from the letter he says:

When I was Secretary of Education, we read the law broadly to assure equal educational opportunity. While I had not considered direct aid to a student under the Pell Grant Program to be aid to an institution, we had for years considered an institution or school district obligated to comply with all the civil rights statutes. It was clear to me then as it is now that the Department of Justice is determined to weaken Civil Rights enforcement in the nation's colleges and schools.

Let me add that our only route of opportunity is to provide equal access to educational opportunities not only for all women but for all minorities, the handicapped and regardless of age.

Mr. JEFFORDS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I rise today in strong opposition to S. 557, the Civil Rights Restoration Act. The title of this bill is extremely misleading—instead of restoring civil rights, it actually trespasses on the civil rights of countless schools, churches, farms, businesses, and others. By incorporating broad and vague language, this bill subjects nearly every facet of American life to needless and detrimental Federal intrusion.

The list of those who will be adversely affected is vast; just to name a few, our churches, corner grocery stores, religious institutions, farmers, possibly even Girl Scouts and Boy Scouts will be subjected to unwarranted Federal paperwork.

The need for this sweeping intrusion has not been documented. Businesses, individuals, and religious entities will be—for the first time—subject in their entirety to extensive Federal regulation for no proven, documented reason.

And what about one of our founding principles, the principle of federalism—this legislation, S. 557, clearly violates the separation of Federal, State, and local jurisdictions by vastly expanding the scope of State and local coverage.

In conclusion, I strongly urge my colleagues to sustain President Reagan's veto and reject S. 557. It is in the best interest of the United States to protect the civil rights of the many, not promote the liberal agenda of a few special interest groups. I enclose two relevant and worthy articles that I invite my colleagues to read:

STATEMENT BY REV. CLEVELAND SPARROW, PRESS CONFERENCE AT THE NATIONAL PRESS CLUB, WASHINGTON, DC, FEBRUARY 22, 1988

I am Rev. Cleveland Sparrow, the President of the National Black Coalition for Traditional Values.

My organization publicly declares war on the so-called Civil Rights Restoration Act. We also believe these actions are a direct assault on black traditional values for church and family. The legislation is a racist attempt by special interest groups to further erode and infringe upon the gains and accomplishments won by the civil rights movement.

It was not so long ago that the racist Jim Crow laws determined where black people could eat, whom they could marry and whether they could exercise their rights as citizens to vote.

It took many people of strong convictions to repeal those laws and to begin the work of fulfilling the American dream for black Americans.

The freedom writers of the 1960s boarded buses so that no person would be told to sit in the back of one. Seemingly, black Ameri-

ca's struggle for civil rights is a victim of its own successes. More and more groups want to get on our civil rights bus and carpetbag upon the work of our movement.

The drive to make civil rights mean everything except rights for black people has reached its peak in the 9th U.S. Circuit Court of Appeals where a three judge panel on that court equated the homosexual rights movement with the black struggle.

The day that decision was announced, I began hearing from black people all over America. Their verdict was unanimous. They were disgusted and revolted that federal judges consider homosexuals just like black people.

We all agree that this decision endangers the entire basis of our civil rights law and our nation's moral health as well.

We feel that homosexual perversion is a matter of choice and therefore should not be subject to the same constitutional protection as racial minorities.

That decision tied with the passage of the so-called Civil Rights Restoration Act will destroy the meaning of civil rights that my black brothers and sisters went to jail for and some even died for.

Affirmative action requires that some folks be given preference over others. What happens when a white male claims to be a homosexual after he is passed over for a black candidate?

The civil rights struggle was a moral struggle which remedied a moral wrong. No civil rights measure is worthy of the name if it forces good people to accept what they believe to be immoral behavior by others.

The Civil Rights Restoration Act is nothing of the kind. It is simply a racist attempt by militant radicals to don black face so they can exploit the gains that my people fought and died for.

Thank you.

Resting on the President's desk is legislation mandating the most sweeping expansion of federal power in the Reagan era. It is a measure of the loss of faith in President Reagan's revolution that half the GOP is begging him to sign.

"I implore you to sign this bill," Sen. Rudy Boschwitz, R-Minn., has written the President.

Under the Civil Rights Restoration Act, as this monster has been christened to frighten timid Republicans, #1 in federal aid, directly or indirectly, to any institution bring the entire institution under federal control. Virtually everyone, from the Girl Scouts to the community college would henceforth be fair game.

If, for example, one welfare recipient in Paducah, Ky., used her food stamps once, at a suburban Safeway, Washington would have the same authority to mandate racial quotas at that Safeway as it now has at General Motors. If a tiny Christian college in South Carolina fired a teacher for being drunk, setting a bad example for students, that teacher would have the right to sue for discrimination.

The underlying premise of this bill is that America is a bigoted sexist society whose institutions need monitoring by big Government to prevent their mistreatment of women, blacks, gays, Indians, handicapped, elderly, disabled, etc. Without constant supervision, we apparently are incapable of behaving as good men and women.

The bill is truly a Trojan Horse through which the social agenda rejected in 1980 and 1984 is to be smuggled into the books and imposed upon the nation. If the President's veto is overridden, feminists, gay rights activists and the Black Caucus will have successfully reversed the election returns. America's institutions will be hit with a hurricane of lawsuits, and the number of bureaucrats making inspections of our private schools, foundations, firms and factories would take a quantum leap.

Over two decades, Americans have seen the once-hallowed term "civil rights" perverted. Historic laws, enacted to end discrimination, have been twisted by activist judges to require quotas. Laws to protect the handicapped have been twisted to require employers to indulge the most outrageous behavior.

Millions of Americans still regard drunkenness, drug abuse and homosexuality as immoral conduct, manifestations of grave character flaws. Yet, courts are ruling that people have no control over their proclivities, that to deny alcoholics, addicts and gays jobs and housing is irrational discrimination.

This bill represents a wholesale reversal of what Reagan came to Washington to accomplish, i.e., to roll back government and restore power to the people.

Once again, Congress is transferring vast power to our unelected rulers in the federal bureaucracy. Once again, Congress is writing a law with such verve, disputed terms as "handicapped," "diseased" and "civil rights," leaving it to the courts to determine what those terms mean. Is it a handicap to be a transvestite, is it a functional disorder; or is it simply a chosen lifestyle? We will not know the answer until some federal judge has told us, and tells us how henceforth we must behave.

Historically, the Republican Party has seen its role as sheltering the free society from the dictation of that ancient anatagonist of human freedom, government controlled by ideologues anxious to re-shape society to conform to their image of the world.

Yet, half the Republican Party voted for this bill, and party leaders are imploring the President to sign. Why? Because nothing so terrifies a moderate Republican as the charge he is insufficiently progressive on civil rights.

A veto would have a "dangerous downside," Frank Fahrenkopf, party chairman, warns the President our critics will charge us with being "not interested in equal opportunity."

Well, Frank, if the GOP lacks the courage and capacity to sustain the President, and defend itself in public against the noisemakers and special interests clamoring for this bill that tramples under Republican principle, explain to us why the party is even worth worrying about this November.

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

Mrs. SNOWE. Mr. Speaker, I rise in support of the motion to override the Presidential veto of S. 557.

Regretfully, the President has sent this legislation back to Congress with the message that the Civil Restoration Act broadens the coverage of the Federal discrimination laws as it relates to private enterprise. That simply is not the case.

The Civil Rights Restoration Act does not change who is covered by the discrimination laws, not does it change what kind of discrimination is prohibited. In fact, the legislation actually narrows the scope of the laws prior to 1984, in the instance of private organizations not engaged in public services. Coverage of this type of business will only relate to the program that receives Federal funds, unlike the corporatewide coverage assumed before 1984.

I also must say that I am appalled at the misinformation being circulated by the Moral Majority and other groups. For example, there have been outrageous statements made about contagious disease.

In fact, this provision, which has been law since 1973, prohibits discrimination in instances of contagious disease, unless the disease poses a direct threat to the health and safety of others. I want to point out to my colleagues that the President has included this exact language in his proposal.

Today we have the opportunity to restore the full force of our discrimination laws. Without this legislation, many women, minorities, elderly, and handicapped are denied access to employment and education opportunities. The fact is, any institution which denies such access should in turn be denied Federal assistance.

Therefore, this legislation must be passed, ensuring that tax dollars do not in any way support discriminatory actions.

I urge you to vote to override the President's veto.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WORTLEY].

Mr. WORTLEY. Mr. Speaker, I rise in opposition to the bill.

Mr. Speaker, on March 2, I voted in favor of S. 557, the Civil Rights Restoration Act, because I have a deep commitment to civil rights in our country. I was—and remain—in favor of overturning the Grove City decision and the continued execution of our four civil rights statutes.

However, since that March 2 vote, I have had additional time to further review the significance and ramifications of the provisions of this legislation. In consideration of what I have learned from Justice Department officials, the President's staunch rejection, and—most importantly—measuring the wishes of church leaders, school officials, small business owners, and farmers in my district, I will vote in favor of the President's alternative and to sustain his veto of S. 557. I sincerely believe that S. 557 would not just overturn the Grove City decision, but that it would expand on existing statutes to appoint of excessive, costly, and liberty-threatening Government involvement in our daily lives.

I repeat my support for the President's alternative to this Federal intrusion act, because it would work to uphold civil rights in our country while keeping bureaucrats out of the lives of farmers, small businessmen, and religious leaders.

I am particularly interested in just how individual rights will be affected if this supposed restoration legislation is voted into law. I sincerely believe that the citizens of our Nation will be better protected from Government intrusion by the President's alternative, while at the same time not jeopardizing the civil rights of women, the aged, minorities, and the disabled.

To call this legislation a simple restoration of previous civil rights laws is just short of insulting. In reality, this bill is a significant expansion. I am afraid that we are now using the good intentions of congressional Members to give the Federal Government the green light in intrusive regulation and oversight of churches, schools, small businesses, farms, and other organizations. Restoration in this case is simply shorthand for expansion.

Mr. Speaker, the Civil Rights Restoration Act would propel the Federal Government into situations where it should not be. For example, those groups in the United States with unique religious lineages would be subject to discrimination clauses that conflict with deeply held benefits. As far as I know, the freedom of religion is still a right protected by the U.S. Constitution. Why, then, should schools which are distinctly associated with religious tenets be subject to litigation because they refuse to take action contrary to those tenants? They could then be forced to hire someone who is not inclined to support the very tenets that the school is based upon. You see, this is just one area where the Governments should not be.

This is why I support the President's alternative to the religious tenet question. The President's proposal bolsters our constitutional rights in the area of religious freedom. This is another example of why the President's alternative is indeed superior.

Let's look at just one area that would be covered by expanded discrimination clauses under this legislation: grocery stores. Were grocery stores covered prior to the Grove City decision? No. The Justice Department informs me that grocery stores and supermarkets that participated in the food-stamp program were not simply by virtue of their participation in that program subject to the four civil rights laws. Will they be covered under S. 557? The answer seems to be yes. I, along with many of my colleagues, would appreciate it if the sponsors of this legislation would stop misleading the public by saying it is merely a restoration when it is actually a power grab for the Federal Government.

Speaking from personal experience, my father owned a corner pharmacy in Tully, NY, a typical mom-and-pop operation. I ask myself how he would have reacted to the possibility of being accused of discrimination simply because he could not afford to install wheelchair ramps, lower shelves, and adjust counters. It would surely be excessive to force a small-business owner to renovate his entire store just to curtail the chance of discrimination lawsuit. But this is exactly what this legislation seems to require. Ultimately, and ironically, the reaction of small mom-and-pop stores will be to withdraw from participation in Federal food-stamp and Medicaid programs because of the costs, administrative burdens, and legal liabilities that participation would impose. And who would be the ultimate losers in this type of situation? It will be those who rely on mom-and-pop stores for their food-stamp and Medicaid purchases. This certainly isn't my idea of civil rights.

Mr. Speaker, let us also look at the effect this would have on our already overburdened judicial system. This bill would not merely encourage, but would exacerbate excessive litigation. As we all know, the business community already faces an explosive growth in litigation. S. 557 would undoubtedly create multitudes of new plaintiffs to add to our current liability crisis. Litigation shopping would be a very real possibility. In short, the legal profession would have a heyday while our judicial system would be even further overwhelmed with lawsuits.

Mr. Speaker, I implore my colleagues to contemplate the adverse effects this legislation—as currently drafted—would have on our legal system, our business community, our farmers, our schools, our churches, and our individual daily lives. I am hopeful that we indeed have the foresight to support the President's alternative and to sustain the President's veto.

Mr. HAWKINS. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas [Mr. SLATTERY].

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

Mr. Speaker, proponents and opponents of this bill share the belief that religious liberty is the cornerstone of our democracy, and that separation of church and state is the foundation of our freedom.

The Civil Rights Restoration Act in no way compromises our shared beliefs.

This bill does not require the hiring of homosexuals. Nowhere does it address the issue of sexual preference.

It does not require an employer to hire or retain an alcoholic, a drug addict, or someone with AIDS if that person poses a threat to the health or safety of others, or cannot perform their job.

It does not infringe upon the rights of farmers, or recipients of Social Security benefits, food stamps, or Medicaid. These groups are clearly exempt.

This bill does honor our shared committment to the separation of church and state by exempting religious-controlled institutions from the civil rights laws if those laws conflict with the tenets of that religion.

Mr. Speaker, in 1964 President Reagan called the Civil Rights Act bad legislation; in 1967 President Reagan opposed the Fair Housing Act.

Regrettably, he was wrong in 1964, he was wrong in 1967, and he was wrong in vetoing the Civil Rights Restoration Act. This bill strengthens our civil rights while protecting our religious liberties.

I urge my colleagues to vote to override the President's veto.

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

Mr. PANETTA. Mr. Speaker, I rise in support of the override.

Mr. Speaker, I rise today to voice my support for the Civil Rights Restoration Act and to urge my colleagues to vote to override the President's veto. As you know, this legislation was introduced in response to the Supreme Court's 1984 decision in the case of Grove City College versus Bell. In that decision the Court reversed a long standing position of the law as it relates to discrimination.

In this Nation, there is no right unless there is a remedy. Civil rights have been established by laws enacted by the Congress and signed by the President over the last three decades. Title IV relates to discrimination in education, title XI prohibits discrimination on the basis of sex, section 504 of the Rehabilitation Act relates to discrimination of the handicapped and the Age Discrimination Act prohibits discrimination based on age. These laws make clear that discrimination is not only wrong, but that the Federal Government will not subsidize discrimination through Federal funds.

For over 20 years, agencies enforced these laws through the ability to terminate Federal aid to institutions when deliberate discrimination is proven. This is based on the legally supported premise that any institution that accepts or tolerates discrimination in any of its programs should be subject to the loss of all Federal funds. This Court, however, has severely limited that enforcement power with the Grove City decision. The Court ruled that an institution can essentially discriminate in one activity and still not be subject to loss of funds to the rest of the institution. For example, a school could discriminate against blacks in sports and still retain its Federal research funds. By allowing the school to continue to receive large amounts of Federal funds, the Government would in effect be subsidizing discrimination in direct contravention of the civil rights laws.

The purpose of this bill is to correct that situation and restore the law to its previous method of enforcement. The Senate approved the bill 75 to 14. The House followed with a vote of 315 to 98. The final bill was a careful compromise to ensure that the bill did no more and no less than restore the law as it stood prior to the Supreme Court decision. The groups endorsing its passage include: U.S. Catholic Conference of Bishops; American Jewish Committee; National Council of Churches; Church of the Brethren; American Jewish Congress; Presbyterian Church USA; American Baptist Churches; Church Women United; Evangelical Lutheran Church of America; Network-National Catholic Justice Lobby; Union of American Hebrew Congregations; United Methodist Church; Episcopal Church; and Anti-Defamation League of B'nai B'rith.

Unfortunately, a large lobbying effort of phone calls and letters is being waged in support of the President's veto on the Civil Rights Restoration Act. The concerns and arguments presented by these opponents of the civil rights legislation are frankly totally unfounded. I think it is important that we examine these arguments before casting our votes today.

First, one of the underlying concerns raised by opponents is the fear of increased Government intervention in religious and educational activities. As you know, many churches have already voiced their support for this legislation because they understand that the bill does maintain current protections enjoyed by religious groups. Specifically, title IX presently exempts "an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization." Passage of the legislation will not expand this coverage. It will merely make clear the congressional intent of the original law.

Second and more specifically, concern has been raised about the hiring of homosexuals. At no time have title IX or any of the other statutes affected by this legislation been interpreted by the courts as providing civil rights protection on the basis of sexual preference. As S. 557/H.R. 1214 is a restorative measure, no expansion of coverage will occur.

A related concern is the protection of individuals with contagious diseases, including AIDS. Clearly, this is a question that will continue to be a source of great controversy in our country. However, passage of the Civil Rights Restoration Act will not expand the protection of individuals with contagious diseases beyond the scope of exisitng law. Section 504 of the Rehabilitation Act of 1973 provides that, "* * * an employer is free to refuse to hire or fire any employee who poses a direct threat to the health or safety of others or who cannot perform the essential functions of the job is no reasonable accommodation can remove the threat to the safety of others or enable the person to perform the essential functions of the job." These decisons must be made on a case-by-case basis. The same provision applies to educational institutions.

Section 504 also addresses the question of protection for alcoholics and drug addicts. The courts have consistently interpreted section 504 to enable employers to refuse to hire or fire alcoholics and drug addicts if they cannot perform the essential functions of the job. Again, the Civil Rights Restoration Act will not expand the scope of coverage for alcoholics, drug addicts or individuals with contagious diseases protected under section 504 of the Rehabilitation Act.

Passage of this legislation today will ensure that those institutions found to discriminate on the basis or 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 Grove City decision as a means to discriminate. Our country is built on the premise that all individuals are created equal. By allowing the 1984 Supreme Court decision to stand we are condoning discrimination at a national level. This is totally inconsistent with the efforts our country has made to ensure that civil rights are enjoyed by all. We have just finished celebrating Black History Month and the Bicentennial of our Constitution. This is the ideal time to pass the Civil Rights Restoration as a signal to all Americans that the Federal Government will not permit discrimination on the basis of race, sex, age, or handicap.

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. it is imperative that we restore the power of funding termination to the Federal funding agencies to insure that civil rights laws are enforced. I urge my colleagues to vote to override the President's veto on the Civil Rights Restoration Act today. With its enactment, those responsible for enforcing the Nation's civil rights laws will once again have the full force of the law behind them.

Mr. HAWKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in favor of the veto override.

Mr. Speaker, as a sponsor of the House's Civil Rights Restoration Act, H.R. 1214, I was pleased to vote for passage of S. 557 on March 2 and am pleased to vote to override the Presidential veto today. The House of Representatives seized the opportunity from the start, acting in the 99th Congress, responding to the terrible gap in Federal civil rights enforcement that has plagued our Nation since the 1984 Supreme Court decision in Grove City College against Bell. But the then-G.O.P. Senate failed to act. An overwhelming vote today, which will reverse this court decision, is necessary to restore the national policy of preventing Federal funding of discrimination experienced by minorities, disabled persons, women, and older Americans within institutions which receive Federal funds.

In the past, Congress has made commitments to such fundamental civil rights by enacting laws prohibiting discrimination on the basis of race, sex, age or handicap. President Reagan and Vice President BUSH are wrong to turn away and shun 40 years of national commitment and progress in civil rights. This administration in turning the clock back on antidiscrimination efforts and policy with this ill timed veto. Congress must act to save civil rights by overriding this veto and reaffirming yet again, our never-ending commitment to "form a more perfect union."

Despite the misinformation campaign waged against this legislation, the United States is back on the road to effective and meaningful implementation of our Federal antidiscrimination policies. The bill we have passed here today, does not redefine what constitutes Federal funding, nor does it redefine the recipients of such funds. The Civil Rights Restoration Act will not change the interpretation of sex discrimination based on gender to that of sexual preference. It does not require churches or other places of potential employment to hire substance abusers or an individual with AIDS who may pose a threat to the safety of others or who may not otherwise be qualified for the job. I regret that those who disagree with civil rights progress have sought to use such questionable tactics of fear to sustain this veto. This legislation, importantly, does continue to provide that institutions "controlled by a religious organization" are exempt from these laws if compliance would conflict with the tenets of their religion.

Mr. Speaker, our current civil rights laws since 1984 have been more bark than bite. Today, we will restore meaningful enforcement of the good intentions of our civil rights laws. Congress can once again make good on our Nation's commitment to enforce antidiscrimination laws on an institutionwide basis rather than the narrow, almost meaningless, program-only interpretation prescribed by the Grove City decision. The House of Representative's override of this Reagan veto of the Civil Rights Restoration Act should restore our legislative objectives and stop the mockery and hollow promises that the court's interpretation has made of the basic laws and values of our great Nation. President Reagan and Vice President BUSH are wrong. The party of Abraham Lincoln is not well served by such venial criticism and the comfort provided to those who make civil rights the adversary of religious freedom. Let us act today to dash such political ghosts and protect both these important freedoms that our Nation cherishes.

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

Mr. HAYES of Illinois. Mr. Speaker, I rise in support of the override of the President's veto.

Mr. Speaker, I rise to add my support to override President Reagan's veto of the Civil Rights Restoration Act.

The Civil Rights Restoration Act, S. 557 passed the House by a vote of 315 to 98 on March 2, 1988. The other body adopted the legislation on January 28, 1988, 75 to 14. Today the other body voted to override President Reagan's veto 73 to 24. We must act now to override his veto.

On March 16, President Reagan vetoed this bill, claiming the legislation would "vastly and unjustifiably expand the power of the Federal Government over the affairs of private organizations such as churches and synagogues, farms, businesses, State, and local governments."

The Civil Rights Restoration Act would overturn the 1984 Supreme Court decision that dramatically reduced the scope of the four Federal antidiscrimination laws and held that the protections of these laws only affects the specific "program or activity" that receives Federal funding. The bill simply restates Congress' original intent and reaffirms that federally assisted organizations must prohibit discrimination against women, minorities, the elderly, and disabled individuals throughout the institution. The Federal Government should not subsidize discrimination.

There is widespread misunderstanding about precisely what this legislation would accomplish. The Civil Rights Restoration Act, ap-

plies only to institutions that have received Federal funding.

The administration has offered a counter proposal similar to alternatives already overwhelmingly rejected by both the House and Senate. The administration proposal would exempt federally assisted educational institutions that are "closely-identified with religious organizations and would restrict application of the antidiscrimination laws to the program or activity receiving Federal assistance for churches and synagogues. In addition, this counterproposal would limit the coverage of the antidiscrimination laws for corporations, businesses, and local governments.

The Civil Rights Restoration Act respects the "wall of separation" between government and religion. The act does not change the religious exemption now in effect in title IX of the 1972 Education Amendments and title VII of the 1964 Civil Rights Act. It is important to recognize that federally funded institutions controlled by a religious organization are not required to comply with the regulations if the application of these statutes would not be consistent with the organization's religious tenets.

In effect, the Civil Rights Restoration Act will restore antidiscrimination laws to their pre-Grove City status. The act makes clear that any institution which has applied for and receives Federal funding, if found to discriminate in violation of title IX of the 1972 Education Amendments, section 504 of the 1973 Rehabilitation Act—which protects the rights of the disabled—the 1964 Civil Rights Act, or the 1975 Age Discrimination Act—loses all funding that supports the discriminatory programs. This act upholds the basic freedoms guaranteed to all people by the Constitution.

The 11th hour attack by Rev. Jerry Falwell of the Moral Majority is replete with misinformation. One of the statements is:

(o)ur churches and religious leaders could be forced to hire a practicing active homosexual drug addict with AIDS to be preacher or youth pastor * * *

Nothing in these bills nor any of the other statutes have ever been interpreted by the courts to provide protections on the basis of sexual preference, and so on, Reverend Falwell's statement is wrong.

As you may know, I am strongly opposed to discrimination on the basis of race, color, national origin, age, sex, or physical disability. I am an original cosponsor of the Civil Rights Restoration Act in the House, H.R. 1214. I voted in favor of this legislation when it was considered by the Committee on Education and Labor. I voted in favor of this legislation when it was considered on the floor of the House. I will vote to override President Reagan's veto and urge that my colleagues also vote to override this veto.

Mr. LEVINE of California. Mr. Speaker, I rise in strong support of the Civil Rights Restoration Act. I am proud to have been an original cosponsor of this and to have been closely involved in this bill since its inception. I urge my colleagues to join me in voting to overturn the President's veto.

We are here to reaffirm the civil rights of millions of Americans. The importance of this legislation in guaranteeing the civil rights cannot be over estimated. The Civil Rights restoration Act ensures that tax revenues generated from the entire population will not be used to benefit some and to discriminate against other members of our society.

A number of claims have been made about what this legislation is or does. This bill restores the original intent of Congress in the coverage of the four key laws which protect the rights of minority groups, ethnic groups, women, the elderly, and disabled. This legislation does not broaden these original four laws in any way. Additionally, this legislation does not place unfair burdens on religious groups. Religious groups may apply to be exempted from coverage, and in the history of these laws, no application has been refused.

What this bill will do is ensure the principle of "simple justice" John Kennedy advocated—that Federal tax dollars are not used by institutions which discriminate.

We are here today reaffirming some of the most important civil rights legislation passed in the last quarter century. I am proud to be part of this historical vote today, and I urge my colleagues to override this veto.

The SPEAKER. The Chair will state that the gentleman from Vermont [Mr. JEFFORDS] has 3 minutes remaining; the gentleman from Wisconsin [Mr. SENSENBRENNER] has 8 minutes remaining; the gentleman from California [Mr. HAWKINS] has 4 minutes remaining; and the gentleman from California [Mr. EDWARDS] has 6 minutes remaining.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to overriding the President's veto.

Mr. Speaker, like many of my colleagues, both my district and Washington offices have received hundreds of calls to sustain the President's veto of the Grove City bill. My offices have tallied at least 666 calls. I welcome the opportunity to do my part to ensure that civil rights are not threatened under the guise of restoration by voting to sustain the President's veto.

Unquestionably, we all abhor acts that discriminate against another individual for reasons of race, sex, color, religion, national origin, age, or handicap. However, I believe that this bill, H.R. 1214, would extend its enforcement authority far beyond the proper scope of the Federal Government. If passed, the language of the bill makes it clear that the Government would have the authority to supervise, intervene into and regulate virtually every entity in this country.

I support the President's veto of Grove City because it trespasses upon the civil rights of our churches, schools, farms, and businesses, and restricts much of the good many of the institutions are able to do in helping our Government attend to those in need. The President's veto signals his concern over the religious and economic implications of this bill. 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 better spent feeding people. The grocer who accepts food stamps for those customers who need them would also be susceptible to a Federal investigation.

Civil rights and the freedom to exercise them represent the great freedom that identifies and motivates our country. My vote to sustain the President's veto is cast in the spirit of this freedom.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from Wisconsin is recognized for 8 minutes.

Mr. SENSENBRENNER. Mr. Speaker, the question before the House is whether to pass a well-drafted civil rights bill offered by the President or one that is not well-drafted. If you support a better drafted civil rights bill, sustain the veto and support the effort to make the President's bill law.

The President's bill is better drafted because it better effectuates the intent of the proponents while avoiding unintended consequences. For example, the proponents state that their purpose is simply "restoration"—that is, to restore the scope of four major civil rights laws as they existed before the infamous Grove City decision by the Supreme Court. However, the bill calls for corporationwide coverage of five areas of business while the rest of the private sector gets single plant or entity coverage. This disparate coverage of the private coverage is new. This was not the law prior to Grove City. Two weeks ago on the House floor, I asked my good friend and a man I deeply respect, the gentleman from California [Mr. EDWARDS] a proponent of this bill, whether the bill's private sector coverage was pre-Grove City law. I asked him three times and he never answered my question.

In addition, the President's alternative better effectuates the intent of the proponents because it codifies many of the colloquys. The two gentlemen from California [Messrs. HAWKINS and EDWARDS] have both said that the bill is not meant to cover farmers, grocers, and those parts of churches that are not extended Federal assistance. The President's bill merely states these exemptions as opposed to leaving those questions to the courts. Neither Mr. HAWKINS nor Mr. EDWARDS have explained why it is so disagreeable to put those exemptions in the language of the bill.

I know some Members have been offended by statements made by the

Moral Majority. I hope these Members are equally offended by unfortunate comments made by Ralph Neas, executive director of the Leadership Conference on Civil Rights. Ralph Neas in this morning's New York Times says without any explanation that the President's bill would subsidize discrimination. That statement is inaccurate and unfair.

The President's bill represents a moderate, compromise proposal. It is very different from the administration proposal, H.R. 1881. The President's bill is the same as S. 557 except it includes a religious tenets amendment, a corporate coverage amendment, and codifies exemptions mentioned in colloquys. It is similar to the Sensenbrenner substitute. When I offered by substitute on the floor, I challenged the proponents to cite any form of discrimination that would be sanctioned by inclusion of a religious tenets and corporate coverage amendment. To this moment, I have not heard a response.

The religious tenets exemption addresses the same issue in the Jeffords amendment that was passed in the House Education and Labor Committee in 1985. Was the gentleman from Vermont [Mr. JEFFORDS] a racist or sexist for offering that amendment to a bill he cosponsored? Of course not. The religious tenets amendment uses virtually verbatim the same language that the 99th Congress approved nearly unanimously in the Higher Education Act of 1986. Was the 99th Congress racist or sexist? Of course not.

The corporate coverage amendment while not using the same language addresses the same issue of an amendment offered by the gentleman from New York [Mr. FISH] in the Judiciary Committee in 1985. Would anybody in their right mind suggest that Mr. FISH, the lead sponsor of the Grove City bill, would undercut it with this amendment? Would anyone dare suggest that the distinguished and highly respected vice chairman of the Judiciary was not acting responsibly in offering this amendment?

My friends, I ask you, can a civil rights bill that is the same as S. 557 except that it includes two amendments that address the same issues offered by two cosponsors of the bill as well as codifying exemptions intended by the drafters be seriously called anticivil rights? What discrimination is being subsidized? I challenge the proponents to tell us how the President's bill is "anticivil rights." I suggest there is no response because the President's bill is a responsible package. Sustain the veto and I will demand that the President's bill be both brought up immediately and passed. The President will sign it and we can overrule Grove City.

The proponents' actions speak louder than words. In this Congress, they railroaded this bill without hearings, markups, or committee reports. The bill was passed under a closed restrictive rule that did not allow any freestanding amendments to be voted on. The opposition only got 7½ out of the 60 minutes of general debate on the bill. There were so many questions about the bill, numerous colloquys were made on the floor in an attempt to clarify the intent of the bill. There were so many of them some could not be done during the general debate time and so were done during the rules debate. Moreover, this bill was held up for 3 years by the proponents over the issue of abortion neutrality. They claimed all through that time that the abortion neutral amendment would kill the bill. Subsequent events should show what kind of credibility some proponents have on assessing amendments. The proponents talk about Moral Majority but won't talk about the questions in this bill.

There is nothing shameful about subjecting civil rights legislation to a little bit of the legislative process. It's time to change the terms of debate on civil rights in America. It is not Martin Luther King versus Bull Connor anymore. It is not homosexuals versus racists. It is destructive to insist on passing vague civil rights bill which will be misconstrued by courts. We can do better than this. Let's be constructive. I want to work with the gentlemen from California [Messrs. HAWKINS and EDWARDS] to pass a good civil rights bill. Let's change the terms so we can have reasoned debate. Sustain the veto and support the President's civil rights bill.

□ 1715

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, I rise in strong support of the President's veto and against more Federal regulation as it relates to our churches, our universities, and the lives of our people.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to our distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, today I am introducing President Reagan's civil rights bill, as outlined in his message to the Senate on March 16.

I believe his bill advances the protection of civil rights and does so in a way consistent not only with previous civil rights laws, but with the processes of effective and orderly government and the procedures of the House.

Let me say a few words preliminarily, in order to put in perspective the current debate over what has been called the Grove City Civil Rights Restoration Act, which passed the House and Senate and has been returned unsigned by the President, and to place before our colleagues my own views—and my own record—on civil rights legislation.

In voting to sustain the President's veto, I do so convinced that my vote is consistent with a pro-civil-rights voting record going all the way back to the historic legislation of 1964.

I voted for passage of the Civil Rights Act of 1964, a bill to enforce the right to vote and to prevent discrimination in access to public accommodations and other areas. This was unquestionably one of the most important pieces of civil rights legislation ever passed in the United States.

In 1965 I voted for the Voting Rights Act, an equally important bill guaranteeing the unencumbered right to vote for all Americans.

In 1967 I voted for passage of the Open Housing Act providing additional protection against interference with persons exercising their civil rights, and then voted to accept the Senate amendments to the bill.

In the same year I voted for the Aged Discrimination Act of 1967 to prohibit employers, employment agencies and labor organizations from discriminating against workers or potential workers between age 40 and 65 because of their age.

I voted for the Vocational Rehabilitation Act of 1973 which included section 504 protecting the rights of the handicapped.

In 1981, I voted for the voting rights extension to extend key enforcement provisions of the 1965 act.

And in 1984 I voted for H.R. 5490, to clarify that prior civil rights legislation covers an entire institution if any program receives Federal assistance. In short, I voted for the 1984 version of the Grove City civil rights legislation.

I believe the voting record I have achieved on civil rights speaks for itself. I supported the landmark legislation, the very foundation of all subsequent civil rights legislation back in the 1960's. These are among the votes in my 32 years of congressional service of which I am most proud.

I was there for civil rights in the beginning, voting for the laws that would help transform this Nation. I was there for civil rights, voting for other important civil rights legislaltion, in the years afterward.

I stress this record not only because of my pride in helping to pass such laws, but because I believe that record is at the heart of my views of the importance of civil rights to all Americans.

With all of this as background, let me now address the reasons I am introducing the President's Civil Rights Protection Act of 1988.

I agree that the Supreme Court's interpretation of the scope of Federal civil rights laws in the 1984 Grove City case was too narrow. That is why I support restoration of Federal civil rights laws to original congressional

intent, and sponsored legislation to this effect back in 1984.

The 1984 Grove City bill came after we had gone through the processes and procedures, the hearings and the testimony, absolutely necessary for the formation and passage of legislation, of any kind.

But, as I said during the debate on the rule of the Civil Rights Restoration Act of 1988, those same procedures and processes were simply ignored in bringing a Senate-passed bill to the floor. We in the House simply took the Senate bill and were given 2 hours to debate it.

Four years is too long a time to let pass without debating, once again, the long-range implications of what we are doing, particularly in civil rights legislation. The additional thought and study that has been injected into the process since 1984 was ignored.

Issues this important, and the people benefiting from this type of legislation, deserve serious consideration by the Congress. But S. 557 got no hearings, only one hour of debate and no legislative history.

There is no way for Members of Congress or the American people to know what S. 557 does. Obviously there are a lot of interpretations and opinions. Because the bill is so poorly drafted, we won't know the real impact of this bill until Federal courts decide what it means. This will lead to the courts, in effect, legislating a state of affairs that always leads to trouble.

Leave any ambiguities to the courts we are told. But that approach is abandoning our duties.

Because of unclear language, S. 557 may require any farmer who accepts Federal funds, via any Federal loan guarantee or any other Federal program, to comply with all Federal age, sex, race, and handicap discrimination laws. We simply don't know what will happen.

The same thing would apply to small grocery stores or supermarkets which accept food stamps, companies which accept job training funds, businesses which construct or operate subsidized housing or religious schools which in any way receive Federal funds.

If these entities decide to reject any association with Federal funds rather than be subject to a heavy-handed Federal bureaucracy, the real losers would be the very people this bill purports to help. Minorities might not be able to use food stamps in stores of their choice or receive job training assistance from reputable companies, or find decent housing.

I feel we have a duty to clarify exactly who is covered, and under what circumstances. That is why I have introduced the President's alternative proposal which better provides such clarification.

The motivations of those who support S. 557 are noble. But even the highest of motivation cannot make up for a lack of legislative clarity.

That is why I am glad to be able to offer a positive, forward-looking piece of legislation that meets all the essential requirements of a civil rights bill and offers us the chance to do this thing in the spirit and within the same processes as the historic civil rights legislation of the past.

I can do no better than to quote the President as to why his bill is the more acceptable of the alternatives offered to us:

He said: "Our bill advances the protection of civil rights. It would:

"Prohibit discrimination against women, minorities, persons with disabilities, and the elderly across the board in public school districts, public systems of higher education, systems of vocational education, and private educational institutions which receive any Federal aid.

"Extend the application of the civil rights statutes to entire businesses which receive Federal aid as a whole and to the entire plant or facility receiving Federal aid in every other instance.

"Prohibit discrimination in all of the federally funded programs of departments and agencies of State and local governments."

I believe the President's bill does what must be done, but does so in a way that solves more problems than it creates.

I am proud to be able to introduce legislation which is in the spirit of those great, historic civil rights bills I have voted on throughout the years.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. McEWEN].

Mr. McEWEN. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of the President's veto.

Mr. Speaker, since the House vote 2 weeks ago on the Civil Rights Restoration Act, our offices in Washington and Ohio have been flooded with calls.

Our constituents are concerned that the bill passed by the House does more than simply restore individual rights threatened by the Supreme Court's Grove City decision in 1984.

Citizens have expressed their fears that this new legislation will impact on our churches, schools with a religious affiliation, farmers, and small business owners to name but a few.

Mr. Speaker, last week I asked the Justice Department to respond to some of these concerns and today I would like to share these answers.

I received a letter Monday from Mr. Mark R. Disler, Deputy Assistant Attorney General at the U.S. Department of Justice's Civil Rights Division.

Pursuant to your request, I am enclosing some information that expresses our concerns about S. 557, the Civil Rights Restoration Act of 1987. In our view, the bill is far more than a simple restoration of the scope of the statutes it amends.

Specifically, I am enclosing for your review a list of just some of the flaws in S. 557, together with more detailed explanations of some of those concerns.

Included with the letter from the Justice Department was a 2-page listing of "flaws" in the legislation we passed 2 weeks ago. Some of these are alarming. Let me share them with you.

The Civil Rights Restoration Act represents a vast expansion of Federal power over State and local governments and the private sector, including churches and synagogues, farmers, businesses, voluntary associations, and private and religious schools. The expansion goes well beyond the scope of power exercised by the Federal Government before Grove City. Without being exhaustive, some examples are:

An entire church or synagogue will be covered under at least three of these statutes if it operates one federally assisted program or activity.

Every school in a religious school system will be covered in its entirety if one school within the school system receives even $1 of Federal financial 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.

Farmers receiving crop subsidies, price supports, or similar Federal support will be subject to coverage.

Every division, plant, facility, store, and subsidiary of a corporation or other private organization principally engaged in the business of providing education, health care, housing, social 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.

Thus, if one program at one nursing home or hospital in a chain receives Federal aid, not only is the entire nursing home or hospital covered, but all other nursing homes or hospitals in the chain are automatically covered in their entirety even if they don't receive Federal aid.

Further, if the tenant of one unit in one apartment building owned by an entity principally engaged in providing housing receives Federal housing aid, not only is the entire apartment building covered, but all other apartment buildings, all other housing operations, all other nonhousing businesses of the owner are covered even though they receive no direct or even indirect Federal aid.

The entire plant or separate facility of all other corporations and private organizations not principally engaged in one of the five specified activities would be covered if one portion of, or one program at, the plant or facility receives any Federal aid. This includes all other plants or facilities in the same locality as the facility which receives Federal aid for one of its programs.

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

A State, county, or local government department or agency will be covered in its entirety, whenever one of its programs receives Federal aid. Thus, if a State health clinic is built with Federal funds in San Diego, CA, not only is the clinic covered, but all activities of the State's health department in all parts of the State are also covered.

All of the commercial, non-educational activities or a school, college, or university, including rental of commercial office space and housing to those other than students or faculty, as well as investment and endowment policies, will be covered if the institution receives even $1 of Federal education assistance.

A vague, catch-all provision creates additional coverage.

As a consequence, more sectors of American society will be burdened with:

Increased Federal paperwork requirements;

The need to consult with certain advocacy groups, and to maintain a record of such consultations for a period of years;

Random on-site compliance reviews by Federal agencies even in the absence of an allegation of discrimination;

Thousands of words of Federal regulations;

Costly section 504 accessibility regulations that can require structural and equipment modifications, job restructuring, modifications of work schedules, and provision of auxiliary aids;

The need to adhere to an equality-of-result rather than equality-of-opportunity standards that can lead to quotas, proportionality, and other Federal intrusions;

The need to attempt to accommodate contagious persons—employees, students, members, participants, customers—including those with AIDS;

The requirement of providing auxiliary aids for hearing-impaired and vision-impaired persons if necessary for them to participate in the programs or activities of the covered entity;

The requirement of adopting "Grievance procedures that incorporate appropriate due process standards;"

There will be increased exposure to costly private lawsuits that will inevitably seek the most expansive interpretation of the already overbroad language of the bill;

And, of course, there will be increased exposure to the judgments of Federal courts.

But what does all this mean to the average farmer or grocery store owner or university president or rabbi, priest, minister?

Well, grocery stores, for example, will be covered under this bill for the first time—despite the fact that in most instances their only contact with Federal assistance is the acceptance of food stamps—and even though not one word of testimony in 4 years of debate on Grove City has suggested that there is any problem with grocery stores.

In fact, the National Grocers Association, just one of many national organizations opposed to this burdensome bill—and I will get to some of the others in just a minute—the National Grocers Association testified on March 27, 1985, before a joint committee hearing in the House that their members' profit margin is about 1 penny on the dollar.

It's not difficult to understand what will happen to that profit margin should grocers be subject to the Federal paperwork, reporting requirements, inspections, auxiliary aids, and the rest called for in this bill. Should a grocer be subject to a lawsuit because of this legislation—that slim margin of profit would go right down the drain.

And the grocers are not alone.

Yesterday, during its annual Washington meeting, the National Association of Home Builders joined the growing outcry against the Civil Rights Restoration Act.

The NAHB resolution reads as follows:

Whereas the National Association of Home Builders will continue to support and work for responsible civil rights and fair housing legislation; and

Whereas, the House and Senate have recently passed legislation which is intended to expand civil rights coverage under the Supreme Court's decision in the Grove City case; and

Whereas, the scope of legislation is very broad and ambiguous and the Congress has invited the courts to decide the exact scope on a case-by-case basis; and

Whereas, there was no opportunity to amend the legislation and more clearly define the scope and intent of the legislation; and

Whereas, the debate over the bill in the House of Representatives left unanswered the degree to which existing buildings will be retrofitted if involved with FHA loans, VA loans, or other federally guaranteed loans to individuals, corporations, or partnerships that are used to purchase, or build, single or multifamily housing; and

Whereas, this legislation could result in substantial expense and tenant disruption by requiring existing buildings to be retrofitted for handicapped accessibility; and

Whereas, the President has announced his intent to veto this legislation: Now, therefore, be it

Resolved, That the National Association of Home Builders work in sustaining the veto of the legislation and work with the President and the Congress to devise and implement responsible legislation that addresses the special needs of the handicapped that is not ambiguous nor has the unintended consequences of the current legislation.

The Home Builders joined the National Association of Realtors which had previously expressed its reservations to this bill. I will not read their letter to the Judiciary Committee, but I would like to insert it at this point for the RECORD:

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, February 24, 1988.

Hon. JAMES SENSENBRENNER,
Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights, House of Representatives, Washington, DC.

DEAR CONGRESSMAN SENSENBRENNER: We are writing to express the concerns of the National Association of Realtors with the substance of the Civil Rights Restoration Act of 1987 which will soon be before the House of Representatives.

We oppose those provisions that would apply Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975 to the entire operations of a corporation, partnership or sole proprietorship that is principally engaged in the housing industry if the entity receives any federal assistance. It appears from this proposed legislation that if a single tenant received a federal rent subsidy in one apartment building owned by a corporation primarily engaged in property management, then not only would all housing operations of the corporation be covered by the Rehabilitation Act and the Age Discrimination Act, but all non-housing activities of the corporation would also be covered. Thus, this Bill does not merely "restore" the coverage of these Acts to their *pre-Grove City* scope. This Bill is an extension of federal authority far beyond what was ever intended by Congress when the Rehabilitation Act or the Age Discrimination Act were originally adopted.

We also believe that the definition of a "handicapped individual" contained in Section 504 of the Rehabilitation Act of 1973 is totally unworkable in the housing industry. A "handicapped individual" under Section 504 means any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment. This definition apparently includes persons with contagious diseases, mental illness, or an addiction to alcohol or drugs. Owners and managers of private residential property are not equipped to provide the special services persons with such conditions undoubtedly require. Nor are owners and managers capable of making the medical or psychiatric judgments that are necessary to determine whether such persons may pose a threat to the health and safety of existing occupants of a dwelling. In our view, the protection against housing discrimination that should properly be afforded to handicapped persons should be limited to persons with obvious forms of physical handicap such as blindness, deafness, or an inability to walk or live without assistance.

We appreciate the opportunity to present our concerns relevant to the Civil Rights Restoration Act of 1987.

Sincerely,

WILLIAM D. NORTH,
Executive Vice President.

Proponents of this legislation, including our good friends at the Washington Post, insist that the bill exempts farmers.

Unfortunately, they've yet to convince the American Farm Bureau Federation of that. Today the Farm Bureau sent a letter urging Members of Congress to sustain the President's veto because no agricultural exemption exists in the bill in its present form.

Last March, Mr. C.W. Fields, assistant director of the American Farm Bureau Federation's National Affairs Division, testified before the Senate Labor Committee to voice objections to the bill.

I will insert his entire testimony at this point, but I just wanted to highlight a few of his comments:

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION TO THE SENATE LABOR COMMITTEE REGARDING S. 557—CIVIL RIGHTS RESTORATION ACT OF 1987

(By C.H. Fields)

The American Farm Bureau Federation is the nation's largest farm organization with a current voluntary membership in excess of 3.5 million member families who have paid annual dues to nearly 2,800 county Farm Bureaus in 49 states and Puerto Rico.

Last January, the voting delegates of the member State Farm Bureaus reaffirmed a policy opposed to any legislation that would expand the scope of the existing civil rights statutes to cover those who have not been previously subject to them. The nations'

family farms are already struggling for their continued existence as economic entities, and are overburdened with a myriad of federal regulations affecting employment on farms and many other phases of their operations. They should not be threatened with coverage by additional statutory and regulatory requirements in the area of discrimination and civil rights, particularly when such coverage was never intended by the original sponsors of the original statutes and when there is no need for such coverage.

No group of people in this country has a stronger belief in the fundamental principles of freedom, liberty and justice embodied in our nation's basic charter than this nations' farmers and ranchers. We have long believed that unnecessary and unwarranted expansion of the power and responsibility of the federal government constitutes a serious threat to the fundamental principles upon which this nation was founded and prospered among the nations of the world.

We are mindful of the fact that some 750,000 farmers and ranchers are employers. Any statute or regulation affecting employment practices could have an impact on agricultural employers with regard to sex, age or handicap requirements. Several thousand farmers throughout the country operate roadside markets and other direct markets to consumers. The Department of Agriculture administers a number of programs involving federal payments or other assistance to farmers and ranchers. The broad and sometimes vague language in this bill raises serious questions as to what impact anti-discrimination regulations would have on such benefits as loan guarantees, commodity loans, deficiency payments, disaster payments, price supports, conservation cost-sharing, etc.

Supporters of the bill state that Section 7 provides a "rule of construction" which, in effect, exempts farmers as ultimate beneficiaries of federal aid.

We find that statement unpersuasive because:

1. There is no indication in the bill as to which persons or entities are defined as ultimate beneficiaries and under which aid programs. We are not sure it includes businesses, such as farms and ranches.

2. Farms appear to be clearly covered by subparagraph (3) of each operative section because farms are business entities or private organizations, or both under this bill.

3. Even if Section 7 is constructed to exclude coverage of farmers as ultimate beneficiaries before enactment of S. 557, any farm-aid programs adopted after enactment of S. 557 would not be excluded from coverage.

It might also be erroneously argued that Section 4(c) exempts farmers from coverage under the Act. We point out, however, that this language applies only to discrimination against handicapped persons under Section 504 and does not reduce compliance burdens under Title VI or age discrimination. Even under Section 504, only some farmers will benefit from this exemption. USDA Section 504 regulations define "small providers" as entities "with fewer than 15 employees." Somewhere between 50,000 and 100,000 farms employ more than 14 persons. Further, even the "small providers" are exempted only from the most onerous of Section 504 regulatory burdens, such as making structural alterations to existing facilities—and only "if alternative means . . . are available."

The small operations would still be subject to many onerous requirements, including paperwork requirements, requirements to consult with disabled groups and make a record of such consultations; extensive employment regulations; and a requirement to "take appropriate steps" to guarantee that communications with hearing and vision-impaired applicants, employees, and customers can be understood.

To the extent that S. 557 extends the basic principle that the term "program or activity" means all of the operations of the "entire corporation, partnership, private organization, or sole proprietorship," farms may well fall within the scope of that definition in several ways. For example, a subsidy to one commodity on a farm would subject the entire entity to regulation. A farm of contiguous fields could be deemed a "geographically separate facility," and thus covered in its entirety. Additionally, farming could be construed as providing a "social service" to consumers.

Farm Bureau is not opposed to a bill that simply provides coverage under the Civil Rights statutes the same as it was before the Grove City College decision; but our analysis of this bill leads us to the conclusion that it seeks to go much further than that. We believe it would result in a broad expansion of coverage under the Civil Rights statutes, including farmers who were never covered before.

For that reason we are opposed to S. 557 as introduced. We favor, instead, a bill such as the one introduced by Senators Dole and Hatch in the last Congress and which we understood will be introduced in both Houses of this Congress. We hope this Committee will give careful consideration to the concerns we have expressed.

We appreciate the opportunity to present our views.

First, Mr. Fields says, "supporters of the bill state that section 7 provides a rule of construction" which, in effect, exempts farmers as ultimate beneficiaries of Federal aid.

We find that statement to be unpersuasive because:

First, there is no indication in the bill as to which persons or entities are defined as ultimate beneficiaries and under which aid programs. We are not sure it includes businesses, such as farms and ranches.

Second, farms appear to be clearly covered by subparagraph (3) of each operative section because farms are business entities or private organizatons, or both under this bill.

Third even if section 7 is constructed to exclude coverage of farmers as ultimate beneficiaries before enactment of S. 557, any farm-aid programs adopted after enactment would not be excluded from coverage.

Mr. Fields makes a powerful argument on behalf of the more than 3.5 million member families who have voluntarily joined the Farm Bureau. So while the Washington Post and certain Members of the House and the other body may maintain farmer exemption—farmers remain opposed to the bill and are unsure of its consequences.

Of course, the home builders, realtors, grocers and Farm Bureau are not alone. They are joined by:

The National Black Coalition for Traditional Values.

The National Family Institute.

The National Association of Manufacturers.

The American Pharmaceutical Association.

The U.S. Chamber of Commerce.

The Committee to Protect the Family.

Concerned Women of America.

Intercessors for America.

The Catholic Center.

The Ad Hoc Committee of Life.

The American Association of Christian Schools.

The American Conservative Union.

Citizens for Educational Freedom.

Coalitions for America.

The Family Research Council.

Focus on the Family.

The National Committee of Catholic Layman.

Association of Christian Schools International.

The Christian Action Council.

Moral Majority Inc.

The Catholic League for Religious and Civil Rights.

At this point, I would like to insert some of their comments as well:

NATIONAL FAMILY INSTITUTE,
February 29, 1988.

DEAR CONGRESSMAN/WOMAN: In years to come black Americans will know in no uncertain terms that the civil rights gains of the 60's were usurped by the so-called Civil Rights Restoration Act of 1988. By then it will be too late. It is not too late now to stop this travesty from occurring.

Today National Family Institute announced its opposition to the Civil Rights Restoration Act in its current form. The opposition is based on the following points:

1. The bill is, in part, an attempt to merge legitimate civil rights with illegitimate civil rights by radical white feminists and homosexuals donning blackface.

2. The bill is currently written to give favor and status to persons who have not been recognized as deserving the status of "minority" under current federal anti-discrimination laws. The effect of this will be a weakening of the current law's ability to protect legitimate minorities (race, gender, national origin, creed, etc.).

3. The bill represents a step backwards for legitimate minorities because the reach of federal regulations under this proposal will impose such burdens that private efforts toward self-help will either operate in noncompliance with the Act or shut down. They will shut down; thereby eliminating a source of training, self-worth, and vital assistance to the very people who should benefit from the Act.

National Family Institute encourages Congress not to let the take-over of the civil rights movement extend into the law. The legal status of minority people has come too far and at too great a price to suffer defeat in this way.

NATIONAL ASSOCIATION OF MANUFACTURERS,
February 29, 1988.

Hon. F. JAMES SENSENBRENNER, Jr.,
House of Representatives,
Washington, DC.

DEAR MR. SENSENBRENNER: The National Association of Manufacturers wishes to express its support for the two amendments to S. 557, the Civil Rights Restoration Act, which you are planning to offer during the March 2 debate on the House floor.

While we cannot support S. 557 as it was voted out of the Senate, your efforts to improve this measure with the "religious tenet exceptions" and "corporate coverage"

amendments move S. 557 in a more positive direction. The NAM supports a legislative reversal of the Grove City decision, but strongly opposes any attempts to expand the scope of federal statutory coverage of all businesses.

These amendments to limit the application of "Grove City" are well-considered and will hopefully gain the support of your colleagues in the House of Representatives.

Sincerely,

JERRY J. JASINOWSKI.

AMERICAN PHARMACEUTICAL ASSOCIATION,
Washington, DC, July 16, 1987.

Hon. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR THURMOND: I am writing to express the American Pharmaceutical Association's (APhA) concern that S. 557, the Civil Rights Restoration Act, may require many small businesses, including pharmacies, to comply with burdensome paperwork. APhA is the national professional society of pharmacists representing the third largest health profession comprised of over 150,000 pharmacy practitioners, pharmaceutical scientists and pharmacy students.

Many of the pharmacies APhA represents operate small businesses. There are approximately 50,000 pharmacies in the United States reasonably accessible to virtually every citizen. These pharmacies actively compete for patients by providing a variety of price and service options. As a result of this intense competition, pharmacies today average less than a 3.5 percent net profit before taxes. Thus, pharmacists are particularly vulnerable to the additional costs, in terms of both money and time, associated with compliance with burdensome federal laws and regulations. In 1985 the Association's House of Delegates adopted policy on the "Reduction of Federal Laws and Regulation (Paperwork Burden)". This policy states:

"APhA supports the reduction and simplification of laws, regulations and record-keeping requirements which affect pharmacy practice and are not beneficial in protecting the public welfare."

Consistent with this policy, we express concern whenever it appears that new federal laws or regulations may place an unreasonable burden on pharmacy practice. While we are not taking a position on the merits of S. 557, we are concerned that it may create onerous regulatory and paperwork burdens on many community pharmacies throughout the country. Moreover, by federally mandating how certain concerns must be addressed, the Congress may frustrate other more innovative ways of addressing these same concerns. For example, many pharmacies will deliver medications to those patients who for various reasons cannot visit the pharmacy to obtain their medications.

Thus, we urge you to consider carefully the paperwork burden that may be created if S. 557 is enacted.

Thank you for considering our views.

Sincerely,

JOHN F. SCHLEGEL.

PRESS CONFERENCE AT THE NATIONAL PRESS CLUB, WASHINGTON, DC

I am Rev. Cleveland Sparrow, the President of the National Black Coalition for Traditional Values.

My organization publicly declares war on the so-called Civil Rights Restoration Act. We also believe these actions are a direct assault on black traditional values for church and family. The legislation is a racist attempt by special interest groups to further erode and infringe upon the gains and accomplishments won by the civil rights movement.

It was not so long ago that the racist Jim Crow laws determined where black people could eat, whom they could marry and whether they could exercise their right as citizens to vote.

It took many people of strong convictions to repeal those laws and to begin the work of fulfilling the American dream for black Americans.

The freedom writers of the 1960s boarded buses so that no person would be told to sit in the back of one. Seemingly, black America's struggle for civil rights is a victim of its own successes. More and more groups want to get on our civil rights bus and carpetbag upon the work of our movement.

The drive to make civil rights mean everything except rights for black people has reached its peak in the 9th U.S. Circuit Court of Appeals where a three judge panel on that court equated the homosexual rights movement with the black struggle.

The day that decision was announced, I began hearing from black people all over America. Their verdict was unanimous. They were disgusted and revolted that federal judges consider homosexuals just like black people.

We all agree that this decision endangers the entire basis of our civil rights law and our nation's moral health as well.

We feel that homosexual perversion is a matter of choice and therefore should not be subject to the same constitutional protection as racial minorities.

That decision tied with the passage of the so-called Civil Rights Restoration Act will destroy the meaning of civil rights that my black brothers and sisters went to jail for and some even died for.

Affirmative action requires that some folks be given preference over others. What happens when a white male claims to be a homosexual after he is passed over for a black candidate?

The civil rights struggle was a moral struggle which remedied a moral wrong. No civil rights measure is worthy of the name if it forces good people to accept what they believe to be immoral behavior by others.

The Civil Rights Restoration Act is nothing of the kind. It is simply a racist attempt by militant radicals to don black face so they can exploit the gains that my people fought and died for.

Thank you.

U.S. CHAMBER OF COMMERCE,
Washington, DC, February 26, 1988.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The U.S. Chamber of Commerce, on behalf of its more than 180,000 business members, respectfully urges you to support an open rule on the Senate-passed S. 557, the Civil Rights Restoration Act. The Chamber understands that S. 557 is scheduled to be considered by the Committee on Rules on March 1.

S. 557 is a highly controversial bill, which would go far beyond reversing the 1984 Supreme Court decision in *Grove City College* v. *Bell.* The most appropriate legislative response to the *Grove City* decision remains unclear. In the 99th Congress, the House Committee on the Judiciary and Committee on Education and Labor both had close votes on, and in some instances, passed, amendments dealing with corporate coverage, religious tenets, Congressional coverage, and "abortion-neutral language"—among others.

Accordingly, the Chamber supports a full and fair debate on S. 557 and urges you to adopt an open rule in the interest of procedural and substantive fairness.

Sincerely,

ALBERT D. BOURLAND.

THE CATHOLIC LEAGUE FOR RELIGIOUS AND CIVIL RIGHTS,
Milwaukee, WI, February 25, 1988.

Re: Religious Freedom Questions Raised by the "Grove City" Bill.

DEAR CONGRESSMAN: I am General Counsel of the Catholic League for Religious and Civil Rights. The Catholic League is a lay organization with a strong concern for both religious freedom and the right to life.

Soon the House of Representatives will be voting on important legislation involving the construction to be given civil rights laws in federally-aided institutions. While the Catholic League is directly concerned with civil rights, our emphasis is often on the preservation of rights of religious freedom and the right to life, which are sometimes overlooked by other civil rights interests. The Grove City bill has implications in both these areas.

As you know, the Senate has passed the Danforth Amendment which will ensure that the Grove City bill is not utilized to require federally-funded institutions to aid abortion. We are confident that House members will join their Senate counterparts in making certain that civil rights legislation is not used as a pretext for mandating aid to abortion.

Our major current concern is with a matter that evidently was overlooked by the Senate: religious freedom. The Senate voted to reject a "religious tenet" exception to the law. This amendment would have allowed for the accommodation of important religious concerns of religiously-oriented institutions without measurably harming the advancement of other civil rights interests. As I understand, the laws affected by the Grove City bill currently contain very narrow religious exemptions. In the important area of higher education, these provisions can be construed in a manner that would provide little protection for the vast majority of religiously-oriented colleges not directly owned and controlled by a church. In order that these important institutions preserve the religious heritage that makes them unique, they must be allowed to adhere to their religious tenets in vital policy areas. Without this right, these schools will lose the freedom to pursue their religious mission. This loss will affect not only the involved institution, but also our society, which values the religious diversity these centers of higher learning provide.

The spirit of religious accommodation provided by the religious tenet exception is in keeping with our Constitution's guarantees of the free exercise of religion. Legislative recognition of these interests through a religious tenet exception will clearly inform both the executive and judicial branches, which will construe the enacted legislation as demonstrating the concern of Congress for guaranteeing this constitutional freedom.

While the religious tenet exception is the most tangible religious freedom concern raised by this legislation, other religious

freedom questions exist. Specifically, the fact that the legislation equates students' use of federal student financial aid with federal funding of institutions raises questions concerning possible future judicial attempts to label use of such financial aid as government sponsorship of religion under the Establishment Clause. Such a construction could affect current student financial aid programs and might come to be used to challenge Pell grants to needy students in church-related colleges. It would be my hope that Congress specifically indicate that it does not intend to equate student aid with funding, for constitutional purposes.

In short, the Grove City bill has certain serious implications for our right to religious freedom, which Americans have long cherished. Please consider this important civil right as you pass upon this serious legislation.

Sincerely,

STEVEN F. MCDOWELL,
General Counsel.

A RESOLUTION

Expressing the consensus that religious freedom be recognized nationally, as well as internationally, and that the Congress of the United States should do the utmost within its power to allow people to exercise their religious freedom within their churches, synagogues, schools and organizations.

Concerned women for America, in concert with the Ad Hoc Committee in Defense of Life, American Association of Christian Schools, The American Conservative Union, Association of Christian Schools International, Christian Action Council, Citizens for Educational Freedom, Citizens for Reagan, Coalitions for America, College Republicans, Eagle Forum, Family Research Council, Focus on the Family, Moral Majority, National Association of ProAmerica, National Black Coalition for Traditional Values, The National Committee of Catholic Layman, and Pro-Family Coalition submits for consideration of Congress the following resolution.

Whereas, Congressman Chris Smith (R NJ), who has taken the active lead on behalf of religious freedom for people in the Soviet Union, introduced H. Con. Res. 223, on December 8, 1987, which to date has 153 cosponsors;

Whereas, Congressman John Porter (R IL), co-chairman of the Congressional Human Rights Caucus and a member of the Helsinki Commission, is an original cosponsor of H. Con. Res. 223 and has expressed concern over state control of religious expression and practice;

Whereas, Congressman Steny Hoyer (D MD), chairman of the Commission on Security and Cooperation in Europe stated, "It is important for each of us, as General Secretary Gorbachev visits the United States, to impress upon him that religious freedom and the right to practice one's belief in God is a fundamental and inalienable right arising from one's humanity, and not out of the good will of the state";

Whereas, Congressman Paul Henry (R MI), for himself and 258 members of the House of Representatives, introduced into the Congressional Record a letter to General Secretary Gorbachev outlining categories of religious oppression and repression in the U.S.S.R.;

Whereas, this letter stated that violations brought to the attention of Congress by citizens living in the U.S.S.R. included "interference in the religious governance of religious organizations and institutions" and "restrictions on institutions for theological education of Orthodox Roman Catholic, Protestant, Jewish, and other religious bodies";

Whereas, if further stated, ". . . Our tradition recognizes human rights as divinely endowed, and thus transcending the powers of the state. Thus, we regard the question of honoring religious rights of citizens as the heart of the human rights question. Your tradition recognizes human rights as 'granted by the government', and thus not having autonomy from the government which grants them";

Whereas, we believe that the "Civil Rights Restoration Act of 1987" impinges upon religious freedom in forcing religious institutions to relinquish their autonomy in order to adhere to governmental requirements;

Whereas, it is true that no schools have been denied religious exemptions by the Department of Education, it is also true that no schools were granted exemptions by the Department for over six years between the dates of October 15, 1976, and May 18, 1983. (See Congressional Record, January 28, 1988, pages S232-234);

Whereas, in 1980 a Federal District judge determined that employees of independent religious schools controlled by lay boards rather than a church were not exempt from Federal unemployment taxes. William Bell, a constitutional attorney, found that "to deny the exclusion for religious institutions which were every bit as religious as institutions operated by churches, would be violative of the Free Exercise and Establishment Clause of the First Amendment to the U.S. Constitution, as well as the Equal Protections Clauses of the Fourteenth Amendment. The exclusion would favor those religious institutions which are operated by churches and would give rise to excessive entanglements between government and religion";

Whereas, in the Civil Rights Restoration Act, indirect as well as direct federal financial assistance would cause an entire institution to come under the regulatory jurisdiction of the Federal government;

Whereas, a U.S. Commission on Civil Rights stated, "Since tax exemptions are probably Federal financial assistance, it is likely that private schools already are under the jurisdiction of Title IX of the educational amendments, which require non-discrimination in all education programs and activities receiving federal financial assistance." (From a report by the Federal Civil Rights Enforcement Effort—1974, Vol. 3, to ensure the educational opportunity, a report of the U.S. Commission on Civil Rights, January 1975, page 154);

Whereas, Pell grants, student loans, and G.I. Bill benefits have been declared as "federal assistance" (*Grove City College* v. *Bell*, 1984);

Whereas, in *Regan* v. *Taxation with Representation*, 1983, the Supreme Court found that "Both tax-exemptions and tax deductibility are a form of subsidy that is administered through the tax system";

Whereas, if follows that religious institutions, organizations, and corporations who are classified as 501(c)(3) would be considered the recipients of federal financial assistance;

Whereas, President Reagan declared December 10, 1987, Human Rights Day and pledged to support fundamental freedoms, human rights and self determination. On March 2, 1988, he stated in a letter to Congress that "Civil Rights Restoration Act of 1987" as passed by Congress ". . . diminishes the freedom of the private citizen," ". . . dramatically expands the scope of federal jurisdiction" over state and local governments, and "poses a particular threat to religious liberty";

Whereas, religious institutions should have the right to hire and terminate according to their religious doctrines as a demonstration of "the right to . . . manifest his religion or belief in teaching, practice, worship and observance" (see letter to General Secretary Gorbachev);

Whereas, a religious tenets amendment was offered by Senator Hatch (R UT) during debate on S. 557 and received 39 supporting votes;

Whereas, Congressman Sensenbrenner (R WI) offered an amendment including religious tenets to S. 557 in the House debate which received 146 votes of support;

Be it resolved, by concerned citizens for religious freedom internationally as well as in these United States that Congress should quickly pass H. Con. Res. 223, on behalf of political prisoners in the Soviet Union;

Be it further resolved, that Congress should recognize the grave concerns in this nation for the protection of liberties threatened in erosive yet virtually imperceptible ways; and

Now be it therefore resolved; that Congress should uphold the Presidential veto of the "Civil Rights Restoration Act of 1987" because it lacks a religious tenets amendment to protect these religious institutions and expands coverage of churches, synagogues, and religious schools systems.

Mr. Speaker, I'm certain you noticed the prevalence of religious institutions and affiliated groups in this listing. There is good reason for that and I would like to conclude my remarks this evening with a discussion of religious institutions and the affect of the Civil Rights Restoration Act upon them.

The Justice Department provided answers to some of the questions raised about this important issue by constituents. Let me share some of those today.

First. Question: Are entire churches, synagogues, and other religious institutions covered by S. 557, if just one program at such an entity receives Federal aid?

Answer: Yes. Subparagraph (3)(B) of the operative sections of the bill covers "all of the operations of" every "private organization" which is a "geographically separate facility * * * any part of which is extended Federal financial assistance * * *."

Obviously, a church or synagogue fits easily within that definition. The bill's sponsors acknowledged at a committee markup in the other body that such coverage of entire churches and synagogues will exist.

Therefore, if a church or a synagogue operates any federally aided program, such as "hot meals" for the elderly, a surplus food distribution program for the needy, a shelter for the homeless, or assistance to help legalize immigrants, not only will those assisted programs be covered, but, for the first time, all other activities of the church or synagogue, including prayer rooms and other purely religious components, educational classes, church or synagogue schools—even though conducted in separate facilities—or a summer camp for youngsters, will be covered as well.

Further, if the church or synagogue conducts a school which receives any Federal

aid, even in a separate building, the entire church or synagogue, as well as the entire school, will be covered.

Second. Question: How broad is the coverage of a "geographically separate facility?"

Answer: The Senate committee report at page 18 says that coverage "in the bill refers to facilities located in different localities or regions. Two facilities that are part of a complex or that are proximate to each other in the same city would not be considered geographically separate."

For example, if a Baptist church in Birmingham, AL, operates an apartment building for the elderly located three blocks from the church, and the apartment building, or just one tenant in the building receives any Federal housing assistance, not only will the apartment building be covered, but all of the activities of the church itself will be covered as well. Similarly, in this example, if the church receives Federal aid for a surplus food program for the needy operated from the church building, the apartment building for the elderly will be covered even if it received no direct or indirect Federal aid.

Third. Question: Have sponsors of the bill provided evidence that such broad coverage existed prior to the Grove City decision?

Answer: No. The fact is that the scope of these civil rights laws, as originally enacted, did not cover entire churches, synagogues, or other religious entities, when just one of their programs received Federal Financial assistance. No one in Congress as that time suggested otherwise. That is not surprising due to the long-standing reluctance on the part of Congress and Federal agencies to entangle the Government with religion, potentially running afoul of the first amendment.

Moreover, case law concerning private sector coverage under the civil rights statutes prior to the Grove City decision held these statutes to be "program specific."

Fourth. Question: What are the consequences of such coverage?

Answer: Expanded Federal jurisdiction under these four statutes brings with it:

Increased Federal paperwork.

Exposure to Federal bureaucratic compliance reviews and onsite reviews even in the absence of an allegation of discrimination;

Thousands of words of Federal regulations;

The need to adhere to accessibility requirements under section 504, which for a church or synagogue could mean requirements to widen aisles and space between pews, additional modifications to prayer rooms and other parts of the church or synagogue, equipment modifictions, job restructuring, modifications of work schedules, provision of auxiliary aids including readers and sign language interpreters, and other extensive requirements;

The requirement to attempt to accommodate persons, including employees, with infectious diseases such as tuberculosis and AIDS;

Increased exposure to private lawsuits.

Such coverage represents a fundamental mistrust of religious institutions and expresses a desire to extend Federal control over all of the operations of every aspect of the private sector that touches Federal dollars. When a particular program at a church or synagogue receives Federal aid, that program itself should be covered, but the rest of the church or synagogue should not be covered by all of these Federal regulations.

Many churches or synagogues heretofore willing to take Federal social welfare aid may stop providing these important social services, or may reduce their efforts by the amount of Federal aid, rather than subject themselves to coverage of their entire institutions. In light of the value of pluralism and diversity in our society, the value of independent religious institutions, and in view of the complete absence of any case for the expansion of coverage over religious institutions, S. 557 is seriously flawed.

Finally, Mr. Speaker, presently 151 colleges, universities, seminaries, theological schools and the like, have religious exemptions under title IX of the Education Amendments of 1972. These include such prestigious institutions as Brigham Young University, Catholic University, Pepperdine University, Seton Hall University, and Baylor University. I would like to insert the complete list of exempted institutions, and a fact sheet on religious tenants controversy at this point in the RECORD.

RELIGIOUS EXEMPTIONS: TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

[*Five institutions were not included in the count of 216 case files officially pending as of February 19, 1985]

EXEMPTIONS GRANTED

1. Brigham Young University (UT),* August 12, 1976.
2. St. Charles Borromeo Seminary (PA), September 14, 1976.
3. Harding College (AR), Harding University (AR) (additional exemption granted 9-23-85), October 14, 1976.
4. Covenant Theological Seminary (MO),* May 19, 1983.
5. Saint John's University (MN), March 9, 1984.
6. Christian Heritage College (CA),* October 19, 1984.
7. Atlantic Christian College (NC),* January 9, 1985.
8. Lees Junior College (KY), May 17, 1985.
9. Asbury College (KY), May 17, 1985.
10. Asbury Theological Seminary (KY), May 17, 1985.
11. Central Wesleyan College (SC), May 17, 1985.
12. Freed-Hardeman College (TN), May 17, 1985.
13. Cumberland College (KY), May 17, 1985.
14. Chowan College (NC), May 17, 1985.
15. Columbia Union College (MD), June 18, 1985.
16. United Wesleyan College (PA), June 18, 1985.
17. Appalachian Bible College (WV), June 18, 1985.
18. Ohio Valley College (WV), June 18, 1985.
19. Immaculata College (PA), June 18, 1985.
20. Baptist Bible College and School of Theology (PA), June 18, 1985.
21. Catholic University of America (DC) (additional exemption granted 8-8-85), June 18, 1985.
22. Ricks College (ID), June 24, 1985.
23. LDS Business College (UT), July 22, 1985.
24. Presentation College (SD), July 22, 1985.
25. Southeastern Bible College (AL), July, 24, 1985.
26. David Lipscomb College (TN), July 24, 1985.
27. Johnson Bible College (TN), July 24, 1985.
28. Brescia College (KY), July 24, 1985.
29. Kenrick Seminary (MO), August 1, 1985.
30. York College (NE), August 1, 1985.
31. George Fox College (OR), August 5, 1985.
32. Mt. Angel Seminary (OR), August 5, 1985.
33. Walla Walla College (WA), August 5, 1985.
34. Western Baptist College (OR), August 5, 1985.
35. West Coast Christian College (CA), August 6, 1985.
36. Los Angeles Baptist College (CA), August 6, 1985.
37. Pope John XXIII National Seminary (MA), August 16, 1985.
38. Roberts Wesleyan College (NY), August 16, 1985.
39. Antillian College (PR), August 16, 1985.
40. De Sales School of Technology (DC), August 26, 1985.
41. St. John's Seminary (CA), August 27, 1985.
42. Pepperdine University (CA), August 27, 1985.
43. Dominican School of Philosophy and Theology (CA), August 27, 1985.
44. Denver Conservative Baptist Seminary (CO), August 27, 1985.
45. Northwest Baptist Seminary (WA), September 3, 1985.
46. St. Patrick's Seminary (CA), September 3, 1985.
47. Campbell University (NC), September 3, 1985.
48. Bethune-Cookman College (FL), September 3, 1985.
49. Tennessee Temple College (TN), September 3, 1985.
50. Campbellsville College (KY), September 3, 1985.
51. Oakwood College (AL), September 3, 1985.
52. Union University (TN), September 3, 1985.
53. Berea College (KY), September 3, 1985.
54. Biola University (CA), September 3, 1985.
55. Pacific Union College (CA), September 3, 1985.
56. Circleville Bible College (OH), September 13, 1985.
57. Bethel College (IN), September 13, 1985.
58. Trinity Evangelical Divinity School (IL), September 13, 1985.
59. Wheaton College (IL), September 13, 1985.
60. Dr. Martin Luther College (MN), September 13, 1985.
61. Grace College and Grace Theological Seminary (IN), September 13, 1985.
62. Bethany Lutheran College (MN), September 13, 1985.
63. Marion College (IN), September 13, 1985.
64. Andrews University (MI), September 13, 1985.
65. Kettering College of Medical Arts (OH), September 13, 1985.
66. The Cincinnati Bible Seminary (OH), September 13, 1985.
67. The Athenaeum of Ohio (OH), September 13, 1985.
68. College of Saint Benedict (MN), September 13, 1985.

69. Saint Mary of the Lake Seminary (IL), September 13, 1985.
70. Grand Rapids Baptist College (MI), September 13, 1985.
71. Cedarville College (OH), September 13, 1985.
72. St. Louis-Chaminade Education Center (HA), September 18, 1985.
73. Westminster Theological Seminary (PA), September 18, 1985.
74. Seton Hall University (NJ), September 20, 1985.
75. Wadhams Hall Seminary-College (NY), September 20, 1985.
76. Christ the King Seminary (NY), September 20, 1985.
77. Mid-America Bible College (OK), September 20, 1985.
78. Oklahoma Christian College (OK), September 20, 1985.
79. Oral Roberts University (OK), September 20, 1985.
80. Louisiana College (LA), September 20, 1985.
81. Concordia Seminary (MO), September 20, 1985.
82. Mesivta Yeshiva Rabbi Chaim Berlin (NY), September 23, 1985.
83. Mirrer Yeshiva Central Institute (NY), September 23, 1985.
84. Rabbinical College of Long Island (NY), September 23, 1985.
85. Rabbinical Seminary of America (NY), September 23, 1985.
86. Sh'or Yoshuv Rabbinical College (NY), September 23, 1985.
87. Yershiva Gedolah-Zichron Moshe (NY), September 23, 1985.
88. Yeshivath Kehilath Yakov (NY), September 23, 1985.
89. Yeshiva and Mesivta Ohr Yisroel (NY), September 23, 1985.
90. Yeshiva of Nitra Rabbinical College (NY), September 23, 1985.
91. Talmudical Academy (NJ), September 23, 1985.
92. Ohr Hameir Theological Seminary (NY), September 23, 1985.
93. Yeshiva Torah Vodaath and Mesivta (NY), September 23, 1985.
94. Mesivtha Tifereth Jerusalem of America (NY), September 23, 1985.
95. Derech Ayson Rabbinical Seminary/Yeshiva of Far Rockaway (NY), September 23, 1985.
96. Central Yeshiva Beth Joseph Rabbinical Seminary (NY), September 23, 1985.
97. Grace Bible College (MI), September 23, 1985.
98. Saint Mary's College (MN), September 23, 1985.
99. Saint Mary's College (IN), September 23, 1985.
100. The Saint Paul Seminary (MN), September 23, 1985.
101. Concordia Theological Seminary (IN), September 23, 1985.
102. Calvin College and Seminary (MI), September 23, 1985.
103. Harding Academy (TN), September 23, 1985.
104. Rabbinical Seminary M'kor Chaim (NY), September 24, 1985.
105. Beth Hamedrash Shaarei Yosher (NY), September 24, 1985.
106. Rabbinical Seminary of Belz (NY), September 24, 1985.
107. Rabbinical College of Adas Yereim (NY), September 24, 1985.
108. Rabbinical College Ch'san Sofer of New York (NY), September 24, 1985.
109. Rabbinical Seminary of Munkacs (NY), September 24, 1985.
110. Ner Israel Rabbinical College (MD), September 24, 1985.
111. Reformed Presbyterian Theological Seminary (PA), September 24, 1985.
112. St. Louis Rabbinical College (MO), September 24, 1985.
113. Faith Baptist Bible College (IA), September 24, 1985.
114. Grace College of the Bible (NE), September 24, 1985.
115. Beth Hatalmud Institute for Advanced Talmudic Studies (NY), September 24, 1985.
116. Beth Medrash Emek Halacha (NY), September 24, 1985.
117. The Jewish Theological Seminary of America (NY), September 24, 1985.
118. Rabbinical College Beth Shraga (NY), September 24, 1985.
119. Rabbinical College Kamenitz Yeshivah of America (NY, September 26, 1985.
120. Talmudical Yeshiva of Philadelphia (PA), September 26, 1985.
121. Baylor University (TX), September 26, 1985.
122. Southern Baptist College (AR), September 26, 1985.
123. Notre Dame Seminary (LA), September 26, 1985.
124. Bartlesville Wesleyan College (OK), September 26, 1985.
125. Southwestern Adventist College (TX), September 26, 1985.
126. Crowley's Ridge Academy (AR), September 26, 1985.
127. Crowley's Ridge College (AR), September 26, 1985.
128. Rabbinical College of the Bobover Yeshiva Bnei Zion Inc. (NY), September 27, 1985.
129. Mesivta of Eastern Parkway Rabbinical Seminary (NY), September 30, 1985.
130. Brisk Rabbinical College (IL), September 30, 1985.
131. Telshe Yeshiva (OH), September 30, 1985.
132. The Hebrew Theological College (IL), September 30, 1985.
133. Michigan Christian College (MI), September 30, 1985.
134. William Tyndale College (MI), September 30, 1985.
135. Union College (NE), October 25, 1985.
136. Ohr Somayach (NY),* October 25, 1985.
137. Central Yeshiva Tomchei Tmimim Lubavitz (NY), October 25, 1985.
138. Mesivta Sanz of Hudson County (NJ), October 25, 1985.
139. Ayelet Hashachar (NY), October 25, 1985.
140. Yeshiva Kesser Torah (NY), October 25, 1985.
141. Yeshiva Toras Chaim Talmudical Seminary/Denver (CO), October 25, 1985.
142. Colorado Christian College (CO), October 25, 1985.

RELIGIOUS EXEMPTION UPDATE, MARCH 10, 1987

[*UWC submitted one of the 216 requests resolved under the religious exemption project, and requested additional exemption after completion of the project]

Since the completion of the religious exemption project on October 30, 1985 (final report issued November 22, 1985), the following institutions have been granted religious exemptions.

1. Loma Linda University, CA, November 19, 1985.
2. United Wesleyan College, PA,* November 21, 1985.
3. Telshe Yeshiva—Chicago, IL, February 24, 1986.
4. Southern College of Seventh-day Adventists, TN, February 28, 1986.
5. Belmont College, TN, February 28, 1986.
6. Loyola University, LA, May 7, 1986.
7. Stonehill College, MA, May 15, 1986.
8. Elms College, MA, October 1, 1986, October 24, 1986.
9. Columbia Bible College and Columbia Graduate School of Bible and Missions, SC, November 14, 1986.

RELIGIOUS TENETS AND GROVE CITY LEGISLATION

1. Q: Why is religious tenets language needed in Title IX?

A: Such language in Title IX is a necessary part of *Grove City* legislation in order to protect an institution's policy which is based upon tenets of a religious organization where the institution is controlled by, or closely identifies with the tenets of, the religious organizations.

In 1972, when Congress enacted Title IX, Congress included several exceptions to its coverage, including: "This section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization. . . ." 20 U.S.C. § 1681(a)(3).

At that time, many educational institutions were controlled outright by religious entities. Some of these institutions today, while retaining their identification with religious tenets, are controlled by lay boards and receive less financial support from religious organizations. Thus, many institutions which may have previously qualified are now outside the scope of the religious tenets exception of current law.

Thus, language must be included in any *Grove City* bill to protect a policy of an educational institution based on religious tenets when the institution is not controlled by a religious organization but *closely identifies with the tenets of* such an organization. This same protection should also be afforded to other institutions, such as hospitals, covered under Title IX by *Grove City* legislation when they have such a close identification with the tenets of a religious organization.

2. Q: Can an institution claim protection under this language for racial, handicap, or age discrimination?

A: No. the exception exists *only* under Title IX, which addresses gender discrimination. The exception recognizes that the tenets of some religious organizations differentiate in some ways between the sexes. In the spirit of diversity and pluralism in education and other parts of the private sector covered by Title IX under *Grove City* legislation, the exception respects the independence of an institution's conduct in carefully delineated circumstances when the institution is controlled by, or is closely identified with the religious tenets of, a religious organization.

3. Q: Is a covered institution exempt in its entirety from Title IX if just one of its policies is based on religious tenets and conflicts with Title IX?

A: No. The exception applies *only* to the specific policy or policies, based on religious tenets of those institutions able to avail themselves of the exception, when Title IX would conflict with stuch policy or policies.

4. Q: Will this exception have any application in public schools or other public institutions?

A: No. The First Amendment, as applied to states and localities, effectively prohibits

public schools or other public institutions from basing any policies or conduct squarely on the religious tenets of a religious organization.

This exception applies only to private institutions—for example, to schools where students are in attendance because they have freely chosen to attend the institution.

5. Q: What is the origin of this language?

A: In May, 1985, in response to concerns described in the answer to question one, the House Education and Labor Committee first strengthened the current religious tenets exception when considering *Grove City* legislation.

The particular language described in this document is virtually identical to language in the Higher Education Amendments of 1986, adopted by Congress and signed into law in October, 1986. There a prohibition against religious discrimination in the construction loan program was enacted with an exception using virtually the same language recommended for Title IX. This provision, in short, is modeled on language used by the 99th Congress.

These exemptions are threatened by a lack of religious tenets language in the Civil Rights Restoration Act.

In conclusion, Mr. Speaker, I want to express my strong opposition to the Grove City bill in its present form. We should vote to sustain the President's veto.

We do have options.

If we sustain the President's veto, we will have the opportunity to support an alternative measure which addresses the concerns of farmers, and home builders, and grocers, and small business owners, and ministers, rabbis and priests, and hospitals and millions of other Americans who feel threatened by this legislation.

Let's not act in haste, Mr. Speaker. Let's vote to sustain the President's veto and pass a better bill as quickly as possible.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Speaker, I rise in strong support of the legislation and in strong support of the override.

Mr. EDWARDS of California. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS] a member of the committee and of the subcommittee.

Mr. CONYERS. Mr. Speaker, once again President Reagan and Vice President BUSH have shown that they are not friends of civil rights, and how far from the mainstream they have taken their administration and party. The party of Lincoln fought for the advancement of civil rights in this country. The party of Reagan has undercut every attempt to foster equality and fairness in America.

In 1863, with one stroke of the pen, Abraham Lincoln emancipated the slaves. With one stroke of the pen, in 1963, John Kennedy banned housing discrimination. With one stroke of the pen, Lyndon Johnson enacted the historic Civil Rights Act of 1964. In 1988 President Reagan has chosen to break with this noble tradition, and to use his pen for the ignoble purpose of striking down the most important civil rights legislation to come before the 100th Congress—the Civil Rights Restoration Act of 1988.

Of course this is nothing new. The Reagan administration fought against the extension of the Voting Rights Act. Under the Reagan administration, the Department of Justice has consistently opposed affirmative action and school desegregation consent decrees. The Reagan administration supported tax credits for the segregated Bob Jones University. But I must admit that I was surprised when the President vetoed the bill before us today.

The principle behind the legislation is simple and axiomatic. A democratic government should never support or subsidize discriminatory practices in any way whatsoever. The Internal Revenue Service is an equal opportunity tax collector; you don't get special tax breaks because of your race, religion or gender. So because everyone is required to pay taxes, those tax dollars cannot be used for discrimination. Everyone who dips into the Federal till should be required to abide by the Constitution.

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

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

Consider the every day importance of the law:

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

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

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

An older couple could be 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 charges 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 benefited 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 employment, income, representation in professional communities. This measure stops short of affirmative measure to correct those wrongs, it simply helps prevent the potential for more discrimination, and their lasting effects.

The so-called abortion neutral provision, commonly known as the Danforth amendment, is unusual law, and probably redundant. Current law requires medical recipients of Federal aid to provide all the available medical services for all citizens. And America's courts have said that abortion is a legitimate and legal medical service. Once the courts have decided on issues of law, it is dangerous for Congress to decide what legal medical services are legitimate. The amendment is also unnecessary for its stated purpose of pro-

tecting religious organizations' ethics and principles. Religious institutions for that reason have traditionally been exempt from abortion related requirements.

The bill is not as expansive as its opponents claim:

It does not cover churches, synagogues or religious institutions in their entirety simply because one facility or program receives Federal funds; current exemption rules have worked well for more than two decades so there is no reason to change them now

It does not cover farmers who receive crop-subsidies, persons receiving Social Security or Medicaid/Medicare benefits, or individuals receiving food stamps; as shown during the Senate debates, these are nonissues that have already been settled in both House and Senate report language

For those of you who do not want to fight the old battles and reopen the healed wounds from the civil rights movements; for those of you who truly want Dr. King's vision of justice and equality to become a reality in American life, the Civil Rights Restoration Act is an essential piece of legislation. I therefore urge you to vote to override the President's veto.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Speaker, I rise today with some sort of a sense of frustration regarding the motion to override President Reagan's veto of the Civil Rights Restoration Act, and I rise in opposition to the bill.

Mr. Speaker, I rise today with a sense of frustration regarding the motion to override President Reagan's veto of S. 557, the Civil Rights Restoration Act.

I will vote to sustain the President's veto of this legislation. I do so out of a sense of respect for the hundreds of constituents and friends who have called, written, and telegraphed their opposition to S. 557 and their support for the President's veto.

I voted for S. 557, and I believe it is a good bill. It is my impression that many people misunderstand the intent of this legislation. However, enough questions have been raised to require a serious review of the bill.

It appears that there may be legal ambiguities which open the door to unusual and unintended cases. Taking that into consideration, along with my respect for the clergy, medical groups, legal professionals, and other constituents, I will support the President's veto.

If this veto is sustained, I will support the President's alternative legislation. This alternative addresses many of the problems with S. 557 including the effects this bill would have on private sector businesses. Rather than restore coverage to its state prior to the Grove City decision, S. 557 has the potential to expand that coverage. The alternative legislation will clarify or correct the questions that have been raised while at the same time protecting minorities, handicapped, and elderly people from discrimination in institutions which receive Federal funds.

Mr. JEFFORDS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in strong support of the override of the President's veto.

Mr. Speaker, I urge my colleagues to join me in voting to override the President's veto of S. 557, the Civil Rights Restoration Act of 1987. It is vital that we overturn the 1984 Supreme Court decision, Grove City Versus 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 acceptable compromise, S. 557 may be our only chance to overturn the Grove City case in the near future. The legislation has been endorsed by a coalition of 185 national organizations, including religious groups such as the U.S. Catholic Conference of Bishops, the American Hebrew Congregations, the National Council of Churches, and the Evangelical Lutheran Church.

Mr. Speaker, it is imperative that we reaffirm our stong support for our civil rights laws and make it clear that institutions which accept Federal funding cannot discriminate on the basis of race, religion, age, gender, or disability. Let us restore the scope of protection against discrimination intended under title IX and all of our civil rights laws.

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

Mr. MILLER of Washington. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of the motion to override the President's veto of the Civil Rights Restoration Act.

Mr. Speaker, a lot of people are afraid of this bill. They should not be. I have taken a close look at this bill. I have looked closely at what this bill will do, and at what it will not do.

This bill will not force catholic hospitals to perform abortions. It will not require Christian or Jewish day care centers to hire homosexuals. It will not cause the extinction of the family farm or business. It will not extend the power of the Federal Government. These are some of the things this bill will not do.

I will vote to override the President's veto because of what this bill will do.

Enacting the Civil Rights Restoration Act will help make our existing antidiscrimination laws work. Institutions that discriminate on the basis of race, creed or gender, cannot demand Federal taxpayer's dollars. It is really that simple—this bill is about making the civil rights laws work.

Mr. JEFFORDS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of the motion to override the veto of the President on the Civil Rights Restoration Act.

Mr. Speaker, I rise in strong support of and proudly identify with the effort to override the President's veto of the Civil Rights Restoration Act.

Discrimination, in the context of this legislation, is alien to all that we cherish so dearly as Americans. We have an obligation to do all that we can do to prevent it in any way that we can.

Not only should we not sanction discrimination, we must not subsidize it, either. It is shameful to think in terms of providing Federal funds—the taxpayers' money—in any way, shape, or manner to institutions or organizations that discriminate in the conduct of their affairs.

There is another aspect to this issue that should not go overlooked; the fraudulent campaign of misinformation waged by those who would have us go along with the ill-advised veto.

We all have been the recipients of a barrage of literature and calls from those who have been led to believe that what we are about is a sinister plot to advance a number of dastardly deeds. I won't dignify all of those wild and obscene claims by repeating them, but I will say to those who are parroting them, knowing better, shame on you.

My pride in being an American increases a thousandfold when I am given the privilege of backing up words I believe in deeply with deeds in the form of voting for strong civil rights measures that help make a great nation even greater.

Mr. JEFFORDS. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsion [Mr. ROTH].

Mr. ROTH. Mr. Speaker, sustaining President Reagan's veto is one of the most important duties each of us has if we are to preserve the rights we all have under our Constitution.

Discrimination has no part in our democratic society and I support—as we all do—initiatives to that end.

But this present bill would trample on those rights. That's why the President vetoed this bill. It was not done lightly. While individual rights must be protected we have a duty also to insure all freedoms independent churches and schools included.

There has been a great amount of confusion revolving around the question of "what does this bill really do?" If we don't know what the legislation will do, how can the American people who will have to live under this law. How are they supposed to know what it means?

The agencies, the courts, the people, all have a right and we have an obligation to pass a clear unambiguous law. This is a monumental bill. It will have long-lasting effects. It is vital that we make it clear before we pass such a law exactly what we are voting on before we do so.

Farmers, schools, churches, child care, all Americans will be touched by this law. We have all sworn—all of

us—to uphold the Constitution. It's the first thing we did when we become Members.

The President was and is right. To sustain the President's veto may be the difficult thing to do—but it's also the right thing to do. I hope all stand behind our President.

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Speaker, I rise in support of the bill and in strong support of overriding the President's veto.

Mr. Speaker, because of the President's action last week, we are again being asked to cast a vote for or against prohibiting our Government from discriminating against our people on the basis of sex, race, age, and disability. To me, the choice is clear.

This Government is funded by the people of this country, by the taxes they pay—be they young or old; man or woman; black, white, brown, red, or yellow. The Civil Rights Restoration Act simply provides that this funding not be spent in any fashion which permits or results in discrimination. The vast majority of both the House and Senate have already agreed that this is not too much to ask.

This bill is a bipartisan effort, the result of compromise by Representatives of every philosophy. It contains a provision which allows entities controlled by a religious organization to be exempt from this law if it runs contrary to their beliefs. It contains a provision which assures that this law will require no entity to perform or pay for an abortion. And it contains four very specific provisions regarding the application of this law to educational institutions, State and local governments, private corporations and other entities that accept Federal funding. It leaves no room for uncertainty.

Let us prove that we are not a nation of hypocrites. If we are to continue holding our country up to our neighbors as offering the greatest freedom, the most opportunities, and the brightest future of any other country in the world, let us begin by ending this debate and overriding this veto. How tragic if we cannot even guarantee that our own Government will not discriminate against us because we differ from another.

But let me raise one more point about this debate. I am deeply offended by the efforts of the opposition to demagogue this already emotional issue. Many, many distortions and false statements have been spoken in an effort to promote hysteria over this legislation. Administration officials have touted this measure as too much government intervention, offering the example that grocery stores would be subject to the law simply because they accept food stamps from a recipient purchasing goods. In fact, food stamp recipients are specifically exempted from this law, and its arm cannot reach beyond them to the establishments they patronize.

Opponents also have claimed that this law will reach from the family farmer to the private school to every business on Main Street. In fact, it reaches only to entities that accept Federal funding. It does not affect individuals who benefit from Government programs such as social security or farm subsidies. It does not reach private schools and churches who do not accept Federal financial assistance.

Finally, the argument has been espoused that this law requires businesses to hire someone from the protected classes. In fact, this law does not require that an employer hire anyone. It only requires that employers who receive Federal funds not discriminate against a class of individuals in their hiring practices.

This campaign of misinformation is unfortunate because the simple truth is that this bill is both fair and reasonable. By voting for its passage, we reflect the goodness of the American people, and we ensure that this Government and no arm of this Government will practice discrimination. It represents a victory for us all.

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

Mr. GLICKMAN. Mr. Speaker, I rise in support of this legislation and in support of the override. One cannot have a right without a remedy. This bill provides a remedy for those aggrieved by civil rights violations, and I urge my colleagues to support the bill and oppose the President.

Mr. Speaker, I also insert into the RECORD the following exchange of letters between the distinguished majority leader and majority whip and the president of the National Association of Home Builders.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 21, 1988.

MR. DALE STUARD, *President,*
National Association of Home Builders,
Washington, DC.

DEAR MR. STUARD: The National Association of Home Builders has raised several concerns regarding the potential impacts of the Civil Rights Restoration Act of 1987 on property owners, tenants and home builders. These concerns relate primarily to the following issues: The impact of the Act upon existing buildings (subsidized and non-subsidized); the impact of the Act upon non-housing activities of a business predominately involved in providing housing; and the definition of the term "federal financial assistance".

First let us clearly state, a business involved in providing housing would have to comply with these requirements only after the date it receives federal financial assistance. If federal financial assistance is involved there will be some expense in altering existing structures to make them accessible to handicapped persons. However, it is not intended that every part of every building must be accessible to handicapped persons. Rather, the common areas of buildings should be accessible. There is no intention that building owners would have to undertake inordinate expenditures in order to comply with handicapped accessibility requirements. The cost to make existing buildings accessible to handicapped persons will be no more than 1 cent per square foot on the average.

There was also the question raised regarding the reach of the law to non-housing activities (e.g. commercial and manufacturing activities) and non-subsidized housing activities. If the non-housing activities are conducted in a form that is legally and operationally separate and distinct from the housing activities, and if the non-housing activities receive no federal financial assistance, then such non-housing activities are not affected by this law. Additionally, non-subsidized housing is not affected by this law, unless owned by an entity that is not legally and operationally separate and distinct from the entity that owns the subsidized housing.

Several concerns have been raised regarding the definition of federal financial assistance. You have raised specific concerns regarding the FHA and VA loan programs, FDIC and FSLIC insured loans, as well as GNMA and FNMA secondary market activities. Pursuant to the Department of Housing and Urban Development's interim regulations under Section 504 of the Rehabilitation Act of 1973, the term "federal financial assistance" does not include a procurement contract or payments pursuant thereto or a contract of insurance or guarantee. Thus, FHA and VA loans would not constitute federal financial assistance. Nor would the secondary market activities of government sponsored enterprises (e.g. FNMA or GNMA) or loans insured by FDIC or FSLIC constitute federal financial assistance.

We wish to emphasize strongly our commitment to ensuring that the law as interpreted in the future by courts and administrative agencies complies with the understandings set forth in this letter. Should legislation be required to correct any interpretation by any entities which contradicts any of these understandings, we will do our best to enact such legislation. In this context we note that the House will soon be considering some related issues in the context of the Fair Housing Act, on which we expect to continue to work together.

In particular, the Fair Housing bill will deal with the question of retrofit requirements for handicapped accessibility, and we believe the best course of action to meet our mutual concerns will be to ensure that any agreement we reach dealing with retrofit accessibility requirements during the fair housing deliberations be made explicitly applicable to the handicapped retrofit requirements triggered by the Civil Rights Restoration Act.

Sincerely,

THOMAS S. FOLEY,
Majority Leader.
TONY COELHO,
Majority Whip.

NATIONAL ASSOCIATION
OF HOME BUILDERS,
Washington, DC, March 21, 1988.

HON. THOMAS S. FOLEY,
Majority Leader,
Washington, DC.

DEAR MAJORITY LEADER FOLEY: On behalf of the National Association of Home Builders, I would like to take this opportunity to thank you for your March 21 letter regarding NAHB's concern with the scope of the Civil Rights Restoration Act of 1987.

As you know, we have never opposed civil rights legislation. Rather, our concern related to the potential impact of S. 557 on retrofitting existing buildings and the scope of the definition of "federal financial assistance".

Having raised these concerns, we are now satisfied that they have been adequately addressed. Your letter, as well as the legislative history, clearly spells out that there is no intent on the part of Congress for property owners to incur substantial expenditures in order to make existing buildings ac-

cessible to the handicapped. Furthermore, we have been assured that FHA and VA loan programs, FDIC and FSLIC insured loans, and GNMA and FNMA secondary market activities do not constitute federal financial assistance. Moreover, it has been clarified that unsubsidized housing would not be covered if legally and operationally separate from subsidized housing.

Accordingly, we support the Civil Rights Restoration Act of 1987.

Sincerely,

DALE STUARD,
President.

Mr. EDWARDS of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MINETA], who has worked very hard and well on this bill.

Mr. MINETA. Mr. Speaker, I rise to urge my colleagues to support this important legislation and to override the President's ill-advised veto of this bill.

This is a very straightforward piece of legislation which sets the desirable policy that Federal tax dollars should not be used to discriminate.

Yet I have heard some amazing distortions of what this bill is and what it will do. It saddens me to hear the statements that can be the result only of studied ignorance or outright fabrications. One such distorted claim is that this bill will require an employer to hire or retain all alcoholics and drug addicts.

I know that President Reagan opposes this bill, and is urging my colleagues on the other side of the aisle to sustain his veto.

But I was surprised to read some remarks which he gave just this morning to a group of Repubican local officials.

According to the Associated Press, the President called the Civil Rights Restoration Act, and I quote, "A dangerous bill."

He also said, and again I quote, "One dollar in Federal aid—direct or indirect—would bring entire organizations under Federal control, from charitable social organizations to churches and synagogues."

The President must have vetoed the wrong bill! Because his comments certainly don't apply to the Civil Rights Restoration Act.

My dear colleagues, we know this bill is not a dangerous bill.

We know that this legislation will not bring churches and synagogues under Federal control.

The acceptance of Federal dollars includes the responsibility to uphold this Nation's most basic civil rights.

I enjoy the vibrant exchange of ideas, and the clash of different ideologies. That is at the core of the business of this body. But I am tired of fighting the half-truths and untruths which some opponents of this legislation are using.

My dear colleagues, we know that this bill will fight discrimination. We know that this bill contains protections of our precious religious freedom and to limit the intrusiveness of the Federal Government. We know that this bill has been long-considered and is well crafted. In short, we know that this bill deserves our support.

I urge you to override the veto.

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

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of the motion to override.

Mr. Speaker, on March 2, when the House debated passage of S. 557, the Civil Rights Restoration Act, I listened in amazement to a number of my colleagues explain their opposition to the legislation on the basis that the provisions are somehow intrusive. It was even suggested that the bill should be called the Civil Rights Intrusion Act. Indeed, when President Regean vetoed the bill, he called the legislation Federal intrusion into the private lives of American citizens.

I am at a loss to understand how the protection of basic human liberties could possibly be intrusive.

It was not intrusive to defend Rosa Parks' right to sit in the front of a bus. It was not intrusive to ensure James Meredith's legal right to attend the University of Mississippi, or Louise Brown's right to attend a public school in Topeka.

But it was very intrusive when my college classmate Andrew Goodman was viciously murdered, along with his friends James Chaney and Michael Schwerner, for trying to register black voters in Mississippi. And it remains intrusive for the President to attempt to snatch away the civil rights these and so many other courageous Americans struggled so hard for so long to achieve.

Let's be honest about why we are here once again discussing the Civil Rights Restoration Act, and what impact the measure will actually have. S. 557 was introduced to overturn the 1984 Supreme Court decision in Grove City College versus Bell. In that ruling, the Court accepted arguments of the Reagan administration that title IX of the Education Amendments of 1972, which prohibits discrimination in any school program or activity receiving Federal funding, does not refer to the operations of an entire educational institution. The Court ruled that only specific programs receiving direct Federal funding need comply with the sex-discrimination prohibitions under title IX. Only Federal funds received by a particular program in which discrimination is found, not all funds for the institution, would be terminated for violating the civil rights of women.

This interpretation dramatically narrowed the coverage of that particular statute, and is a sharp departure from previous enforcement practices by both Republican and Democratic administrations for the last 20 years. Because three other civil rights statutes (title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and section 504 of the Rehabilitation Act of 1973) have similar enforcement language, the Reagan administration indicated that it would enforce all four of these laws consistent with the Court's decision.

Since the Grove City decision, longstanding protections against discrimination have been eroded by the courts and Federal agencies in succeeding judicial and administrative decisions regarding education, employment, transportation and health care.

Hundreds of valid discrimination cases—affecting the basic rights and human dignity of many thousands of Americans—have been unjustly dismissed or limited. That is why both the House of Representatives and the Senate voted by overwhelming margins to pass S. 557 and restore Congress' intent in passing the civil rights statutes: to ensure that Federal funds are not used to discriminate on the basis of race, color, national origin, gender, handicap, or age. S. 557 requires that agencies and institutions which receive Federal funds must have comprehensive nondiscrimination policies in all areas of operation.

We are here today, of course, to override President Reagan's veto of this important civil rights measure. But why does the President oppose the bill? What horrendous consequences does he fear will occur if the legislation becomes law?

Many false assertions and misleading statements are being made against the bill. Many of the arguments being used are the same tactics used 20 years ago against advances in civil rights. The truth is the only thing the bill will do is restore enforcement of the law to its pre-Grove City decision status, ensuring that institutions that choose to accept Federal funds do not discriminate. It does not threaten any constitutional rights; rather, it will uphold the basic freedoms guaranteed to all people by the Constitution.

I urge my colleagues to reaffirm our Nation's historic commitment to civil rights by overriding the Presidential veto and preventing the use of tax dollars to subsidize discrimination.

Mr. Speaker, the alternative to the Civil Rights Restoration Act is clear: the continued taxpayer subsidization of discriminatory, biased and bigoted operations. It is nothing less than shocking that today—34 years after Brown versus Board of Education, 24 years after the murders of Goodman, Chaney, and Schwerner, and the same two dozen years after the passage of the Civil Rights Act—we are still arguing whether the Federal Government should underwrite racism, sexism, and discrimination against the elderly and the disabled.

Mr. Speaker, it is time to close this argument once and for all. It's time to pass the Civil Rights Restoration Act.

Mr. EDWARDS of California. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, the gentleman from Wisconsin said we should pass the President's bill. Now I do not think we should, but one thing would happen if we pass the President's bill. We would codify the Arline decision.

You have heard earlier about the Arline decision which uses the two-step process to say, if someone has a contagious disease, you should not fire that person unless that person is a

danger to others, a direct threat and cannot otherwise be reasonably accommodated. That language, which is the only thing that deals with AIDS and other contagious diseases, the language that would codify the Arline decision, is in President Reagan's bill. So, however we vote today, the question about the Arline and other contagious diseases is not before us unless we plan to get the legislation which says a little, but not a lot.

The fact is that the gentleman from Wisconsin in his substitute, the committee bill, and the President have identical language on the Arline decision, so the issue about how to codify this two-step process with reasonable accommodation and direct threat of people is not an issue because what it says is this: If someone has an illness that is a direct threat to others and cannot otherwise be accommodated, he or she can be fired. All bills say that, the President's included.

Mr. HAWKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker, I rise in support of the Civil Rights Restoration Act of 1987 and the override of the President's veto.

Mr. Speaker, there has been a lot of misinformation circulating concerning what this bill will accomplish, and who it will effect. Therefore, let me state for the record that this bill does not redefine those who are protected under nondiscriminatory policy. The laws which have defined these have been on the books for over 10 years, and public and private entities have been complying by these statutes for quite some time.

While some groups have been organizing strong opposition against this bill, they represent the vocal few. This bill enjoys the support of a large number of teachers and educators in my district. I believe that we must not be swayed by the misinformed public on this matter, and must unite in expressing a strong sense of Congress that taxpayer's money cannot be used to fund discriminatory policies.

The passage of the Civil Rights Restoration Act of 1987, is crucial to overturn the Supreme Court's decision in Grove City versus Bell, which limited coverage of nondiscrimination statutes to the specific program or activity receiving Federal funds. This narrow application of these statutes was clearly not the intent of Congress. After 3 years of attempting to pass clarifying legislation on this matter, we have finally succeeded. We must not allow these efforts to be for naught. Unless we succeed in overturning the more narrow view adopted by the Supreme Court in Grove City, the Federal Government would be put in the untenable position of providing Federal assistance to discriminating entities.

One of the provisions on which we were able to reach a compromise was that pertaining to religious organization. I believe the specific language will continue to protect the autonomy of religiously controlled groups. Such groups will continue to be eligible for an exemption from requirements where compliance with the Civil Rights Restoration Act would violate their religious tenets. This language will ensure that Federal funds are not used to support discriminatory activities, while limiting Government intrusion on religious institutions.

The other controversial provision on which we were able to reach a compromise was that which pertained to abortion. Language in this bill specifically 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 use of facilities, related to abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such person has received any benefit or service related to legal abortion." This language has been endorsed by the bishops, the National Right to Life Committee and the 5,600-member American Hospital Association.

Because of the great amount of confusion over the implications of this action existing institutions, let me again stress that the Civil Rights Restoration Act of 1987 merely changes the scope of applicability of the following four statutes: Title IX of the Education Act, the Civil Rights Act of 1964, the Rehabilitation Act of 1974, and the Age Discrimination Act of 1975. These statutes state that a recipient (however defined) of Federal assistance (however defined) must not discriminate on the basis of sex, age, race, or handicap. There is no mention of discrimination on the basis of religious or sexual preferences. Nor does this bill redefine recipient or change the definition of Federal assistance. Therefore, those who have not been covered by any of these statutes in the past, will still remain outside of its purview. Furthermore, only institutions which receive Federal funding are covered under this bill.

Of particular concern to many is the provision pertaining to employment discrimination against individuals with a contagious disease. This language merely ensures that individuals with a contagious disease have a right to an individual review of their case, based on sound medical judgment, as to whether they pose a health threat to their coworkers, or whether the disease debilitates them in such a way that they cannot perform their job. By requiring employers to respond rationally to those handicapped by a contagious disease, the act will help remove an important obstacle to preventing the spread of infectious diseases: the individual's reluctance to report his or her condition.

Finally, I wish to conclude by stressing that the overwhelming majority in Congress feel strongly that programs funded by taxes collected from all the people should not be used in ways which discriminate against some. Thank you for the opportunity to express my strong support for this legislation.

Mr. HAWKINS. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in support of the motion to override President Reagan's veto of the Civil Rights Restoration Act. We earlier voted overwhelmingly to pass this legislation with a vote of 315 to 98. We passed it because we saw it to be sincere, straightforward means of restoring original congressional intent to the Civil Rights Act. The bill simply corrects an error in the language of the Civil Rights Act which has allowed the Reagan administration to minimize Federal enforcement of antidiscrimination laws.

In the 3 weeks since that vote, the "Religious Right" has launched a contemptible campaign of misinformation about the bill which has led many of our constituents to oppose it.

If I were to base my vote on this issue on the information provided by the Moral Majority, I, too, would probably oppose the bill. They would have us believe that every business, every community group, every church, and every school would come under a vast new array of intrusive Federal laws infringing on personal freedoms.

As interpreted by Jerry Falwell, the bill would:

Vastly expand the Government's reach into activities run by churches, businesses and other private groups;

Force religious institutions to go against the tenets of their faiths;

And force farmers who receive Federal crop subsidies out of business.

As the mailing puts it, the legislation would "qualify drug addicts, alcoholics, active homosexuals, transvestites, among others for Federal protection as handicapped."

Such claims are patently untrue. I believe it is a deliberate attempt to defeat the bill through the use of scare tactics. If such claims were true, why do such diverse religious groups as the U.S. Catholic Conference, the American Baptist Churches, the Presbyterian Church USA, the American Jewish Congress, and the National Conference of Churches support the bill?

Why is the bill supported by such diverse organizations as the National Association of Home Builders, the AARP, the Easter Seal Society, the AFL-CIO, and the Children's Defense Fund?

I believe the Moral Majority is deliberately attempting to defeat the bill through the use of scare tactics. The same people who now oppose the Civil Rights Restoration Act have historically opposed every one of the civil rights laws which are affected by this bill. And they are using the same scare tactics to defeat this bill that they have used in the past.

I am particularly aware of the importance of the civil rights restoration to Hispanics and other minorities who have only recently begun to benefit from the Civil Rights Act. Hispanics still suffer from large scale discrimination in such areas as schools and housing, employment, voting rights, access to health and social services, and business development and opportunity. Thus, the importance of continued support for, and enforcement of, civil

rights protections is particularly important to Hispanics as we seek to attain equality in America.

The Reagan administration has once again demonstrated a dramatic lack of understanding and concern for issues affecting disadvantaged and disabled persons. He prefers to rely on "intent" rather than "effect" in identifying discrimination so that in the absence of "discriminary purpose", effective discrimination is allowed.

I urge my colleagues to override this veto.

President Reagan claims that the CRRA will bring "an intrusive Federal regulatory regime; random onsite compliance checks by federal officials; and increased exposure to lawsuits."

In truth, the CRRA neither expands nor creates any new rights. It merely restores to the Civil Rights Act the scope and enforcement authority originally intended by Congress. It restores Federal enforcement authority to pre-Grove City status. It is important to note that pre-Grove City, judicial and administrative interpretation of the Civil Rights Act consistently supported a broad application of the antidiscrimination provisions. Both Republican and Democratic administrations pursued that course.

The Moral Majority has claimed that the CRRA would force religious organizations to violate the teachings of their faiths in hiring practices and delivery of services.

The CRRA does nothing to change the exiting religious tenet exemption of the Civil Rights Act which has adequately protected religious organizations in the past. That section of the act allows exemptions when nondiscrimination requirements are inconsistent with religious tenets of a religious institution. I quote from a letter from the Civil Rights Office to Senator KENNEDY, "The Office of Civil Rights has never denied a request for religious exemption." More than 150 have been approved.

The CRRA would not prohibit an organization from giving preference to members in the delivery of services but would not allow discrimination in the delivery of services directly funded by the Federal Government.

If the Moral Majority's claims are true, why is this bill supported by such diverse religious organizations as the U.S. Catholic Conference, the American Jewish Congress, and groups representing the Baptist, Lutheran, Episcopal, and Methodist faiths?

The Moral Majority claims that the CRRA would apply to small mom-and-pop businesses, to farmers receiving Federal crop subsidies, and to individuals who receive Federal assistance such as food stamps.

The CRRA specifically excludes the ultimate beneficiary such as farmers and individuals who receive Federal assistance. It also excludes small providers such as grocery stores that accept food stamps. The National Association of Home Builders has demonstrated its support.

The Moral Majority claims that the CRRA would give handicapped status to alcoholics, drug addicts, homosexuals, and persons with AIDS and other infectious diseases.

The CRRA does not protect infected persons, alcoholics, or drug addicts who cannot perform job duties or who pose a threat to others.

The Moral Majority claims that the CRRA would expand the civil rights of homosexuals.

Title 9 has never been interpreted to extend protections to persons on the basis of sexual preference.

The CRRA is supported by a diverse group of mainstream organizations including:

The U.S. Catholic Conference.
The National Association of Home Builders.
The AARP.
The American Jewish Congress.
Paralyzed Veterans of America.
Steelworkers, AFL-CIO, CWA.
La Raza Unida.
The Easter Seal Society.
American Association of State Colleges and Universities.
Childrens Defense Fund.
PTA.
American Federation for the Blind.

A large number of religious organizations support this bill from all mainstream faiths including Jewish, Baptist, Lutheran, Methodist, Episcopal, and Catholic.

Mr. Speaker, I wish to bring to the attention of my colleagues a very disturbing trend which I have begun to notice. There is a new stereotype of late, one that I have read in the newspapers and that has been relayed to me by my constituents.

The new stereotype developing is that anyone who appears to be Hispanic and who has any wealth must have made it in the drug trade. Last week, I had a young, aggressive banker in my office, someone I am sure any of us would be proud to have as a constituent. He is trying to build his bank on community service and wants to spur economic development in his area.

He had a most disturbing story to tell. It appears he started his career in an old family business which had trading operations throughout the world. He spent a number of years in Mexico and was later transferred to the Far East. A few years later, when the family business was sold, and my constituent was looking for a new investment, an opportunity opened up for him to take over a failing bank. He told me there was excessive redtape, simply because the examiners wanted proof that his funds came from legitimate sources, rather than from the drug trade. I wonder whether an individual with an Anglo-Saxon name and fair skin would have had the same problems?

If this were an isolated incident, it would be one thing, but the stereotype that Hispanics with money are drug smugglers is much more pervasive—it exists here in the House of Representatives. I note a recent story from the Atlanta Journal in which one of our colleagues stated "I point blank asked him, 'where are these people from and where is their money from?' I mean when you meet a guy from Miami and his last name is Hispanic, your first thought is they're not legitimate."

I am personnally offended and outraged that our Government and its leaders should speak in this manner. I believe such statements by Members reflect poorly on this institution and is not the type of message we should be sending. I would instead urge my colleagues to lend the support of this body in repudiating this type of racial and ethnic stereotyping and ensuring the equal and fair treatment of all our citizens.

Mr. JEFFORDS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I rise in strong support of the override. I believe, like many others do, that civil rights is an issue whose day has come, as it has in years past. Yet it seems that some people are content today on addressing this issue of civil rights legislation as we have before, based on technicalities, on interpretations, and on distortions.

Everyone talks about the fact that this legislation is going to be an expansion of civil rights legislation entering the lives of everyone in this country. Let us understand that what we are doing is restoring the 1984 interpretation of this legislation by this Congress and by this administration. If you were not bothered before 1984, you will not be bothered by the restoration of this act. Therefore, whether it be the religious tenets or the extent of private business or other sections of our economy, never in this history of civil rights has so much time been spent in colloquies on the floor, in committee history, and other efforts to allay any possible misunderstandings or fears.

Today is our chance to send a signal. As the students of Gallaudet said to this Nation 2 weeks ago, civil rights based on age, sex, race, or handicap is a right for all Americans.

□ 1730

Mr. JEFFORDS. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from Vermont is recognized for 1½ minutes.

Mr. JEFFORDS. Mr. Speaker, I want to spend just a moment talking to those on my side who may be con-

sidering switching from having voted for the bill upon passage and now supporting sustaining the veto. I do so because we have had a lot of facts, a lot of very inconsistent facts. We have had a lot of emotional phone calls. I want to try to save you from the embarrassment and the agony of having gotten yourselves in a position of having to explain.

First of all, let us go through some of the facts. AIDS and homosexuality, thousands of phone calls on that issue. The differences in the bill? None, both the same.

Abortion, that perpetually troubling problem, the bills are the same.

Farmers wondering whether they are covered if they take money with respect to any of the programs; in both bills, they are not covered.

Small providers, the bill that you voted for would allow relief to all small providers who may have problems with architectural barriers. The substitute, only grocery stores.

Religious tenets, there is a difference, but there is no problem. All those who have requested exemptions have received them.

The override is backed by the Catholic Conference and backed by the National Association of Independent Colleges and Universities.

I urge you to continue to demonstrate your opposition to discrimination. Do not allow your opposition to demonstrate your inexplicable inconsistency.

Mrs. MEYERS of Kansas. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield to the gentlewoman from Kansas.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in support of the override.

The SPEAKER. The Chair will state that the gentleman from Wisconsin [Mr. SENSENBRENNER] has 1 minute remaining, the gentleman from California [Mr. HAWKINS] has 3 minutes remaining, and the gentleman from California [Mr. EDWARDS] has 3 minutes remaining.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the remaining minute.

Mr. Speaker, I am proud of my record on civil rights. I was one of those who helped put together the extension of the Voting Rights Act of 1982, which is landmark civil rights legislation.

I think we have got to remember why we are here today and that is because in 1972 Congress was sloppy in its draftsmanship of title IX of the Higher Education Act. There was enough ambiguity in that law to allow the case to go to the U.S. Supreme Court involving the Grove City College, which resulted in a decision based on statutory interpretation, narrowly construing the antidiscrimination provisions of title IX.

Everybody who has taken part in this debate agrees that where Federal money goes, there should be no discrimination, but those of us who support the President in his veto are quite plain in saying that this bill makes the same mistake that Congress made in 1972, and that is it is not clear and precise. We want to avoid future Grove City type decisions which will bring this issue up before the Congress again and again.

The way we do that is by doing the job right this time. We do not do the job right with this bill. It is a blank check to the bureaucrats and the litigators, and that is why we ought to go back and tighten the bill up so that the courts have precise legislative direction in the statutory language of the bill, not in colloquies, to know precisely what the Congress of the United States has meant.

So please vote to sustain the veto. Let us vote to do our jobs as legislators right, so that the courts will make the right decisions.

Mr. HAWKINS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise today in strong support of S. 557, the Civil Rights Restoration Act of 1987, and urge my colleagues to vote to override the President's veto.

Three weeks ago, by a vote of 315 to 98, we voted to send S. 557 to the President, and, we did so knowing exactly what this bill did. There were no hidden agendas, no new protections, and no new rights established by this measure and we knew that when we so overwhelmingly passed S. 557.

Amidst the most incredulous campaign of distortions and fabrications by the Moral Majority to which we all have been subject, we must remember why we voted for this bill in the first place. The premise is simple—Federal funds should not be used to subsidize discrimination based on race, age, sex, or handicap. If an institution wishes to discriminate their choice is simple—don't take Federal dollars.

This premise of nondiscrimination goes on to insure that all taxpayers are treated fairly and equally when their dollars are used by federally supported institutions. If an educational institution wishes to assign girls to only home economics and boys to engineering and to provide only athletic programs for little boys and not to girls they are free to do so but they may not use Federal funds. If a housing unit or nuring home wishes to admit only whites that's their moral decision, but as a corporate unit they should not be allowed to use Federal dollars either directly or indirectly through the notion of freeing up other dollars for such discriminatory activities.

My colleagues these are not new and startling revelations—rather these were the elements of the debate when we passed the Civil Rights Act of 1964, 25 years ago; of title IX of the Education Amendments of 1972—16 years ago; section 504 of the Rehabilitation Act of 1973—15 years ago; the Age Discrimination Act of 1974—14 years ago. There is nothing in S. 557 that changes in any way the substantive definition of what constitutes discrimination under these statutes, or what an institution must do to fulfill this duty; it does not alter what triggers coverage of these laws, in other words, what is Federal financial assistance; nor does it change or expand the protections that these basic laws have guaranteed for the last 25 years.

What S. 557 does do, and rather clearly, is define the scope of the covered entity that has a duty not to discriminate as it had been understood prior to the Supreme Court's misinterpretation of title IX in the Grove City College decision. S. 557 defines the phrase "program or activity", or "program" simply to make clear that discrimination is prohibited throughout entire agencies or institutions if any part receives Federal financial assistance.

The Senate added two amendments. First, was the Danforth abortion amendment. Second, was the Harkin-Humphrey amendment that made it explicit that "Congress wishes to assure employers that they are not required to retain or hire individuals with a contagious disease or infection when such individuals pose a direct threat to the health and safety of other individuals, or cannot perform the essential duties of a job." For greater detail, I am enclosing at this point in my remarks letters of correspondence from the sponsors detailing their intent. It should be noted as well this provision is also contained in the Presidents' substitute.

Mr. Speaker, S. 557 has been the subject of an incredible campaign of lies and distortion by the Moral Majority and done in the name of religious liberty. We all care deeply about our religious beliefs, and the freedom which allows each of us to practice our faiths, and not one of us here would in any way jeopardize any one's religious rights and freedoms. That is why, Mr. Speaker, I am so troubled by the accusations that this measure in some way infringes on the first amendment right of freedom of religion. Those accusations are simply not true. Listen to the list of churches that unequivocally support this measure:

U.S. Catholic Conference of Bishops.
National Council of Churches.
American Jewish Congress.
American Baptist Churches.
Evangelical Lutheran Church of America.
Union of American Hebrew Congregations.

Anti-Defamation League of B'nai B'rith.
American Jewish Committee.
Church of the Brethren.
Presbyterian Church USA.
Church Women United.
Newwork-National Catholic Justice Lobby.
United Methodist Church.
Episcopal Church.

The hysteria that has been created by the Moral Majority is simply that—hysteria—it is unfounded fear based on distortions and fabrications over what this bill does. I wish to restate as others have done that S. 557 does not create rights for homosexuals, nor does it require employers to hire people who have contagious diseases, who are alcoholics or drug addicts, and who pose a direct threat to the health or safety of others or who cannot perform the essential functions of the jobs.

S. 557 simply restores the coverage of our civil rights laws to the pre-Grove City institution wide framework. I urge your support of the override.

Mr. Speaker, I include the following material:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 1988.

Hon. Senator TOM HARKIN,
Chairman, Senate Subcommittee on the Handicapped, Washington, DC.

DEAR SENATOR HARKIN: As you know, the House of Representatives will be considering S. 557, the Civil Rights Restoration Act in the near future. As part of that bill, we will be reviewing Amendment No. 1396. Our reading of the Amendment is that it is designed simply to allay any fear that employers may have had in hiring and retaining individuals with contagious diseases or infections. It does not change current, substantive protections afforded to people with contagious diseases or infections under Sec. 504 of the Rehabilitation Act of 1973.

We need your views to aid us in our assessment of this Amendment. As Chair of the Subcommittee on the Handicapped and sponsor of the Amendment, we ask that you forward a description of the terms of the Amendment and its impact at your earliest convenience.

Thank you for your assistance.

Sincerely,

DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights.
AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor.

U.S. SENATE,
SUBCOMMITTEE ON THE HANDICAPPED,
Washington, DC, February 26, 1988.

AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor, Washington, DC.

DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights, Washington, DC.

DEAR CONGRESSMEN HAWKINS AND EDWARDS: I am writing in response to your request for a discussion of Amendment No. 1396 to S. 557, the Civil Rights Restoration Act of 1987, which I cosponsored with Senator Humphrey and which was accepted by the Senate on Thursday, January 28, 1988.

Your reading of the amendment is correct. The amendment clarifies how section 504 of the Rehabiliation Act of 1973 applies to individuals with contagious diseases and infections. The amendment is consistent with the Supreme Court decision in *School Board of Nassau County* v. *Arline.* The amendment does not change or modify the substantive standards of section 504.

The fact that the amendment clarifies and does not modify or change the substantive standards of section 504 is evident from the statement of purpose preceding the amendment; the amendment itself; and the colloquy accompanying the amendment.

The statement of purpose provides: "Purpose: To provide a clarification for otherwise qualified individuals with handicaps in the employment context." I would note that we intentionally did not state that the purpose of the amendment was to change the scope or circumstances under which persons with contagious diseases or infections are covered by section 504.

The language of the amendment also reflects this intent. The language specifies that for purposes of sections 503 and 504, as they relate to employment, the term "individual with 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 would be unable to perform the duties of the job.

This language was purposely patterned after a similar amendment adopted by Congress in 1978 with regard to alcoholics and drug users. At that time, many employers had unjustified concerns that they could be forced to hire or retain alcoholics or drug addicts who could not perform the essential functions of a job or who posed a threat to others. The legislative history of the 1978 amendment makes clear that Congress understood that the "otherwise qualified" standard of section 504 already ensured that no such requirement could be placed on employers. Nevertheless, Congress enacted the amendment in order to reassure employers regarding the existing section 504 protections.

As we stated in the colloquy, Amendment No. 1396 is designed to serve the same purpose. The objective of the amendment is to expressly state in the statute the current standards of section 504 so as to reassure employers that they are *not* required to hire or retain individuals with contagious diseases or infections who pose a direct threat to the health or safety of others or who cannot perform the duties of a job.

The basic manner in which an individual with a contagious disease or infection can present a direct threat to the health or safety of others is when the individual poses a significant risk of transmitting the contagious disease or infection to other individuals. The Supreme Court in *Arline* explicitly recognized this necessary limitation in the protections of section 504. The amendment is consistent with this standard.

Again as we stated in the colloquy, the amendment does nothing to change the requirements in the regulations and case law regarding the provison of reasonable accommodations to a person with handicaps, as such provision applies to a person with a contagious disease or infection. Thus, for example, if a reasonable accommodation would eliminate the existence of a direct threat to the health or safety of others or eliminate an individual's inability to perform the essential duties of a job, the individual is qualified to remain in his or her position.

Finally, as was stated in the colloquy, the two-step process of section 504 applies in cases involving an individual with a contagious disease or infection. That is, a court must first determine whether an individual is protected under the traditional three-part definition of "individual with handicaps" under the statute. The court must then make an individualized determination as to whether the individual is "otherwise qualified" to hold the particular position at issue in the case before it.

I hope that this discussion is useful for you in your upcoming consideration of the Civil Rights Restoration Act of 1987.

Sincerely,

TOM HARKIN,
Chairman.

Mr. EDWARDS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Speaker, I rise in opposition to the effort to override the veto.

I am very disappointed with the vote to override the President's veto of S. 557, the Civil Rights Restoration Act.

I have been very disturbed by the way in which this bill has been handled. First, the House leadership sought to bring it up for a vote under rules that allow no amendments. It found it could not get the votes to pass the bill under this procedure, so it turned to something called a modified closed rule. This rule allowed only one amendment to be considered, despite the concerns of several Members and their desire to offer amendments intended to clarify the intent of the legislation. I find these tactics of people who hold themselves out to be champions of civil rights to be peculiarly undemocratic.

The fact is that the Civil Rights Restoration Act is too vague and leaves the door open for the Federal judiciary and the bureaucracy to interpret it as it sees fit. It is a poorly crafted bill and could, as a result, have serious consequences for religious institutions, small businesses, grocers, and farmers, to name a few. It would result in increased Federal intrusion into these areas, which means increased costs and hassles for the people involved.

The Federal Government should have no hand in subsidizing institutions with discriminatory practices, but this legislation is a poor solution to the problem. The President has offered, and I have cosponsored, alternative legislation that would achieve the stated goals of the supporters of the Civil Rights Restoration Act without exposing hardworking people and our churches and religious schools to unwarranted intrusion of the Federal Government.

We should deal with civil rights legislation the same way we deal with other legislation: with careful consideration and full discussion.

Mr. EDWARDS of California. Mr. Speaker, to close the debate, with great pleasure and honor, I yield the balance of my time to the chairman of the Committee on the Judiciary, the

gentleman from New Jersey [Mr. RODINO].

Mr. HAWKINS. Mr. Speaker, I yield my 1 minute remaining to the gentleman from New Jersey [Mr. RODINO].

The SPEAKER. The gentleman from New Jersey [Mr. RODINO] is recognized for a total of 4 minutes.

Mr. RODINO. Mr. Speaker, I come before the House today to strongly urge my colleagues to override the President's veto of S. 557, the Civil Rights Restoration Act. This action is necessary to ensure that the promise upon which our country was founded—equal opportunity and equality under the law for every American—will be attained.

It was over 200 years ago when Thomas Jefferson wrote those immortal words "all men are created equal." Those words and the ideals they represented began a revolution that culminated in the forging of a new nation based upon the principle of "liberty and justice for all." Yet, we know that not every American was free nor was every individual treated equally. For years, people of color faced discrimination, often at the hands of their local government, that relegated them to second-class citizenship. The barriers of segregation created two societies—one black, one white; two societies, separate and unequal.

The struggle to break down those barriers was not an easy one, nor did it come quickly. America was not a fledgling nation, but a world power before she began in earnest to overcoming racial discrimination. And the effort was not without pain and sacrifice. In the 1950's and 1960's the South erupted as individuals demonstrated, marched, and even died in the effort to secure the equal rights and opportunities guaranteed to all Americans by the Constitution.

In 1964, Congress provided the tools to eliminate discrimination against people of color by enacting the Civil Rights Act. Title VI of that act made clear that Federal funds would no longer be used to subsidize racial discrimination. Although a decade before the Supreme Court had ordered school desegregation in Brown versus Board of Education, it was not until title VI became law that widespread integration was achieved. Faced with the loss of Federal funds, recalcitrant school districts decided that Federal assistance was more important than adherence to a bankrupt racist philosophy. Other recipients of Federal funds too began to dismantle their discriminatory practices.

In the 1970's, Congress heard the cries of other groups that were excluded from the American dream because of prejudice and discrimination and enacted legislation to correct this injustice. Title IX of the Education Amendments of 1972 prohibited sex discrimination in educational programs or activities receiving Federal aid; section 504 of the 1973 Rehabilitation Act banned discrimination against the disabled by recipients of Federal funds; and in 1975, the same protection was granted to the elderly by the Age Discrimination Act.

At the beginning of this decade, it looked as though we were well on the way to achieving the promise of America begun 200 years before—a land where all citizens, are guaranteed an opportunity to achieve their fullest potential, without regard to their color, gender, physical disability or age. Then, in 1984, the progress achieved was put at risk by the Supreme Court's decision in Grove City College versus Bell. The Court took a very narrow view of title IX, finding that only that part of the institution receiving Federal funds was prohibited from discriminating on the basis of sex; all other programs and activities were free to deny equal opportunity to women. Since all four civil rights acts contain identical language, the Grove City decision also jeopardized the rights of the elderly, the handicapped, and minorities.

The repercussions were swift and unfortunate. Hundreds of cases of discrimination have been dropped in the past 4 years. Women, minorities, the disabled and the elderly are being denied simple, basic protections. We must not let this travesty of justice continue. That is why we must override the President's veto of the Civil Rights Restoration Act. Contrary to the claims of its few opponents, this measure does not create new law or expand civil rights. It merely restores the status quo that existed before the Grove City decision and thus provides society with the tools to see that discrimination is never subsidized by the Federal Government.

Before I close, I want to address the claim of the bill's opponents that this measure places an undue burden upon religious institutions, especially colleges and universities with religious affiliation. I find that claim difficult to reconcile with the list of supporters of this legislation that includes the U.S. Catholic Conference of Bishops; National Council of Churches; American Jewish Congress; American Baptist Churches; Evangelical Lutheran Church of America; Union of American Hebrew Congregations; Anti-Defamation League of B'nai B'rith; American Jewish Committee; Church of the Brethren; Presbyterian Church, USA; Church Women United; Network-National Catholic Justice Lobby; United Methodist Church; and Episcopal Church. Moreover, in a letter to the President urging him to sign S. 557, the National Association of Independent Colleges and Universities—the country's largest association of independent colleges and universities, many of which are church-related—said, in part, "We want to reiterate our unqualified support for this legislation. We strongly urge you to sign the Civil Rights Restoration Act of 1988."

In closing, I want to add that I am deeply saddened by the fact that we must vote today to override a Presidential veto of this important civil rights legislation. Instead of supporting equality under the law for all Americans, regardless of their race, color, gender, age, or physical condition, the President has again attempted to turn the clock back on the progress that has already been made toward that goal. Thus, it is doubly important that we, through our vote today, ensure that the promise of liberty and justice for all made over 200 years ago becomes a reality for every American.

Mrs. COLLINS. Mr. Speaker, in 1964 a great victory was won in the struggle for civil rights. The 1964 Civil Rights Act finally allowed the obvious to be stated clearly, once and for all—that all people are created equal regardless of race, religion, creed, or gender. And because of this equality, every person is entitled to fair and equal treatment. Finally, discrimination was made illegal in this country which prides itself on its doctrine of freedom, liberty, and equality.

But in 1984 the Supreme Court began to chip away at the progress made in the struggle against discrimination. Its decision in Grove City versus Bell effectively condoned discrimination by claiming that only the particular program receiving Federal aid should be subject to scrutiny, not the institution as a whole. This decision to turn a blind eye to an overall policy of blatant discrimination was an act of regression—it turned back the clock to the days when it was permissible and acceptable to discriminate. What we are talking about is a decision which gave in to discrimination instead of fighting it at the source of its evil.

The question is this: Should the U.S. Government be funding any institution which would practice discriminatory policies in its nonfederally funded programs? The answer is obvious to those who realize that no foothold can be given to discrimination. The U.S. Government would be placed in the position of being an accomplice to the crime of discrimination.

Many legislators seem to have missed the point of the whole discussion surrounding this bill. It's not a question of how much Federal assistance an institution receives, or in which programs it chooses to discriminate. Discrimination was outlawed in 1964, and whether you receive a lot of Federal aid, a little, or none at all—discrimination is an unacceptable practice.

It must be noted that the last victims of discrimination are people with infectious diseases, particularly AIDS patients. Because of the rising controversy caused by the mistreatment of these people as a group, language—which I wholeheartedly support—has been added to include them in S. 557. It is now explicitly against the law for recipients of Federal assistance to discriminate against disabled

persons, which includes persons with infectious diseases such as AIDS. Legislators who oppose S. 557 must remember that a law only works if the people believe that those who govern them believe in that law. I believe in equality. And I believe in the fact that discrimination in any form or amount is wrong. And finally, I believe that we must pass S. 557 in order to right the wrong Grove City versus Bell has perpetrated. We must put the civil rights movement back on the right track, and move forward in our effort to bring every American to an understanding and agreement about the importance of equality.

Mrs. KENNELLY. Mr. Speaker, I rise to urge my colleagues to vote to override the President's veto of the Civil Rights Restoration Act. This legislation has been the subject of more misunderstanding and half-truths than any in recent memory. In fact, the tactics and intolerance exhibited by some opponent groups points up exactly why we need civil rights legislation in the first place.

This legislation ends the taxpayer's subsidization of discrimination and simply restores the broad coverage of existing civil rights laws prohibiting discrimination on the basis of race, color, national origin, sex handicap, or age, in institutions which receive Federal funds.

It does not require employers to hire people with contagious diseases or require hospitals to perform abortions. It does not require religious organizations to violate their religious beliefs. It simply upholds the basic freedoms guaranteed all Americans under the Constitution.

This legislation is supported by nearly every major civil rights and religious organization, including the U.S. Catholic Conference, in the country. I urge my colleagues to do the same.

Mr. TALLON. Mr. Speaker, the Civil Rights Restoration Act of 1988 does exactly what it says it does. Simply, it ensures that Federal funds will not support discrimination or segregation.

The United States has been operating on this standard since 1964. The 1984 Grove City decision pointed out that these laws needed clarification. With the passage of S. 557 in both Houses, we have done just that.

I have watched this issue closely and I am convinced that the law passed is a good one. The massive propaganda campaign against it has played on groundless fears and does not properly address the actual language of S. 557. I would like to take this opportunity to point out some facts about this law.

Farmers are considered "ultimate beneficiaries" and thereby qualify for an exemption under these laws. Farmers who receive price and income supports and loans have been and will continue to be exempt from the requirements of this legislation.

In regard to church schools, this bill will not change the way the Federal Government presently respects religious activities. The exemption for church schools remains as it has since 1972. No matter what false information has been spread, this law does not require religious-controlled institutions to comply with the civil rights laws if compliance would conflict with the tenets of that religion.

Sexual preference has never been protected by law, nor is it protected in S. 557.

S. 557 does not require an employer to hire or retain in employment persons with contagious diseases because they are considered handicapped by law. An employer is free to refuse to hire or fire any employee who poses a direct threat to the health or safety of others or who cannot perform the functions of the job. Nothing in S. 557 changes this fundamental right of the employer.

The taxpayers of America need to have insurance that their hard-earned money will not go to programs or institutions which practice discrimination on the basis of race, sex, handicap, or age.

Mr. ROWLAND of Georgia. Mr. Speaker, I have always supported the intent of the Civil Rights Restoration Act. However, I have been concerned over possible loopholes in this bill which may actually be detrimental to the cause of civil rights.

The 1984 Grove City decision needs to be corrected. If institutions receive Federal funds, it is the intent of civil rights laws that those institutions be fully covered.

Provisions have been added to the original bill, however, which may—if broadly interpreted by the courts—impose unintended burdens on churches, businesses, and private citizens. In my view, it would be better for everyone who supports civil rights to bring the bill back for renewed consideration and tighten up those provisions.

There are many questions which have still not been adequately answered, and it would be better to resolve them in Congress than to leave them up to the courts.

Mr. STOKES. Mr. Speaker, the fight for equal rights must be restored as a priority issue for our Nation. Just a few days ago, on March 2, 1988, I cast an unequivocal vote supporting the passage of S. 557, the Civil Rights Restoration Act. Since that time, my position on this issue has not changed. What I had to say on March 2 is still applicable today: The time to reaffirm our Nation's commitment to eliminate discrimination against minorities, women, the elderly, and disabled is now.

Within the last few weeks, my office has received many calls in opposition to the passage of this bill. Based on these calls, it appears to me that many Americans have been grossly misinformed regarding the substantive provisions of S. 557. If I may, I would like to offer clarification.

Quite simply, S. 557 has been drafted to eliminate the use of Federal taxpayers' money to fund discrimination. Such an occurrence is a blatant aberration of the democratic principles which have helped to make our Nation great. Moreover, such an occurrence contradicts the spirit and purpose of specific laws Congress has enacted to ensure the provision of equal rights and opportunity to disadvantaged groups.

Just 4 years ago, in Grove City College versus Bell, the U.S. Supreme Court issued a ruling which watered down the substantive provisions of our Nation's civil rights laws. In Grove City, the Supreme Court held that Federal laws prohibiting discrimination do not apply to entire institutions, but only apply to the program or activity receiving Federal assistance. Based on this ruling, Federal funds have been used to further discriminatory practices. To say the least, for minorities, women, the disabled, and elderly, this ruling sets civil rights back a couple of decades.

For this reason, S. 557 is probably the most significant piece of civil rights legislation considered by the Congress since the Civil Rights Act of 1964. I am hopeful that we will enact S. 557 into law today. And, when we do, our Nation will take one step closer to fulfilling the promise of equal rights and opportunity to all of its citizens.

Mr. FAZIO. Mr. Speaker, I rise today in support of S. 557, the Civil Rights Restoration Act and urge my colleagues to override the President's veto of this important bill.

Passage of the Civil Rights Restoration Act is essential to restore the broad coverage of our civil rights laws which were by the Supreme Court's ruling in Grove City College versus Bell. The Senate originally approved the bill by 75 to 14 and the House approved it overwhelmingly 315 to 98. Clearly, the measure has a broad support from Members on both sides of the aisle and in both bodies.

The bill also has support from a wide spectrum of groups including: The Roman Catholic Church, the American Jewish Congress, the National Council of Churches, the National Women's Law Center, the U.S. Catholic Conference, the National Association of Independent Colleges and Universities, the Union of American Hebrew Congregations, and the Leadership Conference of Civil Rights.

S. 557 merely restores broad coverage of laws to protect citizens against discrimination due to race, sex, age, or handicap by institutions receiving Federal funds. This bill does not require an employer to hire all persons with contagious diseases. It does not state that any employer must hire drug addicts or alcoholics. This bill does not change existing law to create any new duties, new standards, or new requirements. Nor does it require a religious organization or institution to violate its own principles and beliefs.

We must vote to override the veto and end Federal support for institutions which unfairly discriminate. As Members of Congress, we have an obligation to protect the rights of all our constituents. This measure does not threaten the rights of anyone; it does just the opposite. The Civil Rights Restoration Act upholds the fundamental rights and freedoms guaranteed to all Americans by the Constitution and which are reaffirmed in our previously enacted civil rights statutes.

Mr. FRENZEL. Mr. Speaker, I rise in support of the effort to override the President's veto of S. 557, the Civil Rights Restoration Act. Opposing any President on a veto-override attempt, much less a President of one's own party, is not an easy matter. However, I believe the veto was unwarranted in this case.

The opposition to this bill has been quite aggressive. That is the way the system is supposed to work. However, S. 557 has been interpreted as a bill which will totally destroy the moral fiber of this country. In any judgment that interpretation is a little heavy-handed.

The opponents' grassroots campaign to defeat the bill has been impressive. Hundreds of calls have poured into my office, and, I assume to many others as well. Interest groups which support the bill have been active as national organizations, but they have not

developed a grass-roots campaign of their own.

The number of calls into my own offices, and the concern of my constituents, have forced me to scrutinize the bill even more closely. I have tried to determine whether the legislation would result in the changes feared by its opponents, but I have found no such language in this bill.

Many citizens fear that Federal courts will misinterpret the law. One should always be nervous about people in black robes, but if we let nervousness turn into paranoia, we could never pass another bill.

This legislation does not change our current civil rights laws, other than to restore the application of those laws to cover an entire institution, rather than a program of an institution, if Federal funds are received. This was the way civil rights laws were administered prior to the Supreme Court's Grove City decision over 4 years ago.

None of the fears being expressed now were realized before Grove City. Church-related schools were not forced to hire homosexuals and farmers, and small grocers were not covered, and abortions were not forced upon church-run teaching hospitals. The bill has been designed to narrow the coverage of the civil rights laws to ensure that the laws would work as they did before the Court decision.

The Congress has been debating this issue for 4 years. It has not proceeded this far without plenty of discussion and debate. We all knew this legislation was coming, and there have been some opportunities for imputs.

Of course, I prefer the regular order in the House. I would be happier if the House had moved the bill under its regular procedures. I cannot defend the procedures under which it passed the House, but in a matter of this importance I cannot let procedure stand as a more compelling argument than substance. The need to overrule the Grove City decision is too great.

First of all, many of the interests expressing opposition to the legislation would not even be covered by it. It is well to remember that an organization is covered only if it receives Federal funds. There is language in the bill which excludes such ultimate beneficiaries as farmers, welfare, Social Security, Medicare and food stamp recipients from coverage under the bill.

There is a religious tenet provision which would enable church-controlled organizations to refuse to perform abortions or to refuse to hire homosexual teachers. The intent here is to interpret this language as broadly as possible. As a result, many of the major religious organizations have supported S. 557. To date, no religious group applying for a religious tenet exemption has been denied an exemption.

To be sure I would prefer the language "affiliated with" to the language of the bill, "controlled by" in the religious tenets section. But the history of the current law is that the religious tenet language has been interpreted well.

There is a restatement of current law that companies or organizations receiving Federal funds would not have to hire a person with a contagious disease, such as AIDS, alcoholism, or drug addition, if there would be a direct threat to the health or safety to others.

There is, in addition, a small provider provision which exempts small businesses from expensive alternations of their businesses for excess by the handicapped, if they can provide services to the handicapped in some other way.

Homosexuals are not covered under any of these laws now, and there is nothing in this bill that extends any rights to them. There have been attempts for many years to amend civil rights laws to include sexual preference, but Congress has shown no interest at all.

But, for more important than any defense against attacks on this bill is the need to make our rights laws work. To accent the positive, the urgent need to guarantee the rights of American citizens far outweighs the objections to S. 557.

And where are civil rights more important than in our institutions of higher education? Young Americans, preparing themselves for leadership roles in our society, should, above all, be working in a discrimination-free environment. For me that's what this bill is all about. And that's why I support S. 557.

Civil rights laws should be administered to end discrimination due to race, gender, age, or disability, in the manner intended by the Congress before the Grove City decision. I do not believe that this bill goes beyond that, and therefore I shall vote to override the President's veto.

Mr. BOULTER. Mr. Speaker, I rise today to express my strong opposition to and grave concern about the Civil Rights Restoration Act.

What is the bill? What will its impact be? And, most importantly, whose civil rights are we restoring?

The purpose of Senator KENNEDY'S bill is to extend Federal civil rights statutes like those in the 1972 title IX provisions of the Education Act, made "program specific" in the Grove City case, to cover not only the programs receiving Federal aid within an institution but all of the institution's services. This purported extension of Federal civil rights protections sounds laudable until one realizes that this bill will greatly expand Federal control in all types of institutions which receive direct or indirect Federal aid.

Let's take a look at the potential repercussions of this legislation.

For the first time, churches and synagogues will be subject to Federal regulatory control. Only title IX of the 1972 Education Amendments Act allows a waiver for religiously controlled schools. The other civil rights statutes included in the bill's purview—such as section 504 of the Rehabilitation Act and title VI of the Civil Rights Act—do not provide for exclusions for religious institutions and would therefore force entire churches to comply with antidiscriminatory regulations should they operate one federally assisted program or activity.

How helpful is the waiver provision in title IX? Proponents of this bill argue that any religious institution receiving Federal educational dollars can apply for a waiver from compliance with the title IX antidiscriminatory regulations. The problem with this argument is that only institutions legally "controlled by a religious organization" will be exempt from those title IX provisions which contradict the institution's religious tenets. The following Texas colleges that are religiously affiliated—but not religiously controlled—asked for waivers and did not receive them: Dallas Theological Seminary, Lubbock Christian College, University of Dallas, Southwestern Assemblies of God College, and Concordia Lutheran College.

Implementation of this legislation will also mean that religiously affiliated schools that receive no Federal aid, but whose students do, could be forced to achieve a racial balance through a quota system as the Federal Government applies an effects test. This test could determine whether or not the institution in question has any practices which cause discriminatory effects—even if the institution's intent is not to discriminate. The extension of the effects test to the private sector could result in affirmative action plans affecting grocery stores that accept food stamps, farms that get Federal price supports, insurance companies that administer Medicare or Medicaid * * * the list is endless.

According to William Bradford Reynolds, Assistant Attorney General, the purpose of this bill is "to use the overturning of Grove City as a vehicle for expanding to the fullest extent possible the reach and role of the Federal bureaucracy into every facet of the public and private affairs of all our citizens."

I am certainly against discrimination of the disabled, of women, of minorities, and of the elderly. However, it is my strong opinion that long-established and dear liberties exercised by many of our churches, private colleges, and hospitals will be sacrificed so that bureaucratic intrusion can be furthered in every sector of our American society under the guise of protecting individual liberties that are already insured by law.

Mr. Speaker, it is my firm belief that the President's veto should be upheld. I urge my colleagues to vote to sustain the veto and kill this bill.

Mr. GRADISON. I rise in opposition to the veto of the President of S. 557, the Civil Rights Restoration Act, and urge my colleagues to join me in supporting this critical civil rights legislation.

S. 557 would restore the broad scope of coverage, intended by Congress, to four existing civil rights laws that form the foundation upon which this country stands against discrimination based on race, color, national origin, age, or sex. These legal protections of basic civil rights—title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964—ensure that recipients of Federal funding cannot discriminate on those grounds.

The Supreme Court, in its ruling on February 28, 1984, in the case of Grove City College versus Bell, effectively narrowed the application of the coverage of these important civil rights statutes. The Courts' ruling reversed administrative practices and enforcement interpretation that had been carried out for years by both Democratic and Republican administrations. Before the Supreme Court's 1984 ruling there was little dispute about what the intentions of Congress were in enacting these laws.

The issue before the House today is whether to reaffirm the Nation's commitment to the broad coverage of the antidiscrimination provisions of these important civil rights statutes as it existed before the Court ruled in the Grove City case. As the President indicated in his letter of March 16, 1988, "protection of the civil rights of Americans is an important duty of the government." In my view, S. 557 accomplishes this worthy goal.

Although this legislation enjoys wide bipartisan support, it has been severely criticized. Some fear that S. 557 would present an unnecessary and unprecedented regulatory intrusion of the Federal Government into the operation of State and local governments and private organizations. It is feared that churches and synagogues, private schools, farms and small businesses would all come under the heavy hand of Government.

As my colleagues have, I have received hundreds of calls, letters, and telegrams from constituents who are understandably concerned about the ramifications of this legislation. It is most unfortunate that much of what they have been told about this legislation is misleading and false.

After careful consideration, I am convinced that the fears which have been expressed to me are unfounded. This bill merely restores the status quo ante where the Grove City case is concerned. State and local governments would not be under any additional Federal mandates. This bill would not affect the operation of farmers who receive Federal subsidies. Nor would it affect those who receive Medicaid benefits, food stamps, or Social Security benefits.

Small businesses, such as grocery stores, that receive some form of Federal assistance, would not be required to make significant and costly structural changes to their existing facilities to ensure access for the handicapped. S. 557 does not require an employer to hire someone with AIDS or any other contagious disease if that person would pose a threat to the health or safety of others. Similarly, no employer would be under any mandate to hire or retain alcoholics and/or drug abusers. The courts have upheld the rights of employers in this area. This bill in no way changes that.

Much of the concern has come from those who are worried about the adverse impact this legislation purportedly would have on their church or synagogue. S. 557 does not require religious controlled institutions to comply with the civil rights laws if compliance would conflict with the tenets of that religion. Furthermore, nothing in the bill requires any person or organization to provide or pay for benefits and services related to abortion.

In addition, the legislation does not create rights for homosexuals, based on their sexual preference. This bill would not prevent a religious organization from taking an individual's sexual preference into account in any of its activities if it would violate the religious tenets of that organization.

It is unfortunate that much of the substantive debate on this issue has been shrouded by arguments that purport to stand on religious grounds. The fact is that major Catholic, Protestant, and Jewish organizations all support the enactment of S. 557. These organizations include, among a number of others, the U.S. Conference of Catholic Bishops, the National Council of Churches, the American Baptist Churches, the Evangelical Lutheran Church of America, the Episcopal Church, and the Union of American Hebrew Congregations.

Mr. Speaker, after 4 years of discussion and debate the Congress has arrived at a carefully crafted solution to restore coverage to some of the critical provisions of the Nation's civil rights statutes. In order to keep our commitment to effective Federal civil rights statutes, S. 557 is a necessary and desirable addition to current law and I urge my colleagues to join me in support of the legislation.

Mr. HOUGHTON. Mr. Speaker, there has been much debate over whether the Civil Rights Restoration Act should become law—part of this debate has been based on fact—much has been based on out and out emotion. Emotion is key to our lives, but must be tempered when being translated into hard, tough law. The truth is that before the Grove City case, Federal antidiscrimination laws applied to whole institutions when Federal money was involved. S. 557 is an effort to restore the same protection which existed prior to the Supreme Court's decision. It's that simple.

The compromise is not perfect. And frankly there was little opportunity to improve it. I supported the one amendment permitted, and that, unfortunately, was voted down. Now we are faced with the final "up or down" vote on the bill.

I plan to vote "up." There have been 3 years of hearings on the bill and compromises along the way. S. 557 is now abortion neutral, which relieves the concerns of right-to-life advocates. Corporate-wide coverage has been limited to five areas, although I would have personally preferred that all coverage be at the plant or facility level. The religious tenet language seems satisfactory to most of the educational institutions with whom I've talked. Very simply they would request an exemption under the act.

On other issues—current Federal law does not prohibit discrimination on grounds of sexual preference, nor does this bill. Similarly, the bill restates existing law which says that persons with contagious diseases, such as AIDS, must be treated as handicapped "except when they present a danger to the health and safety of others or cannot perform essential functions of their jobs."

There may be need for some refinement of the bill as we move to implement it. But I support the major thrust of the legislation—meaning that the Federal Government ask organizations that get tax dollars to comply with our civil rights laws.

Mr. KOSTMAYER. Mr. Speaker, I am voting to override the President's veto of S. 557, the Civil Rights Restoration Act.

On March 2, the House of Representatives passed S. 557 by an overwhelming 315 to 98 vote. The Senate passed the same bill on January 28 by a similarly wide margin, 75 to 14.

The purpose of this legislation is to re-affirm the broad coverage of civil rights laws prohibiting discrimination on the basis of race, color, national origin, sex, handicap, or age, in institutions with federally funded programs.

In the last several days I have received many telephone calls concerning the President's veto. While well intentioned, many constituents contacting me, Mr. Speaker, are misinformed about S. 557 and its coverage.

The Civil Rights Restoration Act does not grant rights to homosexuals. This bill does not require an employer to hire or retain a person with a contagious disease. This legislation also does not require an employer who receives Federal funds to hire or retain an alcoholic or drug addict.

Most callers for example, Mr. Speaker, are also not aware that the bill only applies to institutions which receive Federal funding.

And most callers, Mr. Speaker, are not aware that S. 557 does not change the religious exemptions now in effect in Federal civil rights statutes.

This legislation was introduced by a bipartisan group of Members of Congress in response to a Supreme Court ruling (Grove City College versus Bell) interpreting title IX of the 1972 Education Amendments to mean that an institution receiving Federal funds must comply with Federal civil rights laws only in those programs that directly receive Federal funds. As a result of the Court's decision, federally funded schools and colleges could discriminate in other nonfunded programs without risking the loss of Federal funds. Schools that do not receive Federal funds, of course, are not covered by this legislation. But Congress passed title IX with the intention that if a school or college freely applied for Federal funds and received Federal aid in any form, the entire school must compy with the Federal civil rights statutes. In the face of the Supreme Court ruling in the Grove City case, an overwhelming bipartisan majority of the House and Senate felt legislation was necessary to restore the original intent of Congress to protect all Americans from discrimination.

Nevertheless, there has been widespread misunderstanding about precisely what this legislation would accomplish. But it's important to note that it applies only to institutions that have received Federal funding.

I am voting in favor of the bill because I think that most Americans would agree that taxpayers' funds should not go to an institution or organization which discriminates based on race, age, sex, national origin, or handicap. Discrimination is abhorrent to our Constitution and our country. We don't tolerate discrimination because of someone's race or religion in the United States. Organizations which apply for and receive Federal funding ought to honor that simple mandate.

Finally, Mr. Speaker, I should reiterate that S. 557 also respects the separation of church and state which the Constitution guarantees. S. 557 specifically recognizes that federally funded institutions controlled by a religious organization are not required to comply with the regulations under title IX and title VII if the application of these statutes would not be consistent with the organization's religious tenets. For example, a Catholic University which receives Federal funds would not be obligated to accept women into its seminary programs since the Catholic priesthood is male only. That is the law today. That will still be the law

tomorrow even if the President's veto is overridden.

I might add that many religious groups have contacted me indicating their support for the legislation, including: U.S. Catholic Conference of Bishops, National Council of Churches, American Baptist Churches, Evangelical Lutheran Church of America, Church of the Brethren, Presbyterian Church USA, United Methodist Church and the Episcopal Church.

Mr. Speaker, I urge my colleagues to support S. 557.

Mr. KONNYU. Mr. Speaker, I would like to go on record as supporting the concept but opposing not only the form of S. 557, the Civil Rights Restoration Act of 1988, but also the methods used to get it passed. I would have supported President Reagan's substitute bill which would have overturned the Grove City decision without creating onerous new burdens on private citizens and small businesses. However, since no discussion or amendments were allowed on the President's alternative, I strongly object to the process which did not allow the minority to have a voice.

The bill in its present form is faulty from a number of perspectives:

It is big government at its biggest by being overbroad and going far beyond overturning the Supreme Court decision in the Grove City case.

It rewrites four statutes and would subject nearly every facet of American life to Federal Government intrusion—from the corner grocery store to churches and synagogues.

As an example, it would cover an entire college or university if only one student received Federal aid, even if the college itself received not a penny of Federal assistance.

It does not protect institutions which closely identify with the tenets of a religious organization.

Grocery stores, as an example, which accept food stamps (even very small ones with as few as one employee) could be subject to Washington's long regulatory arm and the requirements of this bill.

I certainly believe in civil rights and in the objective of overturning the Supreme Court decision. However, imposing a law which significantly expands the jurisdiction of the Federal Government into the private lives of citizens without allowing perfecting amendments in the House is unwise at best.

Mr. DURBIN. Mr. Speaker, I would like to take this opportunity to speak about the Civil Rights Restoration Act. This important legislation passed both the House and Senate by wide bipartisan margins. Unfortunately, President Reagan vetoed the bill. I support the motion to override the veto because I believe it is essential that we restore antidiscrimination laws for women, minorities, the elderly, and the handicapped.

The Civil Rights Restoration Act does not change the religious exemption now in effect in title IX of the 1972 Education Amendment and title VII of the 1964 Civil Rights Act. It is important to recognize that federally funded institutions controlled by a religious organization are not required to comply with the regulations if the application of these statutes would not be consistent with the organization's religious tenets.

The bill will not require individuals, institutions, programs or activities that receive Federal financial assistance to provide or pay for abortions. In response to concerns expressed by the U.S. Catholic Conference and other religious organizations, an amendment was added to the bill in the Senate to make it "abortion-neutral" so that it would have no effect on these institutions.

The bill does not require an employer to hire or retain someone with any contagious disease, an alcoholic, a drug addict or an exconvict if that person would pose a threat to the health or safety of others.

The bill does not require a recipient of Federal funds to provide a homosexual the protections provided individuals by title IX. Neither title IX nor any of the other statutes have ever been interpreted by the courts to provide protection on the basis of sexual preference.

The bill also explicitly affirms that "ultimate beneficiaries" of Federal aid, for example food stamp recipients, farmers who receive price and income supports, Social Security recipients, and AFDC recipients are not covered under the act.

There is widespread misunderstanding about precisely what this legislation would accomplish. It is important to emphasize that it applies only to institutions that receive Federal funding. The Civil Rights Restoration Act does not in any way alter the substantive definition of what constitutes discrimination under these statutes. It does not change in any way who is a recipient of Federal financial assistance. And it does not in any way alter the definition of Federal financial assistance.

The Civil Rights Restoration Act is supported by many major religious groups including: the U.S. Catholic Conference of Bishops, the American Baptist Churches, the Evangelical Lutheran Church of America, the American Jewish Congress, the Presbyterian Church USA, and the Episcopal Church. These groups worked closely with Congress to assure that the legislation protects religious rights and freedoms.

In effect, the Civil Rights Restoration Act will restore civil rights enforcement measures to their pre-Grove City status. The legislation does not threaten any constitutional rights or religious freedoms; indeed, it is intended to uphold the basic freedoms guaranteed to all people by the U.S. Constitution.

Mr. McGRATH. Mr. Speaker, I am sorry that I do not share the views of the President in his decision to veto S. 557, the Civil Rights Restoration Act. In turn, I am voting to override the President's veto for several reasons.

First, I believe the bill is essential in combating discrimination at any institution receiving Federal funds. Since the Grove City decision, major civil rights laws have been crippled. Penalizing only certain portions of an institution for blatant civil rights offenses is merely a slap on the hand. Mr. Speaker, we are about to enter the 1990's. It is certainly time to let these institutions know that we find civil rights abuse morally repugnant and that violators will not be tolerated.

Second, I support the bill's provisions concerning abortion. The Senate's reconciliatory language strengthened the bill and was a factor in my decision to vote to override the veto. The provision, which was widely supported, ensures that no institution will be required to provide abortion services or benefits as a condition of receiving Federal funds.

Finally, I believe this bipartisan supported bill, in effect, reactivates the four major civil rights laws passed in the 1960's and 1970's. The 1984 Grove City decision seriously diluted these landmark antidiscrimination measures. By forbidding institutions that receive Federal funds to discriminate, the Congress is only implementing previously enacted civil rights legislation.

I urge my colleagues to vote to override the veto. It is not too often that legislation with such a clear message comes before the Congress. I suggest we take advantage of this opportunity and send that message throughout the Nation.

Mr. LAGOMARSINO. Mr. Speaker, while I firmly oppose discrimination and support the overturn of the 1984 court ruling in the Grove City case, I fear that this measure we are considering today represents too drastic a change. I voted against it the first time it was before us and I strongly urge my colleagues to join me in doing so now.

Of particular concern to me is the religious tenets provision of the bill which allows exemptions from the law only for institutions controlled by a religious organization. This means that if a church or synagogue operates just one program with Federal aid, such as Meals for the Poor, or a shelter or other help for the homeless, not only will those assisted programs be covered, but, for the first time, all other activities of the church or synagogue, including prayer rooms and other purely religious components, educational classes, church or synagogue schools—even though conducted in separate facilities—or a summer camp for youngsters, will be covered as well. This has serious ramifications for religious freedom. I believe it would be more appropriate for exemptions to be allowed for entities closely identified with the tenets of a religious organization.

I am also deeply distressed by the fact that the democratic majority chose to railroad this single most important piece of civil rights legislation since the landmark bills of the 1960's right through Congress without sufficient debate. Had the bill been open to amendment and has such amendments as the religious tenets amendment been accepted, I would have been pleased to support the measure. However, as it was, the bill was considered by not one single committee in the House and the rule under which it was considered allowed only one amendment. The measure represents a monumental change in the civil rights enforcement landscape and rewrites four statutes to the point that the Federal Government will be involved in nearly every facet of State and local activity. I continue to believe that such a major piece of legislation must be open to amendment.

I urge my colleagues to support the President in his effort to reject this flawed so-called Civil Rights Restoration Act. Let us admit we were hasty and instead let's get down to the business of doing what we set out to do in the first place—passing a carefully crafted bill to ensure that our Nation will be free from discrimination.

Mr. DREIER of California. Mr. Speaker, I rise in support of the President's veto of S. 557, the Civil Rights Restoration Act, and in support of H.R. 4203, the President's alternative bill, of which I am an original sponsor.

In our efforts to protect the civil rights, we must be careful that we do not deny freedoms and opportunities for all citizens. S. 557 vastly expands Federal jurisdiction over State and local governments and the private sector, including churches and synagogues, farmers, businesses, voluntary associations, and private and religious schools. When we expand Federal authority, we expand the burdens that go with it and we had better be sure a need exists. The American people do not want the Federal Government to interfere and order their lives as S. 557 would require.

S. 557 does not adequately protect the free exercise of religious beliefs. While educational institutions controlled by a religious organization would be exempt, educational institutions which are governed by lay boards would not. To deny these institutions an exemption would be to deny them the freedom to teach the values and tenets that they believe in.

I am also concerned about the impact of this legislation on small businesses. S. 557 would require expansive new Federal control of private employment practices, increased Federal paperwork requirements, random onsite compliance reviews by Federal agencies, thousands of pages of Federal regulations, costly structural and equipment modifications, and more.

Rather than protecting civil rights, S. 557 represents a threat. The response of many small business employers to the imprecise and subjective language in this bill would be to withdraw from participation in Federal job programs, training programs and social service programs because of the potential costs, administrative burdens, and legal liabilities.

Mr. Speaker, S. 557 is simply too far-reaching. I urge my colleagues to sustain the veto and support the President's alternative as it is the ideal bill which limits the jurisdiction of Federal statutes to that originally intended before Grove City, and protects our freedom of religion.

Mr. WELDON. Mr. Speaker, I rise today in support of civil rights but against the manner in which the Civil Rights Restoration Act was brought to the House floor. I voted in favor of this legislation on March 2 and again today to override the President's veto.

Recently, I along with many of my colleagues received a flood of constituent telephone calls and correspondence in opposition to this legislation. Hearing the arguments coming from my district, I am convinced this is a result of misinformation. If the appropriate House committees had held hearings on the language of S. 557, this situation could have been avoided, and our constituents would have had an opportunity to hear from us on the substance of this issue. Instead, we are forced to respond to the irresponsible claims of certain groups opposed to any civil rights legislation.

In response to the question: Do I have to hire gay drug addicts with AIDS because of this legislation? The answer is "No." Further, allow me to dispell this along with some other common myths I have come across.

Homosexuals are not given any new or "special" protections under title IX of this legislation nor under any other statutes. For this reason, gay rights organizations are seeking separate legislation targeted specifically at discrimination on the basis of sexual preference. In addition, religious tenets holding homosexuality as impermissable, are able to discriminate against those individuals acting against their beliefs.

Drug addicts and alcoholics may be fired or denied employment if they pose a threat to the health or safety of others or even if they are unable as a result of their condition to adequately perform their job function. Language to this effect was intentionally placed in the Civil Rights Restoration Act to address the fears of some employers about their responsibility to employ these individuals.

Persons with infectious diseases may be refused employment or fired if they pose a threat to the health or safety of others or if they cannot perform their job functions adequately and if no "reasonable accommodations" can be made to restore health, safety, and job performance. A reasonable accommodation is considered to be an effort to utilize Federal guidelines for safety in the workplace set forth by the Center for Disease Control, the Department of Labor, the American Hospital Association, and various other research organizations.

Religious organizations by definition are primarily "religious". Therefore, even if a religious institution receives Federal assistance for providing health care, housing, social services or recreation they are not required to comply with the nondiscrimination provisions for each of their programs. Title IX has an exemption provision upon application to the Department of Labor for religious institutions whose beliefs forbid or restrict the actions or beliefs of certain groups covered under the language of this legislation. To date, there have been no exemption applications denied by the Department of Labor.

If this legislation is the "greatest threat to religious freedom and traditional moral values ever passed", why then does it have the expressed support of the following religious institutions: the U.S. Catholic Conference, the American Baptist Churches, the Evangelical Lutheran Church of America, the National Council of Churches, the United Methodist Church, the American Jewish Appeal, the Presbyterian Church of America, the Episcopal Church, the Union of Hebrew Congregations, and many others.

There is "abortion neutral" language in the Civil Rights Restoration Act. The language ensures that no provision of this legislation will require or prohibit any entity from providing or paying for abortions. This language has satisfied the national pro-life movement to the point of receiving their endorsement for the legislation. This provision may be invoked by any institution receiving Federal assistance.

Mr. Speaker, as a freshman Member of Congress I am fast learning how pressure can be applied by special interest groups on Members. It is most unfortunate that there are organizations which resort to scare tactics when the substance of the issue does not carry the message they wish to convey. In this instance, we see such an example. In the future, your cooperation in scheduling hearings on controversial legislation will enable Members of the House to debate, and if necessary alter major legislation such as this.

Mr. KONNYU. Mr. Speaker, I would like to go on record as supporting the concept but opposing not only the form of S. 557, the Civil Rights Restoration Act of 1987, but also the methods used to get it passed. I would have supported President Reagan's substitute bill which would have overturned the Grove City decision without creating onerous new burdens on private citizens and small businesses. However, since no discussion or amendments were allowed on the President's alternative, I strongly object to the process.

The bill in its present form is faulty from a number of perspectives:

It is big government at its biggest by being overboard and going far beyond overturning the Supreme Court decision in the Grove City case.

It rewrites four statutes and would subject nearly every facet of American life to Federal Government intrusion—from the corner grocery store to churches and synagogues.

As an example, it would cover an entire college or university if only one student received Federal aid, even if the college itself received not a penny of Federal assistance.

It does not protect institutions which closely identify with the tenets of a religious organization.

Grocery stores, as an example, which accept food stamps—even very small ones with as few as one employee—could be subject to Washington's long regulatory arm and the requirements of this bill.

I certainly believe in civil rights and in the objective of overturning the Supreme Court decision. However, imposing a law which significantly expands the jurisdiction of the Federal Government into the private lives of citizens without allowing perfecting amendments in the House is unwise at best.

Mr. MFUME. Mr. Speaker, the American people are issuing a cry and Congress can answer it by following the Senate's lead in voting to override President Reagan's veto of the Civil Rights Restoration Act. It was the first time that a President had vetoed a civil rights bill in 120 years. I repeat for emphasis, 120 years.

The Civil Rights Restoration Act would overturn the 1984 U.S. Supreme Court decision in Grove City College against Bell. In that case, the Court ruled that laws barring discrimination do not apply to entire institutions, only to the specific program or activity receiving Federal funds.

The Supreme Court's decision dealt specifically with title IX of the Education Amendments of 1972, which bars discrimination on the basis of sex. For example, if a college's archeology department received Federal research grants, but the economics department did not, the Federal law prohibiting schools from discrimination on the basis of sex would apply only to the archeology department and not the economics department.

In the 20 years prior to the Grove City decision, antidiscrimination laws were generally applied to entire institutions if any program within those institutions received Federal

funds. As a result, the 1984 ruling was a major blow to the promotion of civil rights as a fundamental test of justice in this society. The Supreme Court's narrow interpretation of title IX in the Grove City case has resulted in the Justice Department dropping antidiscrimination suits—even in case where the evidence has been overwhelming—because the discriminating program did not receive Federal funds.

The Civil Rights Restoration Act would clarify congressional intent with regards to title IX of the Education Amendments of 1972 and other important civil rights laws—the Civil Rights Act of 1964, which prohibits discrimination on the basis of race; the Rehabilitation Act of 1974, which prohibits discrimination against the disabled; and the Age Discrimination Act of 1975, which prohibits discrimination against the elderly. By passing the measure before us today, it would finally be clear that if one part of the entity receives Federal funds, the entire institution would be covered under antidiscrimination laws.

Rarely has a piece of legislation been the victim of a disinformation campaign as intense as that surrounding the Civil Rights Restoration Act. Our offices have been flooded with calls from citizens who were tricked into believing that the bill would force hospitals to perform abortions and require colleges controlled by religious groups to accept policies that conflict with their religious beliefs. As proof that these contentions are unfounded, the U.S. Catholic Conference, the United Methodist Church, and the Presbyterian Church have endorsed the Civil Rights Restoration Act.

A strong society demands equal opportunity and this body cannot waiver in the fight to secure civil rights for all citizens. Accordingly, with the eyes of the Nation upon us, I strongly urge my colleagues to join me in voting to override the President's veto of the Civil Rights Restoration Act.

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to strongly oppose President Reagan's veto of the Civil Rights Restoration Act and of the tactics used by organizations opposed to this bill to increase public opposition to it.

We have before us the opportunity to enact the most important piece of civil rights legislation in this decade, and we must demonstrate to the President that even if he is willing to go back in time with regard to civil rights, the Congress is not. I have heard from a multitude of my constituents on this issue, and those who are truly informed about the thrust and scope of this legislation were strongly in support of it. Many individuals, however, received misleading information from people they trust and opposed this legislation because they did not have complete information on the bill's purpose and scope.

This tactic is alarming, Mr. Speaker, because these people were given inflammatory information about the legislation's effect that was erroneous, misleading, and, in many cases, complete lies. I abhor this misinformation campaign organized by the religious right, and I call on President Reagan, whose name is being used in connection with this cause, to publicly repudiate this smear campaign and those who cower behind it.

This bill will overturn a 1984 Supreme Court decision, Grove City College versus Bell, that resulted in sharp curtailment of the enforcement of four major civil rights laws. In this ruling, the Court held that title IX of the 1972 Education Amendments banned gender discrimination only in a particular education "program or activity" receiving Federal aid, not in the entire institution. This decision has affected three other laws—title VI of the 1964 Civil Rights Act, section 504 of the 1973 Rehabilitation Act, and the 1975 Discrimination Act—that prohibit discrimination on the basis of race, color, national origin, sex, handicap, and age in institutions with federally funded programs.

As a result of the Court's decision, federally funded institutions are allowed to discriminate in other nonfunded programs without risking the loss of Federal funds. I believe that Congress passed these statutes with the intention that if an institution freely applied for Federal funds and receives Federal aid in any form, the entire school must comply with the civil rights statutes.

This Supreme Court decision is a misinterpretation of congressional intent, and legislation is necessary to restore the original intent of Congress to protect all people from discrimination. When the House of Representatives passed this measure, it did so by an overwhelming margin of 315 to 98. Similarly, the Senate passed it by a margin of 75 to 14. These votes reflect the bipartisan support this bill enjoyed in Congress as well as the great desire to strengthen these statutes to their pre-Grove City status.

Over the last few weeks I have become very concerned over the amount of misinformation and propaganda that has been circulating in my congressional district, and I am sure, in many areas of the country, about this bill. What has been most upsetting has been the number of individuals who formed an opinion about this bill from information provided to them by others without even having seen a copy of the bill or knowing the full thrust of this legislation. I do not know who was responsible for the dissemination of this wrong information, but I found many people to have the wrong impression of what this bill would do. Because of this misinformation campaign, many people who would support this bill if they were fully aware of the protections it offered, indeed, some of the very people this bill is intended to protect, expressed opinions opposing this legislation.

It has become obvious to me that individuals and organizations who opposed this bill for one reason or another chose to spread inflammatory rumors about the effect this bill would have that are totally erroneous. I hope people realize that if the bill would accomplish everything that is being alleged it will accomplish, certainly it could not garner the support of the large number of Senators and Members of Congress that supported this bill. Although President Reagan claims that this bill would diminish the freedom of religious institutions, he is overlooking the fact that aside from being supported by more than 225 organizations, this bill was strongly supported by the National Council of Churches, the American Jewish Congress, the U.S. Catholic Conference, and other religious organizations.

There appears to be widespread misunderstanding about precisely what this legislation would accomplish. Please note that it applies only to institutions that receive Federal funding. It does not change the religious exemptions now in effect. Further, this bill was not intended to protect homosexuals, transvestites, sexual deviants, or any of the other groups mentioned to me by constituents who were obviously not familiar with the legislation. The only provision of this bill which even remotely approximates this is a minor provision which protects under the Rehabilitation Act individuals with contagious diseases.

This provision would protect against discrimination victims of AIDS, whether these are children who contracted the disease from a blood transfusion, individuals who contracted it through sexual contacts, or otherwise, as well as people with other contagious diseases, such as hepatitis and tuberculosis. Please keep in mind that the much larger population of homosexuals who are not infected with the disease are not covered by this law. This legislation does not threaten any constitutional rights; indeed, it is intended to uphold the basic freedoms guaranteed to all people by the Constitution.

I am opposed to discrimination on the basis of race, color, national origin, age, gender, or physical disability. That is why I support the Civil Rights Restoration Act, was a cosponsor of this measure, and voted to override the President's shortsighted veto.

Mr. OBERSTAR. Mr. Speaker, we have before us today a motion to override the President's ill-considered veto of the Civil Rights Restoration Act. For the first time in this century, a President has vetoed a major piece of civil rights legislation, in spite of a broad and vigorous bipartisan effort to ensure its passage. This administration has done little to advance the cause of civil rights. It has repeatedly attempted to grant a tax exemption to the racially discriminatory Bob Jones University and to undermine the role and authority of the Civil Rights Commission, and now seeks through this veto to overturn years of Federal agency decisions and litigation on civil rights dating back to the early 1960's.

In recent weeks certain groups have distributed considerable misinformation about the bill; those misstatements should be corrected. I would like to take this opportunity to place the bill in historical context and briefly describe its anticipated effects.

The three branches of our Federal Government, along with the governments of our 50 States and their hundreds of local subdivisions, have for decades been wrestling to find an answer to a simple question: How can we best preserve and protect the rights of all U.S. citizens? Even after a vigorous lobbying effort by many House and Senate Members of his own party, the President has vetoed this civil rights legislation. He has ignored the broad bipartisan consensus enjoyed by the bill demonstrated when it passed the House earlier this month by a vote of 315 to 98, after passing the Senate in late February by a vote of 75 to 14.

In the last two decades, four major pieces of civil rights legislation have been enacted into law. The Civil Rights Act of 1964 banned

discrimination on grounds of race. Equal access to educational and athletic facilities at our colleges and universities was guaranteed under title IX of the Education Amendments of 1972. Discrimination against the disabled was prohibited with the Rehabilitation Act of 1974, and against older Americans with the Age Discrimination Act of 1975. These landmark civil rights measures confirm our vision of a free society in which all participate and all contribute.

In 1984, the Supreme Court accepted an argument advanced by the Reagan administration to narrow the scope of civil rights legislation intended by the Congress to apply broadly to virtually all recipients of Federal financial assistance. The court ruled in the case of Grove City College versus Bell that the rights of free citizens are protected on some parts of a college campus, but not on others. The Court held that only those specific programs at Grove City which received Federal financial assistance were subject to the antidiscrimination provision of title IX. In other words, a student is fully entitled to constitutional protections in the science lab, where Federal research dollars are being spent, but not in the history building, gymnasium, or bookstore. In effect, this narrow interpretation of the statute has allowed the administration to extend Federal civil rights protections "a la carte."

After 4 years of negotiating and 23 days of hearings in both bodies, a consensus was reached to restore—not broaden—the coverage of civil rights legislation to its pre-Grove City status. This document embodies that broad bipartisan consensus. It restates congressional intent that our civil rights laws apply according to the broad pre-Grove City standards. It will ensure that constitutional and legal protections are provided to all recipients of Federal funding, except those explicitly exempted from such coverage. It specifically addresses the Supreme Court's finding in the 1984 Grove City case and extends the antidiscrimination guarantees of our civil rights laws to all parts of all institutions receiving Federal moneys. It also extends these guarantees to State and local governmental agencies, private corporations, and other entities that receive Federal grants or loans or whose principal activities involve providing health care, housing, social services or parks, and recreation.

At the same time, this legislation will not abridge the freedom of teaching hospitals and other institutions which choose not to perform abortions. This bill guarantees that hospitals will not be forced to perform abortions, nor will institutions receiving Federal dollars be required to provide abortion benefits as part of their employee insurance plans. The bill also prohibits educational institutions from discriminating against individuals who are seeking or have had an abortion.

Further, the bill allows for those institutions controlled by religious organizations to apply for an exemption under the law. To date, no institution that has applied under this law has been denied such an exemption. The Justice Department's Office of Civil Rights reports that 150 institutions have been granted religious exemptions from the obligations of title IX.

Further, the measure exempts persons considered to be ultimate beneficiaries of Federal financial assistance, including farmers who receive crop subsidies, social security recipients, Medicare and Medicaid recipients, individual recipients of food stamps, and others considered by the courts and Federal agencies to be ultimate beneficiaries of Federal assistance. I recently received a thorough summary of the effects of the bill prepared by the Leadership Conference on Civil Rights which I would like to offer for the RECORD at this point.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS—CIVIL RIGHTS RESTORATION ACT—QUESTIONS AND ANSWERS

HOMOSEXUALS

Question: Does this bill require a recipient of federal funds to provide a homosexual the protections provided women by Title IX or provided under any of the other statutes amended by the bill?

Answer: Neither Title IX nor any of the other statutes has ever been interpreted by the courts to provide protection on the basis of sexual preference; none of the regulations have ever so provided; and nothing in the bill creates any such protection. Homosexual groups recognize this lack of protection in seeking new legislation specifically prohibiting discrimination on the basis of a person's sexual preference.

This bill does not preclude an entity from discriminating against an individual solely on the basis of the fact that the individual is homosexual. Thus, if an entity's religious tenets require it to take disciplinary action against any individual who is homosexual (regardless of whether such an individual is infected with the AIDS virus) and it takes such action solely because of that person's homosexuality, the fact that section 504 coverage happens to include AIDS would offer no source of protection to such an individual.

ALCOHOLICS AND DRUG ADDICTS

Question. Does this bill require an employer who receives federal funds to hire or retain in employment all alcoholics and drug addicts?

Answer. No. A person who is a current alcoholic or drug addict can be excluded or fired from a particular job if it is determined that he or she poses a direct threat to the health or safety of others or cannot perform the essential functions of the job and no reasonable accommodation can remove the safety threat or enable the person to perform the essential functions of the job.

Question. Does the bill change current law in any way?

Answer. No. Since it became law in 1973, section 504 of the Rehabilitation Act (the civil rights statute for handicapped persons) has been interpreted to enable employers to refuse to hire or fire alcoholics and drug addicts under these circumstances. To allay the fears of some employers about the nature of their responsibilities to such persons, this policy was expressly inserted into the statute in 1978 (See section 7(8)(B) of the Rehabilitation Act).

Question. Has current law created an untenable position for recipients regarding the hiring or retention of alcoholics and drug addicts?

Answer. No. The 1978 amendments allayed the fears of employers. They now understand that they don't have to hire or retain all alcoholics and drug addicts. Courts have upheld the right of employers to fire employees who cannot perform or who pose health and safety risks.

Question. Do the standards governing the exclusion of alcoholics and drug addicts in the employment context apply in other situations, such as exclusion from participation in a program receiving federal assistance?

Answer. Yes. As in the employment context, a person must, with reasonable accommodation, meet the essential qualifications for participation.

PERSONS WITH CONTAGIOUS DISEASES

Question. Does this bill require an employer to hire or retain in employment all persons with contagious diseases?

Answer. No. An employer is free to refuse to hire or to fire any employee who poses a direct threat to the health or safety of others or who cannot perform the essential functions of the job if no reasonable accommodation can remove the threat to the safety of others or enable the person to perform the essential functions of the job. This determination must be made on an individualized basis and be based on facts and sound medical judgment.

Question. What guidelines exist for determining what is meant by a "reasonable accommodation?"

Answer. Federal agencies such as the Centers for Disease Control, the Department of Labor, and professional organizations such as the American Academy of Pediatrics, and the American Hospital Association have issued guidelines for ensuring safety in the workplace. These guidelines can be relied on for determining reasonable accommodations.

Question. Does this bill change current law in any way?

Answer. No. This has been the law of the land since 1973, when Congress passed section 504 of the Rehabilitation Act. The circumstance under which a person with a contagious disease can be excluded was recently reaffirmed by the Supreme Court in the Arline decision.

The bill includes language which is consistent with this decision. The language in the bill is modeled after the language added in 1978 with respect to alcoholics and drug addicts.

Question. Who supported the inclusion of this language in the bill?

Answer. On the Senate side, it passed without dissent as a Harkin/Humphrey Amendment. On the House side not only was it included in the bill that passed the House, but the exact same language was also included in the Sensenbrenner Substitute, which was endorsed by the Administration through a letter from Secretary Bennett.

Question. What standards apply in non-employment contexts such as admission of pupils to schools?

Answer. The same standards.

Question. Will the fact that section 504 covers contagious diseases mean that recipients will not be able to take normal good faith public health precautions to prevent the spread of contagious diseases?

Answer. No. Public Health measures designed to prevent the spread of infectious diseases or infections such as AIDS would not be undermined by covering persons with contagious diseases or infections under section 504. In fact, the American Public Health Association has argued that "promotion of public health is aided, not impeded, by an individualized determination of whether a person with a communicable condition is qualified to work." In addition to

the APHA, the American Medical Association and the American Nurses Association support the inclusion of contagious diseases under section 504.

Question. Has the Administrative Board of the Catholic Conference taken a position on discrimination against persons with AIDS?

Answers. Yes. In a publication entitled, "The Many Faces of AIDS—A Gospel Response" the Administrative Board of the U.S. Catholic Conference (November 1987) stated: "Discrimination directed against persons with AIDS is unjust and immoral." The Administrative Board also stated: "Because there is presently no positive or sound medical justification for the indiscriminate quarantining of persons infected with AIDS, we oppose the enactment of quarantine legislation or other laws that are not supported by medical data or informed by the expertise of those in the health-care or public health professions."

COVERAGE OF RELIGIOUS ORGANIZATIONS

Question. A religious organization (a church or a diocese or a synagogue) receives federal financial assistance to aid refugees. Under the Civil Rights Restoration Act, will that assistance result in coverage of the religious organization in its entirety so that it would be under an obligation not to discriminate in any of its operations?

Answer. No. Complete coverage of a corporation, partnership or "other private organization" occurs in only two circumstances. The first is where assistance is extended to the private organization "as a whole." "As a whole" refers to situations where the corporation receives general assistance that is not designated for a particular purpose. A grant to a religious organization to enable it to extend assistance to refugees would not be assistance to the religious organization as a whole if that is only one among a number of activities of the organization.

The second circumstance is where the organization is "principally engaged in the business of providing education, health care, housing, social services or parks and recreation." The principal occupation of a church or a diocese or a synagogue is by definition "religious." So such an organization would not be covered in its entirety even if it conducts one or more programs in education or health care or social services.

Question. Is there anything in this legislation that would limit the right of a religious organization to prefer members of the religion in services or benefits it provides with federal funds?

Answer. No. None of the statutes amended by the bill bars discrimination on the basis of religion. Thus, a religious organization can prefer members of the religion in its federally-assisted activities. Religious preference cannot be a pretext, however, for racial discrimination.

RELIGIOUS TENET EXEMPTION

Question. What is the religious tenet exemption and how is it used?

Answer. Title IX provides for an exemption to that statute where nondiscrimination requirements are inconsistent with the religious tenets of an educational institution controlled by a religious organization. An educational institution need only make application to the Department of Education for such an exemption. To date, *no institution* that has completed an application *has been denied an exemption.* The Department's Office of Civil Rights reports that 150 institutions have been granted religious exemptions from the obligations of Title IX.

The two most frequently cited reasons for requests for religious exemption involved religious tenets calling for sex discrimination in institutions training students for the ministry, and for differential treatment of pregnant students and employees, particularly if they are unmarried. A significant number of requests also sought to treat men and women differently in athletic programs.

Some examples of exemptions are:

(A) An institution's religious standards so strongly condemn sexual activities outside marriage that it wants to control what it holds as "Sacred Scripture violations" on the part of students and staff. The college would be permitted to restrict an unmarried student who is pregnant from living with other unmarried women in the dormitory.

(B) A college believes that the scriptures teach that the husband is the head of the wife. A women whose employment came in conflict with her marriage obligations would be expected to be in submission to her husband, and for that reason the institution is exempted from Title IX regulations and allowed to take marital status into consideration in its hiring.

(C) A college would be permitted to forbid men and women from swimming together because of its religious stand on "modest attire."

Question. Many educational institutions that were once controlled by religious orders, ministers, or other officers or leaders of a religion have changed their governance structure and now have lay boards of directors. Shouldn't these schools be allowed an exemption from Title IX since they still keep their close identity with the religion?

Answer. While it is true that many private educational institutions have moved to lay boards, that is not a compelling reason to extend the religious tenet exemption language. In fact, none of the prominent institutions cited by those who sought to broaden the religious exemption (e.g. Notre Dame, Georgetown) has felt any need to seek a religious exemption at any point in its history.

Question. Isn't this a matter of religious freedom?

Answer. No other federal law allows sex discrimination under the guise of religious freedom, including Title VII. The religious tenet exemption was included in the 1972 Act that prohibits sex discrimination in educational institutions and was originally meant to cover seminaries and other strictly religious institutions. Since 1972, exemptions have been granted to a large number of educational institutions. Loosening the language of the statute would not only increase the number of institutions that are exempt from sex discrimination regulations but also invite other institutions to create a "religious identity" in order to discriminate against women.

ABORTION

Question. What about institutions that are not religiously controlled that have an objection to performing abortions?

Answer. The Civil Rights Restoration Act includes a provision that may be invoked by any institution that receives federal assistance which states that nothing in the legislation "shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to abortion. . . ."

BACKGROUND INFORMATION

Question. What statutes are amended by the Civil Rights Restoration Act?

Answer. The Act covers Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

Title IX prohibits sex discrimination in educational programs or activities receiving Federal financial assistance. Title VI bars discrimination based on race, color or national origin in a program or activity that receives Federal aid. Section 504 prohibits discrimination against disabled persons in programs or activities receiving federal funds. The Age Discrimination Act prohibits discrimination on the basis of age in federally funded programs and activities.

Question. Does the Civil Rights Restoration Act broaden coverage of federal civil rights laws?

Answer. No. The bill merely restores coverage to what it was before the *Grove City College v. Bell* decision by providing a definition for the existing "program or activity" language.

This means that:

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

For state and local governments, only the department or agency that 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 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 that plant or facility is covered.

The bill also explicitly affirms that "ultimate beneficiaries" of federal aid, e.g. food stamp recipients, are not covered. Other individuals who are the ultimate beneficiaries of federal funding include farmers who receive price and income supports and loans, AFDC recipients, and Social Security recipients.

The bill does not in any way change the definition of "federal financial assistance."

To sum up * * *

Pell Grants are federal financial assistance and trigger coverage of education institutions.

Farmers receiving crop subsidies—ultimate beneficiaries—are not covered.

Persons receiving Social Security, food stamps, welfare payments—ultimate beneficiaries—are not covered.

Question. What about small businesses for whom compliance with some provisions of 504 may be a hardship?

Answer. The Civil Rights Restoration Act adds a new subsection (c) to Section 504 of the Rehabilitation Act of 1973 which clarifies that small providers such as pharmacies and grocery stores with fewer than fifteen employees are not required to make significant alterations to their existing facilities to ensure accessibility to handicapped persons if alternative means of providing the services are available.

Question. When an institution is found to have discriminated, does that mean that all its federal funding will be cut off?

Answer. No. While, historically, the coverage of these four civil rights statutes has been construed to provide a broad prohibi-

tion on discrimination by programs or activities receiving federal aid, and almost always cases are resolved without federal funds being cut off, in the rare cases that reach that stage fund termination has been pinpointed so that only those funds that are actually supporting discrimination can be terminated. The bill does not change this.

Mr. Speaker, we have been fighting for the cause of civil rights here in the United States for more than a generation. In that time protections have been extended to all Americans, regardless of race, creed, age, or disabling handicap. This carefully negotiated compromise measure addresses the concerns of many of us in this body deeply committed to the sanctity of human life, and guarantees continued respect for religious liberty while ensuring that Federal financial assistance will not be used to subsidize discrimination. While I am troubled that simple restoration of these guarantees has required such a struggle, I am confident that in overriding this veto we are again on the right path. Passage of this legislation will recapture for us what we temporarily lost in the Grove City decision 4 years ago, and will move us one small step closer to the day when the few in our country share equally with the many the civil rights and protections our society offers.

I urge my colleagues to vote "aye" on this motion to override the President's veto.

Mr. FIELDS. Mr. Speaker, today I rise in support of the President's veto of S. 557, the Civil Rights Restoration Act of 1987. Of the hundreds of letters that I have received regarding this bill, 99.9 percent have been in opposition to S. 557.

I think that we all agree that discrimination has no place in our society. If S. 557 did what its title says it does, restore civil rights enforcement to pre-Grove City law, I believe it would have passed the House and Senate unanimously. But, in fact, what the broad, loosely structured language does is to deny rights to some while restoring rights to others.

I have already spoken out against the shortcomings of this legislation. The bill would go far beyond pre-Grove City law and unjustifiably expand the power of the Federal Government over the decisions and affairs of private organizations such as churches and synagogues, farms, businesses, and State and local governments. The President has forwarded to us a responsible legislative package which contains important changes from S. 557 designed to avoid unnecessary Federal intrusion into the lives and businesses of Americans, while ensuring that Federal aid is properly monitored under the civil rights statutes it amends.

Mr. Speaker, I urge my colleagues to vote to sustain the President's veto of S. 557 and give the President's proposal the careful consideration that it deserves.

Mr. HAWKINS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were: yeas 292, nays 133, not voting 7, as follows:

[Roll No. 41]

YEAS—292

Ackerman	Foley	Mica
Akaka	Ford (MI)	Miller (CA)
Alexander	Ford (TN)	Miller (WA)
Anderson	Frank	Mineta
Andrews	Frenzel	Moakley
Annunzio	Frost	Molinari
Anthony	Gallo	Mollohan
Applegate	Garcia	Montgomery
Aspin	Gaydos	Moody
Atkins	Gejdenson	Morella
AuCoin	Gibbons	Morrison (CT)
Bates	Gilman	Morrison (WA)
Beilenson	Glickman	Mrazek
Bennett	Gonzalez	Murphy
Bereuter	Goodling	Murtha
Berman	Gordon	Nagle
Bevill	Gradison	Natcher
Bilbray	Grant	Neal
Boehlert	Gray (PA)	Nelson
Boggs	Green	Nichols
Boland	Guarini	Nowak
Bonior	Gunderson	Oakar
Bonker	Hall (OH)	Oberstar
Borski	Hamilton	Obey
Bosco	Harris	Olin
Boucher	Hatcher	Ortiz
Boxer	Hawkins	Owens (NY)
Brennan	Hayes (IL)	Owens (UT)
Brooks	Hayes (LA)	Panetta
Brown (CA)	Hefner	Pashayan
Brown (CO)	Hertel	Patterson
Bruce	Hochbrueckner	Pease
Bryant	Hopkins	Pelosi
Bustamante	Horton	Penny
Byron	Houghton	Pepper
Campbell	Howard	Perkins
Cardin	Hoyer	Petri
Carper	Huckaby	Pickett
Carr	Hughes	Pickle
Chandler	Jacobs	Porter
Chapman	Jeffords	Price (NC)
Chappell	Jenkins	Rahall
Clarke	Johnson (CT)	Rangel
Clay	Johnson (SD)	Richardson
Clement	Jones (NC)	Ridge
Coelho	Jones (TN)	Rinaldo
Coleman (TX)	Jontz	Robinson
Collins	Kanjorski	Rodino
Conte	Kaptur	Roe
Conyers	Kastenmeier	Rose
Cooper	Kennedy	Rostenkowski
Coughlin	Kennelly	Roukema
Courter	Kildee	Rowland (CT)
Coyne	Kleczka	Roybal
Crockett	Kolbe	Sabo
Darden	Kolter	Saiki
Davis (MI)	Kostmayer	Savage
de la Garza	LaFalce	Sawyer
DeFazio	Lancaster	Saxton
Dellums	Lantos	Scheuer
Derrick	Leach (IA)	Schneider
Dicks	Lehman (CA)	Schroeder
Dingell	Lehman (FL)	Schuette
DioGuardi	Leland	Schulze
Dixon	Lent	Schumer
Donnelly	Levin (MI)	Sharp
Dorgan (ND)	Levine (CA)	Shays
Dowdy	Lewis (GA)	Sikorski
Downey	Lipinski	Sisisky
Duncan	Lloyd	Skaggs
Durbin	Lowry (WA)	Skelton
Dwyer	Luken, Thomas	Slattery
Dymally	Lungren	Slaughter (NY)
Dyson	MacKay	Smith (FL)
Early	Manton	Smith (IA)
Eckart	Markey	Smith (NJ)
Edwards (CA)	Martin (IL)	Snowe
Erdreich	Martin (NY)	Solarz
Espy	Matsui	Spratt
Evans	Mavroules	St Germain
Fascell	Mazzoli	Staggers
Fazio	McCloskey	Stallings
Feighan	McCurdy	Stark
Fish	McGrath	Stokes
Flake	McHugh	Stratton
Flippo	McMillen (MD)	Studds
Florio	Meyers	Swift
Foglietta	Mfume	Synar
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	
Valentine	Whitten	

NAYS—133

Archer	Hansen	Regula
Armey	Hastert	Rhodes
Badham	Hefley	Ritter
Baker	Henry	Roberts
Ballenger	Herger	Rogers
Barnard	Hiler	Roth
Bartlett	Holloway	Rowland (GA)
Barton	Hubbard	Russo
Bateman	Hunter	Schaefer
Bentley	Hutto	Sensenbrenner
Bilirakis	Hyde	Shaw
Bliley	Inhofe	Shumway
Boulter	Ireland	Shuster
Broomfield	Kasich	Skeen
Buechner	Kemp	Slaughter (VA)
Bunning	Konnyu	Smith (NE)
Burton	Kyl	Smith (TX)
Callahan	Lagomarsino	Smith, Denny (OR)
Cheney	Latta	
Clinger	Leath (TX)	Smith, Robert (NH)
Coats	Lewis (CA)	
Coble	Lewis (FL)	Smith, Robert (OR)
Coleman (MO)	Livingston	
Combest	Lott	Solomon
Craig	Lowery (CA)	Spence
Crane	Lujan	Stangeland
Dannemeyer	Lukens, Donald	Stenholm
Daub	Mack	Stump
Davis (IL)	Marlenee	Sundquist
DeLay	McCandless	Sweeney
DeWine	McCollum	Swindall
Dickinson	McDade	Tauke
Dornan (CA)	McEwen	Taylor
Dreier	McMillan (NC)	Thomas (CA)
Edwards (OK)	Michel	Upton
Emerson	Miller (OH)	Vander Jagt
English	Moorhead	Vucanovich
Fawell	Myers	Walker
Fields	Nielson	Weber
Gallegly	Oxley	Whittaker
Gekas	Packard	Wolf
Gingrich	Parris	Wortley
Grandy	Pursell	Wylie
Gregg	Quillen	Young (FL)
Hall (TX)	Ravenel	
Hammerschmidt	Ray	

NOT VOTING—7

Biaggi	Lightfoot	Martinez
Gephardt	Madigan	Price (IL)
Gray (IL)		

□ 1801

So, two-thirds having voted in favor thereof, the Senate bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

GENERAL LEAVE

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

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I ask to proceed for the purpose of inquiring of the distinguished majority leader the program for the balance of the day and tomorrow, maybe the week.

Mr. FOLEY. Mr. Speaker, will the distinguished Republican leader yield?

Mr. MICHEL. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, this concludes the business for today. It will be my intention to offer a unanimous-consent request that when the House adjourns tonight it adjourn to meet at 11 a.m. tomorrow rather than at 2 p.m. for the purpose of taking up the budget resolution for fiscal 1989, and if that request is granted it is our hope that we could conclude the debate on the budget and reach a vote on that by perhaps 6 o'clock tomorrow night.

At that time it would be my intention to ask unanimous consent that the House adjourn to meet in pro forma session on Thursday, and we would then go over until Monday.

We will have a further program for next week to announce tomorrow, but that will be the program for this week.

It is our hope that we can go in tomorrow early and conclude the debate at a reasonable hour.

Mr. MICHEL. I thank the gentleman from Washington.

HOUR OF MEETING ON TOMORROW

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight it adjourn to meet at 11 a.m. tomorrow.

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE RESOLUTION WITH RESPECT TO CONCURRENT RESOLUTION ON THE BUDGET, FISCAL 1989

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a resolution with respect to the Budget Act for fiscal 1989.

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

There was no objection.

PERMISSION FOR COMMITTEE ON THE BUDGET TO FILE REPORT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on the Budget may have until midnight tonight to file a report.

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

There was no objection.

CONGRATULATIONS TO THE CONGRESS ON OVERRIDE OF VETO OF CIVIL RIGHTS RESTORATION ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. OAKAR] is recognized for 60 minutes.

Ms. OAKAR. Mr. Speaker, I would like to just briefly use our special orders which we had intended to do actually before the vote on the Civil Rights Restoration Act to simply congratulate the courageous Members who decided to vote to override the veto. It was a very courageous vote, because most Members of Congress were inundated with phone calls, and many of the people calling were not aware that the information they had was totally erroneous. So I think it is very, very key that we put a number of things at this time in the record to clear the record to refute the so-called Moral Majority's papers related to the Civil Rights Act which were totally fictitious.

I simply want to say how delighted I am with the Members who decided to hold the line and vote for the civil rights of our elderly, our handicapped, our women and certainly those of varieties of people. So this is a very historic occasion.

This is the most important civil rights legislation passed in the last decade, so we are very, very delighted. It is a victory for those who do not want to step backward. It is a victory for those who want to move forward and open up the doors of our institutions, our educational facilities, that we have Federal funds so that all Americans can be treated equitably and fairly and that is the spirit of the Restoration Act, and as a Member of the legislative body which is separate but equal to the judicial branch, this is one time that I am very, very proud that we were able to close a loophole created by the Reagan Supreme Court.

We are delighted with the turnout and with the vote, and I will now at this time, once again, thank my colleagues for the override and yield back the balance of my time.

ERISA AND RICO: THE NEED TO PROTECT WELFARE AND WELFARE FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, in 1974, Congress enacted the Employment Retirement and Security Act [ERISA], (29 U.S.C. § 101 et seq.) to protect the savings that millions of working Americans were placing in pension and related welfare funds. Currently, 64.5 million Americans have invested—either themselves or through their employers—$1.4 trillion in pension and welfare benefit plans. Unfortunately, ERISA alone is not able effectively to protect the plans from fraud and misuse and much of this hard earned money is at substantial risk. In fact, the reporting system ERISA set up is not achieving its objectives; the investigative agencies that have primary jurisdiction to enforce the act are overworked; and the independent auditors required by the act are too often not fulfilling their duties. As such, a national tragedy is in the making.

I

Mr. Speaker, ERISA imposes rigid restrictions on amounts that can be contributed to and benefits that can be paid from qualified plans. The law also sets minimum standards for employee's participation and minimum vesting standards. In addition, ERISA imposes a minimum funding requirement—requiring employer contributions to include the normal costs of the plan as well as amounts sufficient to amortize past service costs and experience losses. To advance the funding requirement, the employer must set up a "funding standard account," which shows whether or not the employer has satisfied the minimum funding requirement for the year or if the employer has a deficiency and, thus, problems. If the account shows a deficiency, the employer will be hit with a 5-percent excise tax on the amount of the deficit. This tax is imposed for each plan year in which the deficiency has not been corrected. The employer will also be hit with a 100-percent excise tax on the deficiency if he fails to correct it within 90 days after the Internal Revenue Service mails a notice of deficiency with respect to the 5-percent tax.

Every plan Administrator must submit an annual registration statement with the Secretary of the Treasury called a Summary Plan and Description. This report includes the name and address of the Administrator and clearly sets at certain participants and their rights to deferred vested benefits. The Secretary of the Treasury is then required to submit this to the Secretary of Health, Education and Welfare.

Each benefit plan also must submit to the Secretary of the Treasury an actuarial report for the first plan year and every third plan year thereafter. This report assesses the plan's ability to pay pensions as they become due in the future.

The plan administrator must publish an annual report within 210 days after

the end of the plan's calendar year. This report is called a form 5500 report, and it includes information on the financial status of the plan and the investment of plan assets.

The administrator must also have the fund audited by an independent public accountant [IPA], who renders an opinion on the financial statements of the plan.

These four requirements—the plan description, the form 5500 report, the IPA audit, and the actuarial report—are supposed to aid various Federal agencies and beneficiaries to monitor the various plans. In fact, pension and welfare funds are the least regulated assets in the country today, and more than $10 billion in funds may be at risk! (See, "The Least Regulated Money in the Country Today" Forbes Magazine (June, 1986).)

II

The Pension and Welfare Benefits Administration [PWBA] administers and enforces ERISA. Unfortunately, PWBA does not have the resources necessary to enforce ERISA fully. (See generally "Corporate Crime Reporter" vol. 1, No. 28, Monday (Nov. 2, 1987).) In fact, the PWBA has only 490 employees to cover the 5.4 million benefit plans covered by ERISA. Of these 490, only 200 are investigators. These 200 people can only investigate 1,700 of the 5.4 million plans each year. With an investigatory staff of only 200, the PWBA does not even come close to having an enforcement presence comparable to other similar Federal agencies, including, for example, the Federal Deposit Insurance Corporation, which watches over banks. To increase PWBA's efficiency to the degree required to equal that of other agencies, investigatory staffs would have to be increased to 2,600. Yet plans account for an excess of $1 trillion in assets; they hold 21 percent of outstanding United States issued foreign bonds; and they hold 15 percent of the U.S. Government securities. The data available before the crash of last month on Wall Street indicates that as direct holdings of stock fell $400 billion between 1978-85, institutional investor's holdings rose by $221 billion. Pension funds accounted for $150 billion of that rise. (See generally, "Pension Funds in Capital Markets," H.R. H361-62, Subcommittee of Telecommunications, Consumer Protection and Finance; Committee of Energy and Commerce, 99th Cong., 1st sess., (1986).)

Not only must 200 people attempt the enormous task of enforcing ERISA, but they must do so largely without the aid of the reports that plans are required by law to complete. Each plan must submit form 5500, the IPA report, and the actuarial report to the IRS. In turn, the IRS gives the reports to the PWBA. But by the time the PWBA gets this information the information is usually at least 2 years old. Indeed, sometimes the reports are filed late, and sometimes the reports are not filed at all. Yet delinquent filers are not fined, and no provisions exist that provides for obtaining missing files.

Even if the PWBA has the IPA report, many times the report does not reflect ERISA violations that have occurred inspite of the American Institute of Certified Public Accountants [AICPA] guide entitled "Audits of Employee Benefit Plans" and the reporting requirements set out in ERISA. In fact, the IPA's all too often, do not perform the necessary testing. Many reports fail to contain one or more of the disclosures required the AICPA guidelines and the statute. Often times, IPA's interpret important events as insignificant, or a disclosure requirement as repetitive. Many times, too, important events are obscured within a report.

The IPA's role is crucial. It is often the only source the PWBA has of accurately interpreting financial statements. Few members of PWBA have the background necessary to complete an audit themselves—not to mention their lack of personnel and time. The IPA assumes a public responsibility to the plan's participants. Nevertheless, today's auditing standards allows an auditor to assume management integrity unless his examination reveals evidence to the contrary. Thus, his duty to look for fraud is limited. The results can be disastrous, especially when you recognize that the majority of financial fraud practices involve top management. Further, a company is free to—and often does—change auditors if the company disagrees with the IPA's accounting policies. (See generally "Report of the National Commission on Fraudulent Financial Reporting" (April 1987). This effectively shifts the duty to report illegal acts to the plan administrator. Ironically, the plan administrator is usually the one who violates the law and the last person who will notify the authorities in order to protect plan participants.

The PWBA, moreover, has no recourse against an IPA who has performed a substandard audit. ERISA section 104(A)(3) gives the remedies available in such a case:

The PWBA must give the plan administrator 45 days to correct the report.

After 45 days, the PWBA can engage another IPA to perform the audit at the plan's expense, or bring a court action to enforce the provisions.

The IPA's, however, cannot be fined or suspended by the PWBA. The PWBA may report the auditor to appropriate authorities in the profession, but may take no action on its own.

Pension and welfare plans are paying millions of dollars to IPA accountants to complete audit reports that fail to serve as a check on financial malfeasance and that are hopelessly out of date by the time the PWBA receives them. The PWBA, too, is woefully understaffed, and the IPA reports on which it relies too often to be of use in detecting fraud.

We must take steps now to ensure, not only that those who perpetrate fraud will be caught, but that getting caught will hurt. The amount of fraud that exists in pension and welfare plans is astounding. The PWBA itself resolved $51.2 million of monetary violations in 1985. By 1986, the amount had risen to $88.9 million. And this is only the amount that PWBA has discovered. Judging from the mere 1,700 plans the PWBA investigates in any 1 year, this is only the tip of an enormous iceberg. Meanwhile, the amount of money invested in plan assets by an unknowing and trusting working public keeps growing.

III

This data on the inadequacy of existing law and practice to protect the pension and welfare plans of the Nation must be placed in the context of so-called RICO reform efforts. In 1970, Congress enacted the Organized Crime Control Act, title IX of which is known as RICO—18 U.S.C. § 1961 et cetera. Congress was concerned about fraud when it enacted RICO, and it provided for a treble damage claim for relief for those injuries by a systematic patterns of criminal fraud committed by, through, or against an enterprise—a statutory term that includes pension and welfare funds. Nevertheless, movements are afoot in Congress to disembowel RICO. Bills have been introduced by my good friends—Senator HOWARD METZENBAUM and Congressman RICK BOUCHER in the Senate S. 1523, and House, H.R. 2983. The Metzenbaum and Boucher bills would, unthinkingly, weaken RICO and pull out its teeth, particularly as the statute protects welfare and pension funds. Broadly, their bills propose to exclude securities fraud from RICO coverage, reduce damages from treble to actual, cut down the period within which a victim must sue or lose the right to sue, raise the standard of the burden of proof that the victim has to meet to recover, make the victim meet extraordinary pleading rules, and make the damage reduction changes apply retroactively to pending litigation.

The Subcommittee on Criminal Laws, which I am privileged to chair, is planning to hold detailed hearings to examine the wisdom of these proposals. It will also consider the provisions of H.R. 3240, introduced by myself and my colleague, the gentleman from California, Mr. DON EDWARDS. H.R. 3240 is a bill that would also reform RICO, but it would both strengthen it and guard against its

abuse. (See 133 Cong. Rec. E3351 (daily ed. Aug. 7, 1987).) I intend to give special treatment to the impact that these proposals might have on the security of all pension and welfare funds of American citizens. Nothing that I have heard yet leads me to believe that it would be other than folly to weaken the legal protections so necessary to safeguard the funds from fraud and misuse. We must not let the Metzenbaum or Boucher approaches of weakening the law serve as the bases for RICO reform. I, for one, pledge my strength to prevent this tragedy from happening. The hard-earned savings of our people are too important not to be safeguarded.

□ 1815

UPDATE ON SITUATION IN HONDURAS

The SPEAKER pro tempore (Mr. PRICE of North Carolina). Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 10 minutes.

Mr. McEWEN. Mr. Speaker, this past weekend I had the opportunity to join with seven of my colleagues in a quick visit to Honduras where we ate and slept with the 82d Airborne Division that had been deployed there as a result of the President's actions on Wednesday night.

I take this opportunity to take just a few moments to discuss the actions of the President and the importance that I attach to them.

As you recall, Mr. Speaker, on February 3 the House of Representatives voted to deny any further assistance to the democratic resistance operating against the Marxist regime in Nicaragua.

Shortly after that decision by the Congress to no longer assist the democratic forces in the region, the Sandinistas began to forward deploy their very limited petroleum stocks and other necessary material to the border along Honduras in anticipation of an incursion or invasion into their democratic neighbor to the north.

Under the act as it expired on March 1, the United States could no longer participate in assisting the democratic resistance and the Marxist regime in Nicaragua took advantage of that to then deploy their troops to the border.

Last Wednesday, the Sandinista forces crossed over the border, forded the river and crossed into Honduras where they attempted to engage the democratic resistance, the Contras, that were located in the Honduras region.

At that point, in recognition of the fact that the Sandinistas are financed very heavily by the Soviet Union and in recognition of the fact that they had been given rapid deployment of some $150 million in material from the Soviet Union in the previous 60 days, in recognition of the fact that this was a coordinated attack bringing in all aspects of the military inside Nicaragua, it was sending a message throughout Central America that an ally of the Soviet Union would be heavily financed, heavily supported and given the opportunity to attack its neighbors.

The only question that remained for the world and for Central America in particular was where would the United States stand and what would the United States do when an ally and friend and fellow democracy were under attack?

As you know, much request was made of the Congress by the President and his personal staff, the White House staff on Wednesday. We also know that Mr. D'Escoto, the Foreign Minister for the Managua regime, used his efforts to engage in a disinformation campaign to claim that there was no incursion and that any crossings were inadvertent. He failed, of course, to clear that with Daniel Ortega, the President of Nicaragua because Mr. Ortega boasted he had 6,000 Sandinista troops involved in this operation.

On Wednesday evening the President decided to deploy 3,200 American troops on a training exercise. This action sent tremors throughout the invading armies. They immediately foundered in place. The next day the Honduran Government gave a 24-hour ultimatum to Nicaragua to withdraw their troops. And when they failed to do so, they engaged in two air strikes against them with the result that the Sandinista troops immediately began to withdraw. They fell into disarray and began to return across the border back into Nicaragua.

Very simply the point of my conclusion is, Mr. Speaker, that the President's swift action sent a clear and unmistakable message not only to our ally in Honduras but to Democrats in the region, around the world and particularly those next to us in the Americas, that we are a faithful, reliable ally that when we choose to stand with a democrat, we are there in times of stress and in times of success.

In Costa Rica where the democracy is under attack, in El Salvador where the democracy is under attack, in Panama where the situation is very, very untenable at the present time, it was a vitally important message that the President sent. I am delighted to report tonight that the peace process can now proceed, that the destruction of the democratic resistance was not successful and that now we can begin to get about the serious business of achieving peace in the region because America stood with the democracies.

Mr. Speaker, I yield to the chairman of the delegation, the chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman and support what he said here this afternoon.

I want to thank him for going on this trip with seven other Members, one of whom, Mr. HUNTER of California, is here now. I thought it was successful.

The gentleman pointed out that it brought the presence of American forces and it boosted the Honduran Army as well as their Government, as well as our allies in that part of the world.

I want to touch on this: The American forces that went down to Honduras are some of the finest that I have ever seen.

As the gentleman mentioned, these young men and women from the 82d Airborne, two battalions and two battalions from the 7th Infantry of the 27th Regiment, 2d and 3d battalions; some of the finest young men, soldiers that I have ever seen.

They did their jobs. And I would hope now that the gentleman in the well and the President as Commander in Chief would bring those Americans home. I think they have done their job. They worked hard. It is tough-tough down there, not in any danger of getting involved with the Sandinistas, but it is a hot, tough climate. They worked 20 to 24 hours a day. I would hope that the President would bring them back home.

Mr. McEWEN. I thank the gentleman for his statement. I have made no secret of my very deep admiration which I hold for the chairman of the Committee on Veterans' Affairs and his leadership in this Congress and I thank him for leading this delegation at a most propitious moment in the course of Central American democracy.

I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the gentleman from Ohio for putting this special order on, and also thank Mr. MONTGOMERY, our chairman, who went down at the spur of the moment, without a lot of time to prepare and to arrange scheduled. We went down because he, like the gentleman from Ohio and the other members of the delegation were concerned about American forces and their well-being.

You know, I think an important message should come out of this: When Ronald Reagan sent the 82d Airborne and elements from the 7th Division down to Honduras, Sandinistas were killing Contras, attacking them in their base camp in Honduras. Honduras was reluctant to take on and

to stand up to a very superior, in numbers, Sandinista force. They looked to the United States to stand behind them. They wanted to see that we as their friends stood with them.

So these people came down because the Sandinistas were killing Contras, and because we were there the Hondurans made an air strike against the Sandinista bases and did not kill personnel to our knowledge. And because of that the Sandinistas disengaged from the Contras, moved back across the border to their own country, to Nicaragua.

The point is that by taking decisive action the President of the United States saved lives, he did not expend lives. No lives have been lost in this exercise in Honduras.

To our knowledge, no lives were lost in the air strike on the Sandinista bases. Yet we know that many lives were being lost in the Contra forces and in the Sandinista forces because of the very treacherous attack by the Sandinistas at a time when they said they were ready to follow the Arias Peace Plan before the United States arrived.

So by arriving in Honduras and giving that political will to the Hondurans to stand up to their very tough neighbors, the Communist Sandinistas, the President of the United States brought about a cessation of hostilities and saved lives, Nicaraguan lives, Honduran lives. I think that is a point that we should look at when we inspect our future policy with regard to Central America.

Very clearly, if we do not help the freedom fighters, if we do not help people who are struggling for freedom there and who are opposing the Communist Sandinistas who are hosting the Soviet Union in several bases in Nicaragua, we may one day see our young men and women fighting in Central America.

The way to prevent that is to take some curative action, some preventative action right now, and that is to help the people who are fighting for their own freedom and at the same time fighting for the security of the Americas, of this hemisphere.

I was impressed that although that is Central America, they are Hondurans, and we are North Americans, we are all Americans living in the same hemisphere and share the same interest in security.

I want to thank the gentleman for his articulate presentation as well as his articulate interchange/exchange with the President of the United States this morning. I thought he laid out the exercise in a very clear and convincing way and the facts and the result have been proven that he is right, that what we did was correct.

Mr. McEWEN. I thank the gentleman very much. I would conclude with just two quick observations, as the gentleman just articulated.

When an ally is under attack, whether it be in Israel, whether it be in Western Europe or wherever, in Central America, the United States as the leader of the free world has three responses: No. 1, we can close our eyes, hold our ears and say, "We don't care, we really don't care about freedom and democracy. If a nation falls behind or under the hammer and sickle then so be it." That is response No. 1.

Response No. 2 is that we can send aid to those fighting for their own independence, freedom and democracy. That is what America has done throughout its proud 200-year history.

Response No. 3 is we can send troops to do it ourselves. And that is one that we have chosen only five or six times throughout our history to engage in.

When the Congress of the United States denied the President option number two to continue to assist the democratic resistance, last week with an invasion into an ally and friend in Honduras he was left with only option one, do absolutely nothing or option No. 3, to use American troops.

To those of us that prefer the nonuse of troops, it is absolutely essential that we immediately reestablish assistance to the democratic resistance in Central America so that they can carry their cause forward themselves, which is their desire to do.

I would point out that when we funded the democratic resistance it brought the Sandinistas to the table, it opened up La Prensa, it caused a freeing of many of the political prisoners, it established the religious leader, Obando y. Bravo, their cardinal, as a mediator in the negotations.

But once the House of Representatives, the Congress of the United States voted to deny aid to the democratic resistance, immediately we saw the collapse of any opening toward democracy we saw war, we saw the incursion into its neighbors and we saw the beginning of hostilities.

So for those of us who want peace, for those of us who want a cessation of hostilities, for those of us who believe in the peace process, we understand that it is essential for us to support our allies and friends and send the message to the world, specifically that region which is this: If you become an ally of the Soviet Union, you can rest assured that they will give all that you request in military and personal and humanitarian aid to fund their allies. The question is what do you get when you side with democracy, freedom and the United States? The Congress of the United States has sent a very ambiguous response in recent years. Fortunately, the President of the United States has shored up our reputation by saying, "If you are attacked we will stand with you."

Now the question before the Congress for the next 10 to 14 days is can the President's actions stand alone? Will we stand with him for democracy, for peace and for freedom or will this House once again say to our adversaries in the world, "If you wish to insert your doctrine and your oppression against our allies, we will not lift a finger against you."

That is the dilemma that is facing America today and I wanted to take this opportunity to show that when the President acts for what is right that democracy wins.

□ 1730

THE SATELLITE DISH OWNERS' RIGHT TO TELEVISION PROGRAM ACCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota [Mr. JOHNSON] is recognized for 5 minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, Members of the House are coming together once again to express bipartisan, unified support on an issue where consideration by Congress is long overdue. In recent years, the rural satellite dish owner has been unfairly denied the right to receive satellite signals that should be available to everyone at a reasonable and fair cost. In my own State of South Dakota, people in rural areas have invested thousands of dollars in satellite dishes so that they can enjoy the same programming that those in urban areas do. The problem is that on top of this investment, dish owners are forced to purchase not one, but many times three or four, separate descramblers to be able to view the programming of their choice.

My constituents are not looking for a free ride. What they are asking for is to get these services at a reasonable, competitive price—they certainly have the right to have access to programming which a vast majority of this country already has or will have at fair and reasonable rates. We need a distribution system that does not discriminate in prices or conditions.

That is why I am a cosponsor of H.R. 1885, the Satellite Television Fair Marketing Act. This legislation is designed to ensure competition in the marketplace by requiring that those scrambling satellite services intended for private viewing must make those services available to home satellite dish owners. The bill further provides the Federal Communications Commission with the authority to establish uniform standards for encryption.

It is critical that this bill be moved as soon as possible in an effort to bring fairness and equity to millions of rural Americans who have chosen to invest in satellite dishes. I would urge my colleagues to support this legislation, and I would urge Members on the Energy and Commerce Committee to move this bill to the floor as soon as possible.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MADIGAN (at the request of Mr. MICHEL) from 12:30 p.m. today on account of illness.

Mr. GRAY of Illinois (at the request of Mr. FOLEY) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCMILLAN of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. MORRISON of Washington, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. GINGRICH, for 5 minutes, today.

Mr. DORNAN of California, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. CRANE, for 60 minutes, on March 29.

Mr. MCEWEN, for 10 minutes, today.

(The following Members (at the request of Mr. OLIN) to revise and extend their remarks and include extraneous material:)

Mr. WEISS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ANTHONY, for 5 minutes, today.

Ms. OAKAR, for 60 minutes, today.

Mr. HUBBARD, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. JOHNSON, of South Dakota, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, on March 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DYMALLY of California and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,783.

(The following Members (at the request of Mr. MCMILLIAN of North Carolina) and to include extraneous material:)

Mr. RINALDO.

Mr. GOODLING.

Mr. MCDADE.

Mr. DUNCAN.

Mr. CRANE.

Mr. PORTER in two instances.

Mr. DORNAN of California in two instances.

Mr. VUCANOVICH.

Mr. LUJAN in two instances.

Mr. HANSEN.

Mr. SHAW.

Mr. KONNYU.

Mr. HYDE.

Mr. HANSEN.

Mr. WELDON.

(The following Members (at the request of Mr. OLIN) and to include extraneous matter:)

Mr. WYDEN.

Mr. CLAY in two instances.

Mr. TALLON.

Mr. LANTOS in two instances.

Mr. TRAXLER.

Mr. SHARP.

Mr. YATRON.

Mr. DIXON.

Mr. SYNAR.

Mr. TORRICELLI.

Mr. FLORIO.

Mr. FORD of Michigan.

Mr. FAZIO.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. OBEY.

Mr. MATSUI.

Mr. HOWARD.

Mr. DYMALLY.

Mr. KOSTMAYER.

Mr. LEHMAN of Florida.

Mr. CROCKETT.

Mr. LANTOS.

Mr. LEHMAN of California.

Mr. UDALL.

Mr. APPLEGATE.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 952. An act to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review, and for other purposes; to the Committee on the Judiciary.

ADJOURNMENT

Mr. DURBIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 23, 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:

3191. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to increase the rates of basic pay, basic allowance for quarters, and basic allowance for subsistence for members of the Uniformed Services; to the Committee on Armed Services.

3192. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-148, "New Streets or Alleys Amendment Act of 1988," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3193. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-149, "District of Columbia Taxicab Commission Fund Amendment Act of 1988," and report, purusant to D.C. section 1-233(c)(1); to the Committee on the District of Columbia.

3194. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-150, "District of Columbia Vehicle Cover Requirement Act of 1988," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3195. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 7-151, "District of Columbia Taxicab Commission Establishment Act of 1985 Amendment Act of 1988," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

3196. A letter from the Chairman, Securities and Exchange Commission, transmitting the 16th annual report of the Securities Investor Protection Corporation for the year 1986, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Energy and Commerce.

3197. A letter from the Secretary of State, transmitting notification of the Determination by the Secretary that the furnishing of assistance to Ecuador, which is more than 6 months in default on loans made under the FAA of 1961, as amended, is in the national interest; copies of the Determination and the Justification enclosed, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

3198. A letter from the Deputy Associate Director for Collection and Disbursements, Department of the Interior, transmitting notice 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.

3199. A letter from the National Treasurer, Pearl Harbor Survivors Association, transmitting copies of the Association's financial statements for the year ended September 30, 1987, pursuant to 36 U.S.C. 1103; to the Committee on the Judiciary.

3200. A letter from the Secretary, The Foundation of the Federal Bar Association, transmitting a copy of the Association's audit report for the fiscal year ending September 30, 1987, pursuant to 36 U.S.C. 1101(22), 1103; to the Committee on the Judiciary.

3201. A letter from the Comptroller General, General Accounting Office, transmitting a report on the review of the Federal Milk Marketing Order Program and its impact on dairy surpluses, as well as regional issues (GAO/RCED-88-9; March 1988); jointly, to the Committees on Government Operations and Agriculture.

3202. A letter from the Secretary of Transportation, transmitting the Department's 1986 annual report on the administration of the Pipeline Safety Act of 1979 for the period January 1, 1986, through December 31, 1986, pursuant to 49 U.S.C. App. 1683(a); jointly, to the Committees on Energy and Commerce, and Public Works and Transportation.

3203. A letter from the Comptroller General of the United States, transmitting a special report entitled: "Controlling Drug Abuse: A Status Report; jointly, to the Committees on Government Operations, Education and Labor, Foreign Affairs, Energy and Commerce, and the Judiciary.

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. Howard: Committee on Public Works and Transportation. H.R. 2266. A bill to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1988 and 1989, and for other purposes; with an amendment (Rept. 100-445, pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GRAY of Pennsylvania: Committee on the Budget. House Concurrent Resolution 268. A resolution setting forth the congressional budget for the United States Government for the fiscal years 1989, 1990, and 1991 (Rept. 100-523. Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 410. A resolution providing for the consideration of House Concurrent Resolution 268, a concurrent resolution setting forth the congressional budget for the United States Government for the fiscal years 1989, 1990, and 1991 (Rept. 100-524. Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOWDY of Mississippi (for himself, Mr. SMITH of New Jersey, Mrs. PATTERSON, Mr. WYLIE, Mr. JONTZ, Mr. RIDGE, Mr. EVANS, Mr. DORNAN of California, Ms. KAPTUR, Mr. KENNEDY, Mr. MONTGOMERY, Mr. SOLOMON, Mr. HAMMERSCHMIDT, Mr. JOHNSON of South Dakota, Mr. SLATTERY, and Mr. KILDEE):

H.R. 4213. A bill to amend title 38, United States Code, with respect to the Montgomery GI bill; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. RANGEL (for himself, Mr. GILMAN, Mr. ACKERMAN, Mr. BIAGGI, Mr. BOEHLERT, Mr. DIOGUARDI, Mr. DOWNEY of New York, Mr. FISH, Mr. FLAKE, Mr. GARCIA, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. LAFALCE, Mr. LENT, Mr. MANTON, Mr. MCGRATH, Mr. MCHUGH, Mr. MOLINARI, Mr. NOWAK, Mr. OWENS of New York, Mr. SCHEUER, Mr. SCHUMER, Ms. SLAUGHTER of New York, Mr. SOLARZ, Mr. STRATTON, Mr. TOWNS, and Mr. WEISS):

H.R. 4214. A bill to rename the State and local narcotics control assistance provisions of the Anti-Drug Abuse Act of 1986 in memory of New York City police officer Edward Byrne, who was slain on February 26, 1988, while guarding the home of a witness in a criminal case involving narcotics; to the Committee on the Judiciary.

By Mr. ANTHONY:

H.R. 4215. A bill to amend the provisions of the Toxic Substances Control Act relating to asbestos in the Nation's schools by extending the deadlines for local educational agencies to submit asbestos management plans to State Governors and to begin implementation of those plans; to the Committee on Energy and Commerce.

By Mr. APPLEGATE (for himself, Mr. MCEWEN, Mr. MONTGOMERY, and Mr. SOLOMON):

H.R. 4216. A bill to amend title 38, United States Code, to increase the rates of compensation and dependency and indemnity compensation [DIC] payable to veterans with service-connected disabilities and their survivors, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOULTER (for himself and Mr. COMBEST):

H.R. 4217. A bill to authorize the Secretary of the Interior to construct, operate, test, and maintain the Lake Meredith Salinity control Project, New Mexico and Texas; to the Committee on Interior and Insular Affairs.

By Mr. BROWN of California (for himself, Mr. WALKER, Mr. VOLKMER, Mr. TORRICELLI, Mr. PERKINS, and Mr. BATEMAN):

H.R. 4218. A bill to require the National Aeronautics and Space Administration to investigate and promote the development of human settlements in space, and for other purposes; to the Committee on Science, Space and Technology.

By Mr. CRANE:

H.R. 4219. A bill to amend the Internal Revenue Code of 1986 to encourage the extended family unit by increasing the amount of the personal exemption for children and for older dependents who reside with the taxpayer, and for other purposes; to the Committee on Ways and Means.

By Mr. LATTA:

H.R. 4220. A bill to require analyses and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, to provide for deficit neutrality of new spending legislation, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. MATSUI (for himself and Mr. VANDER JAGT):

H.R. 4221. A bill to amend the Internal Revenue Code of 1986 to clarify that section 457 does not apply to nonelective deferred compensation or basic employee benefits; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 4222. A bill to amend the Immigration and Nationality Act to extend for 6 months the application period under the legalization program; to the Committee on the Judiciary.

By Mr. MICHEL (for himself and Mr. HYDE):

H.R. 4223. A bill to protect the civil rights of Americans and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil rights Act of 1964; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. MORRISON of Washington (for himself, Mr. SWIFT, and Mr. CHANDLER):

H.R. 4224. A bill to require the Secretary of Energy to develop a plan for demonstrating the technical feasibility of burning weapons grade nuclear materials that have been removed from dismantled nuclear weapons in nuclear reactors of the Department of Energy and to report to Congress on that plan, and to require the President to consider inviting the Soviet Union to participate in the demonstration; jointly, to the Committee on Armed Services and Science, Space and Technology.

By Mr. QUILLEN:

H.R. 4225. A bill relating to the treatment of certain furskins under the Endangered Species Act of 1973; to the Committee on Merchant and Fisheries.

By Mr. SHARP (for himself and Mrs. LLYOD):

H.R. 4226. A bill to promote the development and commercialization of renewable energy and energy conservation; jointly, to the Committees on Energy and Commerce and Science, Space and Technology.

By Mr. STANGELAND:

H.R. 4227. A bill to provide a grant to study how to minimize electric voltage differences in livestock holding and feeding areas; to the Committee on Agriculture.

By Mr. WYDEN (for himself and Mr. WAXMAN):

H.R. 4228. A bill to amend the Public Health Service Act to establish a grant program to provide for the education of the public with respect to acquired immune deficiency syndrome; to the Committee on Energy and Commerce.

By Mr. RODINO:

H. Res. 408. Resolution providing amounts from the contingent fund of the House for further expenses of investigations and studies by the Committee on the Judiciary in the second session of the One Hundreth Congress; to the Committee on House Administration.

By Mr. RANGEL (for himself, Mr. GILMAN, Mr. ACKERMAN, Mr. BIAGGI, Mr. BOEHLERT, Mr. DIOGUARDI, Mr. DOWNEY of New York, Mr. FISH, Mr. FLAKE, Mr. GARCIA, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. LAFALCE, Mr. LENT, Mr. MANTON, Mr. MCGRATH, Mr. MCHUGH, Mr. MOLINARI, Mr. NOWAK, Mr. OWENS of New York, Mr. SCHEUER, Mr. SCHUMER, Ms. SLAUGHTER of New York, Mr. SOLARZ, Mr. STRATTON, Mr. TOWNS, and Mr. WEISS):

H. Res. 409. Resolution expressing condolences to the family, friends, and colleagues of Officer Edward Byrne of the New York City Police Department for his tragic and untimely death; expressing support of, and appreciation to, law enforcement personnel in the United States; calling on the Congress to appropriate the maximum amount authorized to fund the law enforcement grant program established by the State and Local Law Enforcement Assistance Act of 1986; and calling on the Congress, the President, and the people of the United States to support the bill to rename such Act as the Edward Byrne Memorial State and Local Law Enforcement Assistance Act; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

286. By the SPEAKER: Memorial of the Nineteenth Legislature of Guam, relative to the designation of the point at Orote Penin-

sula as Udall Point, to the Committee on Interior and Insular Affairs.

287. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to attorney's fees; to the Committee on the Judiciary.

288. Also, memorial for the General Assembly of the Commonwealth of Virginia, relative to commercial zone motor carrier operations; to the Committee on Public Works and Transporation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BILIRAKIS:

H. Con. Res. 269. Concurrent resolution commending the men and women of the Loyal Order of Moose who together have given 100 years of civic, charitable, and benevolent service to their fellow citizens in the finest spirit of American voluntarism; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 190: Mr. HALL of Ohio and Mr. BLAZ.

H.R. 245: Mr. BRYANT and Mr. HANSEN.

H.R. 592: Mr. MAZZOLI, Mr. LEWIS of California, Mr. SPRATT, Mr. GRANDY, Mr. HOLLOWAY, and Mr. PURSELL.

H.R. 719. Mr. MOLLOHAN.

H.R. 722: Mr. BATES.

H.R. 807: Mr. BEILENSON.

H.R. 1201: Mrs. BOXER and Ms. OAKAR.

H.R. 1244: Mr. PANETTA.

H.R. 1417: Mr. CLINGER, Mr. PENNY, Mr. BONKER, Mr. TORRICELLI, and Mr. CONYERS.

H.R. 1433: Mr. MOODY.

H.R. 1583: Mr. ROTH, Mr. DONALD E. LUKENS, Mr. DEFAZIO, Mr. BERMAN, Mr. MINETA, and Mr. SCHULZE.

H.R. 1620: Mr. ROBERT F. SMITH.

H.R. 1638: Mr. TORRICELLI, Mr. RODINO, and Mr. BOEHLERT.

H.R. 1663: Mr. BURTON of Indiana, Mr. MORRISON of Washington, Mr. GRANDY, Mr. BEREUTER, and Mr. EMERSON.

H.R. 1957: Mr. ENGLISH, Mr. GOODLING, Mr. NELSON of Florida, Mr. SHARP, and Mr. MCCLOSKEY.

H.R. 2229: Mr. VOLKMER, Mr. HARRIS, Mr. FISH, and Mr. SOLOMON.

H.R. 2260: Mr. CLEMENT.

H.R. 2567: Mr. HAWKINS, Mr. FAUNTROY, Mr. STARK, Mr. OBERSTAR, and Mr. BUSTAMANTE.

H.R. 2750: Mr. MINETA, Mr. DEFAZIO, Mr. HOCHBRUECKNER, Mr. FUSTER, Mr. CLEMENT, Mr. TORRES, and Mr. HOWARD.

H.R. 2854: Mr. SOLARZ, Mr. FAUNTROY, Mr. MRAZEK, Mr. HAWKINS, and Mr. HERTEL.

H.R. 3009: Mr. CROCKETT.

H.R. 3144: Mr. SHAW, Mr. BARTLETT, Mr. DELAY, and Mr. SMITH of Texas.

H.R. 3324: Mr. CRAIG, Mr. ARMEY, Mr. EDWARDS of Oklahoma, Mr. DEFAZIO, Mr. COLEMAN of Missouri, and Mr. STUMP.

H.R. 3455: Mr. MARKEY.

H.R. 3485: Mr. STAGGERS and Mrs. PATTERSON.

H.R. 3552: Mr. EDWARDS of Oklahoma and Mr. SMITH of New Hampshire.

H.R. 3602: Mr. WILSON.

H.R. 3619: Mr. BUECHNER and Mr. SMITH of New Jersey.

H.R. 3628: Mr. DEWINE, Mr. STOKES, Mr. SABO, Mr. ATKINS, Mr. LUNGREN, Mr. SLATTERY, Mr. VENTO, Mr. COURTER, Mrs. MARTIN of Illinois, Mr. HILER, Mr. LEVIN of Michigan, Mr. SAXTON, Mr. MCGRATH, Mr. KILDEE, Mr. RIDGE, Mrs. ROUKEMA, Mr. MONTGOMERY, Mr. AKAKA, Mr. HOCHBRUECKNER, and Mr. LAFALCE.

H.R. 3726: Mr. FISH and Mr. CROCKETT.

H.R. 3806: Mr. FISH, Mr. MAVROULES, Mr. SHUMWAY, Mr. BUSTAMANTE, Mr. TORRES, Mr. MARTINEZ, Mr. ROYBAL, Mr. BLAZ, Mr. ORTIZ, Mr. ROE, Mr. MFUME, and Mr. RANGEL.

H.R. 3807: Mr. GRANT.

H.R. 3822: Mr. MINETA.

H.R. 3892: Mr. ECKART.

H.R. 3893: Mr. MCMILLAN of North Carolina, Mrs. BENTLEY, and Mr. PRICE of North Carolina.

H.R. 3907: Mr. WOLPE, Mr. ALEXANDER, Mr. STAGGERS, Mr. PANETTA, Mr. MCMILLAN of North Carolina, Mr. NEAL, Mr. BUNNING, Mr. LEWIS of Georgia, Mr. KOSTMAYER, Mr. KOLBE, Mr. MORRISON of Washington, and Mr. EDWARDS of Oklahoma.

H.R. 3914: Mr. FOGLIETTA, Mr. BUSTAMANTE, Mr. MANTON, and Mr. LELAND.

H.R. 3955: Mr. EVANS, Mr. WOLF, and Mrs. VUCANOVICH.

H.R. 3969: Mr. FORD of Michigan.

H.R. 4002: Mr. BEREUTER, Mr. LEWIS of Georgia, Mr. PURSELL, and Mr. WOLF.

H.R. 4011: Mr. RAVENEL, Mr. STALLINGS, Mr. NIELSON of Utah, Mr. MCGRATH, Mr. DEFAZIO, Mr. RICHARDSON, Mr. EVANS, and Mr. OLIN.

H.R. 4012: Mr. ST GERMAIN, Ms. OAKAR, Mr. HORTON, Mr. MORRISON of Connecticut, Mr. OWENS of New York, Mr. HUBBARD, Mr. SCHUMER, Mr. ACKERMAN, and Mr. FAUNTROY.

H.R. 4015: Mr. DORGAN of North Dakota, Mr. DAUB, Mr. DORNAN of California, Mr. MARLENEE, Mr. ROE, Mr. LAGOMARSINO, Mr. HILER, Mr. SCHAEFER, Mr. DONALD E. LUKENS, Mr. DENNY SMITH, Mr. BOEHLERT, Mr. ROWLAND of Connecticut, Mr. HORTON, Mr. ENGLISH, Mr. TRAXLER, and Mr. ROTH.

H.R. 4066: Mr. BRYANT, Mr. ATKINS, Mr. MCGRATH, Mr. MRAZEK, Mr. LEWIS of Georgia, Mr. KEMP, Mr. SHUMWAY, Mr. DEFAZIO, Mr. DOWNEY of New York, Mr. FAZIO, Mr. EVANS, and Mr. DAVIS of Illinois.

H.R. 4067: Mr. WHITTAKER, Mrs. BENTLEY, and Mr. FAWELL.

H.R. 4074: Mrs. VUCANOVICH.

H.R. 4093: Mr. DEFAZIO.

H.R. 4111: Mr. VENTO, Mr. ROE, Mr. GONZALEZ, Mr. EDWARDS of California, Mr. BOEHLERT, and Mr. HORTON.

H.R. 4155: Mr. BUSTAMANTE, Mr. LANCASTER, Mr. DAVIS of Illinois, and Mr. HERTEL.

H.R. 4203: Mr. OXLEY, Mr. LAGOMARSINO, Mr. RITTER, Mr. EMERSON, Mr. DREIER of California, Mr. HUNTER, Mr. STANGELAND, Mr. DONALD E. LUKENS, Mr. SMITH of Texas, Mr. DAUB, Mr. BALLENGER, Mr. SKEEN, Mr. SWINDALL, Mr. YOUNG of Florida, Mr. HILER, and Mr. SHUMWAY.

H.J. Res. 145: Mr. WOLF, Mr. WYDEN, Mr. TAUKE, Mr. LAGOMARSINO, and Mr. COLEMAN of Missouri.

H.J. Res. 330: Mr. TOWNS, Mr. CARDIN, Mr. LEHMAN of California, Mr. MORRISON of Connecticut, and Mr. GARCIA.

H.J. Res. 388: Mr. BORSKI, Mr. CALLAHAN, Mr. DICKINSON, Mr. DYMALLY, Mr. DYSON, Mr. HOWARD, Mr. KASTENMEIER, Mr. LEVIN of Michigan, Mr. LOWRY of Washington, Mr. MOLLOHAN, Mrs. MORELLA, and Ms. SLAUGHTER of New York.

H.J. Res. 391: Mr. WHEAT, Mrs. MORELLA, and Mr. PANETTA.

H.J. Res. 420: Mr. RANGEL, Mr. INHOFE, Mr. SYNAR, Mr. LANCASTER, Mr. MORRISON of Connecticut, and Mr. HOWARD.

H.J. Res. 429: Mr. ROE, Mr. HENRY, Mr. CHENEY, Mr. FLORIO, Mr. GALLO, Mr. MCHUGH, Mr. SCHUETTE, Mr. KOSTMAYER, Mr. KASICH, Mr. ROWLAND of Connecticut, Mr. GUNDERSON, Mr. DIOGUARDI, Mr. PARRIS, Mr. ROSTENKOWSKI, and Mr. QUILLEN.

H.J. Res. 432: Ms. OAKAR, Mr. ORTIZ, Mr. PEPPER, Mr. SABO, Mr. DENNY SMITH, Mr. LEHMAN of California, Mr. ROBERTS, Mr. HUNTER, Mr. WHITTEN, Mr. RITTER, Mr. MOODY, Mr. CAMPBELL, Mr. TAYLOR, Mr. VALENTINE, Mr. BUSTAMANTE, Mr. GARCIA, Mr. MCEWEN, Mr. MAVROULES, Mr. CHAPMAN, Mr. CLARKE, Mr. INHOFE, Mr. VENTO, Mr. FISH, Mr. SAWYER, Mr. SOLOMON, Mr. PARRIS, Mr. FAUNTROY, Mr. BRYANT, Mr. CONTE, Mr. LEACH of Iowa, Mr. FRANK, Mr. SPRATT, Mr. ECKART, Mr. CHENEY, Mr. LUNGREN, Mr. SKAGGS, Mr. BURTON of Indiana, Mr. SWINDALL, Mr. CHANDLER, Mr. RUSSO, Mr. HANSEN, Mr. HOYER, Mr. FLORIO, Mr. HOUGHTON, Mr. HASTERT, Mr. MARKEY, Mr. MOLLOHAN, Mr. ATKINS, Mr. IRELAND, Mr. HYDE, and Mr. STAGGERS.

H.J. Res. 459: Mr. DERRICK, Mr. WOLPE, Mr. RUSSO, Mr. MACKAY, Mr. OBERSTAR, Mr. DENNY SMITH, Mr. LEATH of Texas, Mr. SUNDQUIST, Mr. BATES, Mr. ROSE, Mrs. BYRON, Mr. CARPER, Mr. MANTON, and Mr. NELSON of Florida.

H.J. Res. 460: Mr. BATEMAN, Mrs. BENTLEY, Mr. COBLE, Mr. EVANS, Mr. FASCELL, Mr. KASICH, and Mr. THOMAS A. LUKEN.

H.J. Res. 467: Mrs. BOXER, Mr. MATSUI, Mrs. LLOYD, Mr. OWENS of New York, Mr. HOWARD, Mr. GRANT, Mr. EMERSON, Mr. WOLF, Mr. KOLTER, Mr. KANJORSKI, Mr. WILSON, Mr. KOSTMAYER, Mr. RANGEL, and Mr. FAUNTROY.

H.J. Res. 488: Mr. HOYER, Mr. DYSON, Mr. SMITH of New Jersey, Mr. GRAY of Illinois, Mr. MANTON, Mr. HARRIS, Mr. HENRY, Mr. OWENS of New York, Mr. BRYANT, Mr. KOLTER, Mrs. PATTERSON, Mr. ROWLAND of Connecticut; Mr. WOLF, Mrs. BYRON, Mr. FUSTER, Mrs. JOHNSON of Connecticut, Mr. GEJDENSON, Mr. HORTON, Mr. MAZZOLI, Mr. LIPINSKI, Mr. FASCELL, Mr. YOUNG, of Florida, Mr. BENNETT, Mr. ROBINSON, Mr. ROE, Mr. MATSUI, Mr. VOLKMER, Mr. LAGOMARSINO,

H.J. Res. 489: Mr. LEVINE of California, Mr. DORNAN of California, Mr. GRANDY, Mr. FAWELL, Mr. SKELTON, Mr. OWENS of New York, Mr. COURTER, Mr. DEFAZIO, Mr. SOLOMON, Mr. FROST, Mr. ANDERSON, Mr. ROWLAND of Connecticut, Mr. LANCASTER, Mr. UPTON, and Mr. SUNIA.

H.J. Res. 507: Mr. BERMAN and Mr. STARK.

H. Con. Res. 241: Mr. ATKINS and Mr. ECKART.

H. Con. Res. 252: Mrs. VUCANOVICH.

H. Con. Res. 257: Mr. OWENS of New York, Mr. TORRES, Mr. HOCHBRUECKNER, Mr. TAUZIN, Mr. MCGRATH, Mr. BROWN of California, Mr. FAUNTROY, Mr. BERMAN, Mr. COURTER, Mr. SMITH of Florida, Mr. LEWIS of Georgia, Mr. SCHEUER, and Mr. RICHARDSON.

H. Con. Res. 260: Mr. LOWRY of Washington, Mr. BEVILL, Mr. FORD of Tennessee, Mr. ARMEY, Mr. SCHUETTE, Mr. SOLARZ, Mr. CHANDLER, and Mr. BERMAN.

H. Con. Res. 262: Mr. MANTON, Mr. SABO, Mr. GAYDOS, Miss SCHNEIDER, Mr. JOHNSON of South Dakota, Mr. GRANT, Mr. BOSCO, Mr. HASTERT, Mr. AKAKA, Mr. PERKINS, Mr. GRAY of Pennsylvania, Mr. GRAY of Illinois, Mr. ACKERMAN, Mr. CARDIN, Mr. BILBRAY, Mr. RIDGE, Mr. WELDON, Mr. MURPHY, Mr.

CLEMENT, Mr. JONTZ, Mr. OBERSTAR, Mr. TRAFICANT, Mr. KANJORSKI, Mr. OWENS of New York, Mr. BRUCE, Ms. KAPTUR, Mr. FISH, Mr. TORRICELLI, Mr. FRANK, Mr. KOSTMAYER, Mr. WEISS, Mr. GEJDENSON, Mr. YOUNG of Alaska, Mr. BONKER, Mr. VISCLOSKY, Ms. SLAUGHTER of New York, and Mr. MCMILLEN of Maryland.

H. Res. 271: Mr. GEKAS, and Mr. DYMALLY.

H. Res. 400: Mr. APPLEGATE, Mr. BOSCO, Mr. CLINGER, Mr. COELHO, Mr. DE LUGO, Mr. GRAY of Illinois, Mr. HALL of Ohio, Mr. HEFNER, Mr. LANTOS, Mr. LIGHTFOOT, Mr. MINETA, Mr. ROE, Mr. SHAW, Mr. STANGELAND, Mr. TRAFICANT, Mr. WOLPE, and Mr. YATRON.

H. Res. 404: Mr. HUBBARD and Mr. HILER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3905: Mr. DORNAN of California.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. CON. RES. 268 (amendment in the nature of a substitute)

By Mr. DANNEMEYER:

—Strike everything after the resolving clause and insert in lieu thereof the following:

That the Congress hereby determines and declares that the concurrent resolution on the budget for fiscal year 1989 is hereby established and the appropriate budgetary levels for fiscal years 1990 and 1991 are hereby set forth:

(a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1988, October 1, 1989, and October 1, 1990:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1989 : $721,000,000,000.
Fiscal year 1990 : $788,600,000,000.
Fiscal year 1991 : $850,800,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1989 : $0.
Fiscal year 1990 : $0.
Fiscal year 1991 : $0.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1989 : $964,409,000,000.
Fiscal year 1990 : $992,894,000,000.
Fiscal year 1991 : $1,050,815,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1989: $882,239,000,000.
Fiscal year 1990: $909,308,000,000.
Fiscal year 1991: $941,455,000,000.

(4)(A) The amounts of the deficits in the budget which are appropriate in the light of economic conditions and all other relevant factors are as follows:

Fiscal year 1989: $161,239,000,000.
Fiscal year 1990: $120,708,000,000.
Fiscal year 1991: $90,655,000,000.

(B) For purposes of the maximum deficit amount mandated by the Balanced Budget and Emergency Deficit Control Act of 1985 and section 301(i) of the Congressional Budget Act of 1974 only, the appropriate levels of total new budget authority, budget outlays, Federal revenues, and deficits, including receipts and disbursements of the Federal Old-Age and Survivors Trust Fund and the Federal Disability Trust Fund, are as follows:

New budget authority:
Fiscal year 1989: $1,238,877,000,000.
Fiscal year 1990: $1,297,070,000,000.
Fiscal year 1991: $1,384,633,000,000.
Outlays:
Fiscal year 1989: $1,110,707,000,000.
Fiscal year 1990: $1,155,218,000,000.
Fiscal year 1991: $1,205,465,000,000.
Revenues:
Fiscal year 1989: $908,000,000,000.
Fiscal year 1990: $1,071,800,000,000.
Fiscal year 1991: $1,157,600,000,000.
Deficit:
Fiscal year 1989: $130,707,000,000.
Fiscal year 1990: $83,418,000,000.
Fiscal year 1991: $47,865,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1989: $2,823,400,000,000.
Fiscal year 1990: $3,063,150,000,000.
Fiscal year 1991: $3,288,350,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1988, October 1, 1989, and October 1, 1990, are as follows:

Fiscal year 1989:
(A) New direct loan obligations, $28,300,000,000.
(B) New primary loan guarantee commitments, $113,450,000,000.
(C) New secondary loan guarantee commitments, $83,600,000,000.
Fiscal year 1990:
(A) New direct loan obligations, $27,000,000,000.
(B) New primary loan guarantee commitments, $123,050,000,000.
(C) New secondary loan guarantee commitments, $84,500,000,000.
Fiscal year 1991:
(A) New direct loan obligations, $25,900,000,000.
(B) New primary loan guarantee commitments, $129,150,000,000.
(C) New secondary loan guarantee commitments, $85,400,000,000.

(b) The Congress hereby determines and declares the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations and new loan guarantee commitments for fiscal years 1989 through 1991 for each major functional category are:

(1) National Defense (050):
Fiscal year 1989:
(A) New budget authority, $307,508,000,000.
(B) Outlays, $295,376,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $320,408,000,000.
(B) Outlays, $306,253,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $333,399,000,000.
(B) Outlays, $319,565,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal year 1989:
(A) New budget authority, $17,029,000,000.
(B) Outlays, $16,579,000,000.
(C) New direct loan obligations, $5,900,000,000.
(D) New primary loan guarantee commitments, $9,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $17,858,000,000.
(B) Outlays, $16,421,000,000.
(C) New direct loan obligations, $6,000,000,000.
(D) New primary loan guarantee commitments, $10,000,000,000.
(E) New secondary plan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $18,506,000,000.
(B) Outlays, $16,490,000,000.
(C) New direct loan obligations, $6,100,000,000.
(D) New primary loan guarantee commitments, $10,000,000,000.
(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):
Fiscal year 1989:
(A) New budget authority, $11,189,000,000.
(B) Outlays, $11,518,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $11,657,000,000.
(B) Outlays, $11,806,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $12,124,000,000.
(B) Outlays, $12,074,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):
Fiscal year 1989:
(A) New budget authority, $5,607,000,000.
(B) Outlays, $4,797,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $1,300,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $6,093,000,000.
(B) Outlays, $4,802,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $1,400,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $5,911,000,000.
(B) Outlays, $4,393,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $1,400,000,000.
(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):
Fiscal year 1989:
(A) New budget authority, $16,218,000,000.
(B) Outlays, $16,274,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $16,945,000,000.
(B) Outlays, $17,113,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $17,632,000,000.
(B) Outlays, $17,528,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1989:
(A) New budget authority, $26,557,000,000.
(B) Outlays, $22,551,000,000.
(C) New direct loan obligations, $16,000,000,000.
(D) New primary loan guarantee commitments, $7,100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $25,416,000,000.
(B) Outlays, $22,068,000,000.
(C) New direct loan obligations, $15,000,000,000.
(D) New primary loan guarantee commitments, $7,200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $22,466,000,000.
(B) Outlays, $20,183,000,000.
(C) New direct loan obligations, $14,000,000,000.
(D) New primary loan guarantee commitments, $7,300,000,000.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1989:
(A) New budget authority, $13,767,000,000.
(B) Outlays, $9,387,000,000.
(C) New direct loan obligations, $2,500,000,000.
(D) New primary loan guarantee commitments, $65,700,000,000.
(E) New secondary loan guarantee commitments, $83,600,000,000.
Fiscal year 1990:
(A) New budget authority, $14,795,000,000.
(B) Outlays, $7,697,000,000.
(C) New direct loan obligations, $2,500,000,000.
(D) New primary loan guarantee commitments, $67,600,000,000.
(E) New secondary loan guarantee commitments, $84,500,000,000.
Fiscal year 1991:
(A) New budget authority, $9,875,000,000.
(B) Outlays, $4,299,000,000.
(C) New direct loan obligations, $2,500,000,000.
(D) New primary loan guarantee commitments, $70,000,000,000.
(E) New secondary loan guarantee commitments, $85,400,000,000.
(8) Transportation (400):
Fiscal year 1989:
(A) New budget authority, $28,574,000,000.
(B) Outlays, $27,988,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $29,073,000,000.
(B) Outlays, $28,785,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $29,785,000,000.
(B) Outlays, $29,820,000,000.
(C) New direct loan obligations, $50,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(9) Community and Regional Development (450):
Fiscal year 1989:
(A) New budget authority, $7,796,000,000.
(B) Outlays, $6,656,000,000.
(C) New direct loan obligations, $80,000,000.
(D) New primary loan guarantee commitments, $150,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990
(A) New budget authority, $7,571,000,000.
(B) Outlays, $7,137,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New primary loan guarantee commitments, $250,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $7,787,000,000.
(B) Outlays, $6,919,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New primary loan guarantee commitments, $350,000,000.
(E) New secondary loan guarantee commitments, $0.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1989:
(A) New budget authority, $36,819,000,000.
(B) Outlays, $35,858,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $10,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $38,144,000,000.
(B) Outlays, $37,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $10,500,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $39,046,000,000.
(B) Outlays, $38,155,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $11,000,000,000.
(E) New secondary loan guarantee commitments, $0.
(11) Health (550):
Fiscal year 1989:
(A) New budget authority, $50,331,000,000.
(B) Outlays, $49,389,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $200,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $55,120,000,000.
(B) Outlays, $54,899,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $60,728,000,000.
(B) Outlays, $59,965,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $100,000,000.
(E) New secondary loan guarantee commitments, $0.
(12) Medical Insurance (570):
Fiscal year 1989:
(A) New budget authority, $104,362,000,000.
(B) Outlays, $87,001,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $114,529,000,000.
(B) Outlays, $98,180,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $126,240,000,000.
(B) Outlays, $109,660,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(13) Income Security (600):
Fiscal year 1989:
(A) New budget authority, $178,056,000,000.
(B) Outlays, $139,022,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $184,523,000,000.
(B) Outlays, $147,122,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $218,827,000,000.
(B) Outlays, $155,172,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(14) Social Security (650):
Fiscal year 1989:
(A) New budget authority, $5,316,000,000.
(B) Outlays, $5,316,000,000.

(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $5,374,000,000.
(B) Outlays, $5,374,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991
(A) New budget authority, $4,287,000,000.
(B) Outlays, $4,287,000,000.
(C) New direct loan obligations, $0.
(D) New Primary loan Guarantee Commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(15) Veterans Benefits and Services (700):
Fiscal year 1989:
(A) New budget authority, $29,130,000,000.
(B) Outlays, $28,603,000,000.
(C) New direct loan obligations, $1,000,000,000.
(D) New Primary loan Guarantee Commitments, $20,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $31,355,000,000.
(B) Outlays, $30,289,000,000.
(C) New direct loan obligations, $700,000,000.
(D) New Primary loan Guarantee Commitments, $26,000,000,000.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $31,975,000,000.
(B) Outlays, $31,035,000,000.
(C) New direct loan obligations, $600,000,000.
(D) New Primary loan Guarantee Commitments, $29,000,000,000.
(E) New secondary loan guarantee commitments, $0.
(16) Administration of Justice (750):
Fiscal year 1989:
(A) New budget authority, $8,690,000,000.
(B) Outlays, $8,506,000,000.
(C) New direct loan obligations, $0.
(D) New Primary loan Guarantee Commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $8,938,000,000.
(B) Outlays, $8,877,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $10,096,000,000.
(B) Outlays, $10,028,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(17) General Government (800):
Fiscal year 1989:
(A) New budget authority, $10,073,000,000.
(B) Outlays, $9,809,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $10,541,000,000.
(B) Outlays, $10,680,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $10,989,000,000.
(B) Outlays, $10,739,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(18) General Purpose Fiscal Assistance (850):
Fiscal year 1989:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(19) Net Interest (900):
Fiscal year 1989:
(A) New budget authority, $145,278,000,000.
(B) Outlays, $145,278,000,000.
(C) New direct loan obligations, $0.
(D) New secondary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $133,998,000,000.
(B) Outlays, $133,998,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $132,463,000,000.
(B) Outlays, $132,463,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(2) Allowances (920):
Fiscal year 1989:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, $0.
(B) Outlays, $0.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(21) Undistributed Offsetting Receipts (950):
Fiscal year 1989:
(A) New budget authority, −$37,891,000,000.
(B) Outlays, −$37,891,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1990:
(A) New budget authority, −$39,443,000,000.
(B) Outlays, −$39,443,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1991:
(A) New budget authority, −$41,319,000,000.
(B) Outlays, −$41,319,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

GOLD BONDS

SEC. 2. (a) The Congress shall consider legislation authorizing the issuance of Treasury obligations redeemable in gold, that—
(1) are known as Eagle bonds;
(2) have an annual investment yield not exceeding 1.75%;
(3) have an initial maturity of forty years, and may not be issued for less than twenty-five years;
(4) have principal and interest redeemable at maturity in gold;
(5) are intended to replace high-interest, short-term debt.
(b) The issuance of gold bonds is intended to achieve—
(1) a permanent reduction in the rate of interest on the public debt;
(2) a permanent reduction of the rate of interest on the private debt;
(3) a significant reduction of the Federal budget deficit;
(4) the elimination of the U.S. trade deficit.

TAX AMNESTY

SEC. 3. (a) The Congress shall consider legislation establishing a Federal tax amnesty program, that—
(1) authorizes a one-time amnesty from criminal and civil tax penalties for taxpayers who notify the Internal Revenue Service of previous underpayments of Federal tax and pay such underpayments in full;
(2) shall be in effect for a three month period beginning July 1, 1988;
(3) applies to all payments relating to tax years ending on or before December 31, 1986.
(b) Revenues collected pursuant to this program shall be used solely for the purpose of reducing the Federal deficit.