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PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, March 31, 1988*

The House met at 11 a.m.

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

Instruct us, O God, to walk the way of truth and not to follow the way of falsehood, to choose the harder right instead of the easier wrong. May the depth of our faith and the seriousness of our beliefs cause us to make these choices that benefit people, that assist people, that bring people together in appreciation and respect. Help us, O God, to make those choices that express faithfulness to You and are beneficial to one another. This we pray. Amen.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 513. Joint resolution to designate April 6, 1988, as "National Student-Athlete Day."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1900) "An act to amend the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Family Violence Prevention and Services Act to extend through fiscal year 1991 the authorities established in such acts."

The message also announced that the Senate disagrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 2616) "An act to amend title 38, United States Code, to improve healthcare programs of the Veterans' Administration," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CRANSTON, Mr. DECONCINI, Mr. MATSUNAGA, Mr. MURKOWSKI, and Mr. SIMPSON to be the conferees on the part of the Senate.

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.

SUPPORT FOR INCREASED COAST GUARD FUNDING TO ASSIST DRUG INTERDICTION

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

Mr. BRENNAN. Mr. Speaker, I rise today in support of President Reagan's request for a $60 million reprogramming to assist the Coast Guard.

As a member of the Subcommittee on Coast Guard and Navigation, I have heard testimony by the Coast Guard regarding the $103 million shortfall in their fiscal year 1988 budget.

We heard of the need to close bases, to defer maintenance, curb training, and restrict spare parts purchases.

However, the most distressing action taken in response to this funding shortage was the need to cut drug interdiction patrols by 55 percent. This is certainly the wrong signal to send to drug smugglers that the United States is sounding retreat in its fight against illegal drugs.

At a time when the war against drug smuggling should be intensified, we should not have our Coast Guard tied up at the dock.

Fortunately, this body can take action to restore these needed drug interdiction patrols by agreeing to the President's reprogramming request. The drug smugglers must not gain an advantage over our Coast Guard through a funding shortfall.

I urge the leadership of this House to expedite the President's reprogramming request so that the war on drugs can be fought by our Coast Guard.

UNITED STATES SHOULD CONTINUE PRESSURING NORIEGA

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

Mr. LAGOMARSINO. Mr. Speaker, the desperation of General Noriega to hold on to power in Panama is evident from the latest reports from Panama City.

Noriega's use of the defense forces to raid a major hotel, round up opposition leaders, rough up international journalists and crush a protest demonstration shows he is obviously prepared to go to any lengths to maintain his control on Panama.

It is clear that Noriega has no intention of putting his nation's interests before his own.

For the interests of both Panama and the United States, we must be prepared not only to continue pressuring Noriega to leave Panama but also to act to protect American citizens and American property in Panama.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES TODAY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses today subject to the call of the Chair.

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

Mr. ROWLAND of Connecticut. Reserving the right to object, Mr. Speaker, I inquire of the majority leader: Is it the intention to recess and come back only if it is for the Contra aid request? Is that the only business that will be taken up, if something happens in the Senate?

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. ROWLAND of Connecticut. I yield to the majority leader, the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, it would be necessary for us to come back in any event to adjourn, but basically that is the purpose of the recess, to have the House in session while the other body is considering the legislation we adopted yesterday.

Mr. ROWLAND of Connecticut. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON APRIL 28, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, April 28, 1988, for the Speaker to declare a recess for the purpose of a ceremony honoring Mrs. Lyndon B. Johnson.

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

There was no objection.

HOUR OF MEETING ON THURSDAY, APRIL 28, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, April 27, 1988, it adjourn to meet at 10 a.m. on Thursday, April 28, 1988.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 13, 1988

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 13, 1988.

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

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS, AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, April 11, 1988, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

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

There was no objection.

ATTORNEY GENERAL EDWIN MEESE SHOULD STEP DOWN

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

Mr. LEWIS of Georgia. Mr. Speaker, the time has come to return a sense of trust and confidence to the Office of the Attorney General, and to the Department of Justice. Allegations of misconduct have demoralized the Department. Grand jury investigations continue to point to the highest levels.

Recently, we have seen an exodus of Justice Department officials who no longer feel comfortable associating themselves with the Attorney General's office. The dark cloud of suspicion has tarnished the Department of Justice.

For the good of the Department, for the good of the country, I urge Attorney General Edwin Meese to do us all a favor and step down.

WHY I WOULD HAVE VOTED FOR THE CONTRA AID PACKAGE OF YESTERDAY

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

Mr. LIVINGSTON. Mr. Speaker, 2 months ago I would not have considered voting for the package that passed this House yesterday, not because it was too much aid for the freedom fighters of Nicaragua, but because it was too little.

But circumstances have changed primarily because the majority of this body refused to provide the wherewithal for the Contras to continue what was emerging as a successful struggle for freedom in their homeland.

The Contras were in desperate straits following our refusal to help them further and they had no choice but to concede to the demands of the Sandinistas and make the best deal for peace.

That is what we did yesterday; we made the best deal we could under the circumstances and voted for a package of humanitarian aid for the people we had abandoned just last month.

It is too little, too late, but it is all we could do. That is why, Mr. Speaker, had I not been unintentionally detained off the Hill at the time of the vote I would have cast my vote for the Contras and for the package that was before the House.

STUDENT LOAN INTEREST

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

Mr. SCHUHZE. Mr. Speaker, one of the most egregious errors made in the 1986 Tax Reform Act was the classification of student loan interest as nontax deductible consumer interest. In addition, home equity loans allow higher income taxpayers to deduct student loan interest, while renters and lower income citizens may not.

H.R. 592, legislation I have introduced to correct this mistake, now has over 180 cosponsors. Suggestions from my colleagues to pay for reinstating educational loan interest include increasing sin taxes. In fact, the cost for reinstating loan deductibility could be offset by one-half cent per shot-glass increase in liquor taxes, a 1-cent per pack increase in tobacco taxes, or raising wine taxes to equal those on beer.

Mr. Speaker, deducting student loan interest is an investment in our Nation's future and sound tax policy.

WE MUST INSIST ON THE DEMOCRATIZATION OF NICARAGUA

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

Mr. SMITH of Texas. Mr. Speaker, I am pleased that yesterday the House was able to pass a limited, minimal package of assistance to aid the freedom fighters in Nicaragua. While the House has decided to disarm the Contras, it has at least not agreed to let them starve.

Now the freedom fighters are negotiating the terms of their surrender—negotiations forced upon them by the U.S. Congress. So it becomes the responsibility of Congress to back up the Contras as they struggle to secure a place in the political life of their homeland.

Congress must not allow the Sandinistas to bludgeon the Contras into submission. We must insist that the Soviet Union cease their lethal assistance to the Sandinistas—$100 million worth of military aid since January, and a total of $2 billion worth of cannon, tanks, helicopter gunships and other offensive armament over the last few years.

If we continue to allow the Soviets to arm the Sandinistas, we can fully expect the increased destabilization of Central America. Fledgling democracies will be under siege, as illustrated by recent statements from the Salvadoran rebels that they will push for a full scale insurrection, including the killing of Americans.

Our worst fears are coming to pass. If we don't insist on the democratization of Nicaragua, the tide of Commu-

nist oppression will accelerate its spread over our neighbors to the south.

THE FIRE SERVICES CAUCUS

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

Mr. WELDON. Mr. Speaker, this past Sunday I had the high honor of addressing, in the keynote address, 6,000 members of the leadership of the fire service of this Nation in Cincinnati. I received an overwhelming response from these fire service leaders on the recent formation of the Fire Services Caucus which I chair here on Capitol Hill along with my colleagues DOUG WALGREN and SHERWOOD BOEHLERT.

To date, since January, 84 Members of Congress, including 11 from the other body have joined this caucus to speak out to the needs and concerns of the fire service of America.

On April 19 of this year we will host a reception in the Cannon Building from 6 to 8 where leadership from the fire service throughout America will be here to recognize those Members who have joined the caucus and who are willing to put their names on the line for the needs of the fire service in America.

I am very happy to report that both the Speaker and the minority leader have agreed to join us on that evening. I would encourage my other colleagues in the House and in the other body to join us in this caucus before the reception to be held on the 19th to speak out for the needs of the fire service in this country.

A TRIBUTE TO THE JAYHAWKS OF THE UNIVERSITY OF KANSAS AND THE WILDCATS OF KANSAS STATE UNIVERSITY

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

Mr. SLATTERY. Mr. Speaker, as a Representative of the great State of Kansas, I am very proud of the strong basketball tradition in the Sunflower State. It is fitting that in this 50th year of the NCAA basketball tournament, the finals will be held in Kansas City.

I want the Nation to take note of the Jayhawks of the University of Kansas and the Wildcats of Kansas State University. Both teams are a part of the Big Eight Conference, which sent five teams to the NCAA tournament this year. These two teams have given me the distinct honor of representing the only congressional district in the Nation that had two universities advance to the "Great Eight" in the NCAA tournament.

My hat is off to Coach Larry Brown of the Jayhawks, Coach Lon Kruger of the Wildcats, and the young men on both teams who have shown the entire Nation that Kansas is truly the home of great basketball.

I am confident the Jayhawks will carry this great tradition into the championship game and will bring home the gold. I salute Kansas basketball, and to the Hawks I say: "Rockchalk, Jayhawk, go KU."

LEGISLATION TO RESTORE CEILING ON URBAN MASS TRANSPORTATION ADMINISTRATION OPERATING EXPENSES TO LEVELS AUTHORIZED IN PUBLIC LAW 100-17

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

Mr. VISCLOSKY. Mr. Speaker, today I am introducing legislation designed to correct the disastrous situation that has resulted from an uneven reduction in operating assistance available from the Urban Mass Transportation Administration [UMTA].

H.R. 2, the Surface Transportation Act of 1987—Public Law 100-17—provided a statutory ceiling of $912 million on the amount of transit funding that can be expended on operating expenses. This limitation was established by a clearly verified need for assistance in small, midsize and large urban areas.

However, the continuing Appropriations Act for Fiscal Year 1988 placed a cap of $804 million on operating subsidies. This limitation represented a reduction of $108 million. To make matters worse, this reduction is not being applied evenly. Instead, an increase for small urban areas mandated by the authorizing statute was first implemented and then across-the-board reductions in operating assistance were made. This sequence of events has resulted in an 8.5-percent reduction for large urban areas and a devastating cut of 11.8 percent for midsize urban areas while small urban areas continue to enjoy an increase of 4 percent. These reductions have been greeted throughout the Nation with proposals for excessive fare hikes and intolerable reductions in service.

The bill I introduce today would relieve this situation in the most equitable manner possible; it would restore the ceiling for operating subsidies to the level specified in the transit reauthorization section of last year's omnibus surface transportation reauthorization. Such action would not require the appropriation of any new funds and would not create new budget authority. However, it would allow transit systems access to operating assistance necessary for the continuation of computer services across the Nation.

Mr. Speaker, our Nation's highways are congested and deteriorating. The National Council on Public Works Improvement recently reported that our infrastructure is "barely adequate to fulfill current requirements and insufficient to meet the demand of future economic growth and development." I strongly believe that part of the solution to this national dilemma is to get people off the highways and onto public transit. The Federal Government must encourage this process. Trains and buses are efficient and convenient. Perhaps most significantly, public transit provides tremendous economic benefit, especially to areas beset by economic transition. For example, in northwest Indiana, riders of the South Shore Computer Railroad employed in Chicago brought $91 million in wages and salaries back into our area in 1987.

However, public transit cannot plan effectively and operate efficiently without a reliable source of funding. My goal in introducing this legislation today is to restore the reliability of operating assistance so that our transit systems might continue to function effectively.

Mr. Speaker, in March of last year, this body voted resoundingly to override the President's veto of H.R. 2, the Surface Transportation Act. The enactment of that historic legislation reaffirmed our national commitment to public transit. Today, I ask this body to again reaffirm that commitment. I urge my colleagues to join with me in cosponsoring legislation to restore the ceiling on transit operating assistance to the level established last year.

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ARMY PLAN FOR BIOLOGICAL WARFARE LAB

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

Mrs. ROUKEMA. Mr. Speaker, when I sought election to the Congress in 1980, I endorsed the need for a stronger national defense because of my belief that our defense capabilities had so deteriorated that we could not have effectively deterred aggression and defend our vital national interests.

I believe Congress has a particular obligation to review, with the greatest care, each and every proposal put forward by our Defense Department. For several years, this body debated the folly of new chemical weapons production and the critical need to reach an international agreement to ban the use of these terrible weapons forever. The events in Iraq earlier this week

again support the urgency of this requirement.

But then this morning, I read in the Washington Post that the U.S. Army has been planning to construct a new supersecret laboratory for the development of a new round of biological warfare weapons. This is an outrage. It would seem that the Army is taking a significant step forward in a major policy change without considering the Biological Weapons Convention signed in 1972 which outlaws the development, production, and possession of germ and toxic weapons. And, is the Army concerned about the major foreign policy implications this effort would have on our adversaries?

Where is the rational decisionmaking process in the Pentagon?

I would urge the Armed Services and Foreign Affairs Committees look into this matter before this Nation takes another unnecessary, inhumane, and historic leap into a new, and ill-advised, policy direction.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT ON TODAY DURING 5-MINUTE RULE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule today, Thursday, March 31, 1988.

The purpose of the permission is to mark up the following:

H.R. 4222, to amend the Immigration and Nationality Act to extend for 6 months the application period under the legalization program; and

H.R. 4243, Genocide Convention Implementation Act of 1988.

The minority has been consulted.

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

There was no objection.

THE 20TH ANNIVERSARY OF ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

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

Mr. CLEMENT. Mr. Speaker, next Monday, April 4 marks the 20th anniversary of the assassination of Dr. Martin Luther King, Jr.

I was in the city of Memphis that day and I vividhy recall the shock, the grief, and the pessimism which the residents of Memphis and the citizens of our Nation felt when they heard the news of Dr. King's murder. Dr. King's dream, which had become our own, seemed even more unattainable.

In the 20 years since that event, our citizens have worked hard to realize many of Dr. King's goals. And we have, in fact, made substantial progress. We all enjoy greater civil rights since 1968. But we also realize that a great amount of work lies before us, particularly for the economic equality of all of our citizens.

Next week, Mr. Speaker, as Members of this body meet and talk with their constituents, I hope we will pause to observe the anniversary of Dr. King's death. And, as we do, I hope we will ask ourselves what we all can do to move Dr. King's goals closer to realization.

TRIBUTE TO GEORGE KERBY JENNINGS

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

Mr. HUBBARD. Mr. Speaker, having heard the complimentary remarks of my friend and colleague, the gentleman from Kansas [Mr. SLATTERY], regarding the accomplishments of the University of Kansas and Kansas State University in the 1988 NCAA Basketball Tournament, I'm tempted at this time to speak about the basketball achievements of Murray State University, University of Kentucky, and University of Louisville in the NCAA tournament.

However, my purpose in speaking now on the House floor is to pay tribute to a longtime friend of mine, George Kerby Jennings, who died January 26 at age 84 at his home in Murray, KY.

Kerby Jennings published the Murray Democrat newspaper with a fearless style of journalism—winning majy honors—for more than 35 years. He also published a history of Calloway County, KY, in 1980.

Kerby Jennings served with distinction as an outstanding State representative in the Kentucky General Assembly from 1946–50.

The only political campaign Kerby Jennings lost was a contest for the U.S. House of Representatives in the early 1940's against then-Congressman Noble J. Gregory, of western Kentucky.

From 1956 to 1960, he was a member of Calloway County Board of Education. During this time, he never accepted any compensation for his services, turning the money back to be used for purchasing school lunches for needy students. He also was instrumental in getting the parking lots paved at many of the county schools.

In recognition of his efforts to establish park sites along the Calloway and Marshall County shores of Kentucky Lake during this time, a lengthy trail alongside the lake is named in his honor, the Kerby Jennings Trail.

In this effort, he went to Knoxville, TN, and secured from the Tennessee Valley Authority an allotment for 18 easement locations.

Among the park areas and boat launching sites established along this trail were the Happy Chandler Park, the Harry Lee Waterfield Park on Jonathan Creek, at Cypress Creek and Pine Bluff.

Survivors are his wife, Mrs. Dorothy Jennings; three daughters, Mrs. Doris Frazer, Chattanooga, TN, Mrs. Jane Gresham, Taylor, MI, and Mrs. Edna Kerby Merrell, Murray; two sons. O.J. Jennings III, Shelbyville, KY, and Edwin Hagen Jennings, Murray.

His 13 grandchildren are Dorisanne Conners, Gene Dale, (Chip) Steely Jr., Caroline Kerby Starks, James Hagen Jennings, John Kerby Jennings, Shawnee Gay Hill, Renee Grace, Cory LeeAnn Jennings, Dorothy Ann Merrell, Shellie Perusse, Monica Nichols, Mike Gresham, and Mark Gresham.

Also surviving are 13 great-grandchildren and 1 brother, Charles Jennings, Imperial, CA.

One daughter, Dorothy Caroline Jennings, died in 1942.

My wife Carol and I extend to our friend Dorothy Jennings and the other members of the Kerby Jennings family our sympathy and best wishes.

PROPOSED LEGISLATION WOULD REQUIRE EVALUATION OF WATER RESOURCES PROJECTS

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

Mr. UPTON. Mr. Speaker, today I will introduce legislation requiring the Army Corps of Engineers to consider the impact of any water resource project on recreational and commercial development.

Recreation is of paramount importance to the entire Great Lakes region, as well as other sections of our Nation. While its primary mission must always be to improve the navigation of waterways, the corps should not be allowed to continue to ignore the recreational and commercial uses of many water resource projects. My bill does not require the Corps of Engineers to build recreational projects, but merely to more closely examine the effects of construction and repair projects on existing recreational and commercial activity.

A recent Corps of Engineer's project to strengthen a breakwater in a harbor in Holland, MI clearly illustrates what can happen if this consideration is neglected. While the corps evaluated the impact of this project on water quality, aquatic life, historical values, and endangered species; it failed to consider the effect of the project on recreational and commercial fishing along the Holland piers.

This oversight had a long-term detrimental impact on the local economy. According to local merchants, sportsmen, and even the Michigan Department of Natural Resources, it resulted in decreased revenues of $300,000 annually to the area.

My bill—at no appreciable cost to the taxpayer—will ensure that the corps will carefully consider the effects of recreation on future corps projects. Our experience in Holland provides an excellent example of what can go wrong if this important consideration is ignored. I urge my colleagues to support this bill to ensure that this unfortunate situation will not occur again.

CALLING FOR THE RESIGNATION OF ED MEESE

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

Mr. FEIGHAN. Mr. Speaker, 30 years ago the President's close friend and Chief of Staff, Sherman Adams, accepted a vicuna coat from a friend looking for some favors from the Federal Government.

President Eisenhower responded to the ensuing debate like a President should respond. He put the public interest before personal concerns. He asked Sherman Adams to resign.

Now it's time for Attorney General Meese under the cloud of far more serious allegations to resign. We now know from his own deputies that his personal difficulties are coming into conflict with his public duties.

As one Justice Department official said after yesterday's resignations: "The proud traditions of the Justice Department [are] being dragged down by this. We [are] becoming a laughingstock."

Enough is enough, Mr. President. For the sake of the Justice Department, for the sake of the country, act like a President: demand that Ed Meese resign.

COOPERATION OF AMERICAN COMPANIES SOUGHT TO FORCE NORIEGA OUT

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

Mr. KOSTMAYER. Mr. Speaker, the Central American tyrant and drug merchant Manuel Noriega clings to power in Panama, in spite of economic sanctions by our Government, and in spite of a general strike which has brought the economy of Panama to a near standstill, but appears now to be weakening.

In Panama last week, Mr. Speaker, I saw that our sanctions were working, that Noriega's government was being hurt, and that the Panamanian people supported the steps we are taking.

But Noriega is in firm control of the military, is digging in, and is in no hurry to leave.

Now we find, Mr. Speaker, that a source of much-needed cash to the Noriega regime is coming from American companies in the form of excise tax payments which they provide to the government in the normal course of doing business.

Yesterday, Congressman ACKERMAN and I met in my office with officials of one such company, Texaco. Texaco transferred some $300,000 in cash just last week to the Noriega government to cover petroleum excise taxes collected at Texaco's large refinery in Panama, the only refinery in the country.

It is time our Government, Mr. Speaker, demands the full cooperation of American companies and their subsidiaries doing business in Panama.

Eastern Airlines, United Brands, Texaco, and others have provided Noriega with some $3 million in cash in recent days, cash which that corrupt despot needs to pay his troops.

The legal head of Government in Panama, President Delvalle, has asked United States companies to suspend these payments and put them into escrow pending restoration of consitutional authority.

Let us act at the request of President Delvalle and in concert with our Latin American neighbors.

This is no time for business as usual in Panama, and United States businesses must honor the wishes of those in the region. The people of Panama look to us for leadership, and the administration and American business in Panama should do what is right, and what is moral, and terminate this indirect support to the Noriega regime.

THE STATE GRAIN FUND PROTECTION ACT OF 1988

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

Mr. BRUCE. Mr. Speaker, today I am introducing legislation which will correct a situation which has made farmers vulnerable to severe financial losses resulting from the failure of a grain elevator.

For various reasons, grain elevators occasionally fail. When they do, farmers are often last in line to recover their losses. As an Illinois State senator, I sponsored a bill which established the Illinois Grain Insurance Fund. As insurance costs skyrocketed during the 1970's, this proved to be safest approach for both grain dealers and farmers. Other States have taken similar action. Now, however, the integrity of such funds is in jeopardy due to a recent court decision.

A U.S. district court ruled that elevators that are federally licensed do not have to participate in State insurance funds. Now, in many situations federally licensed elevators have opted to participate in State grain funds voluntarily—but some have not. In these situations, farmers would only be protected by inadequate Federal law.

The legislation that I am introducing will amend the U.S. Warehouse Act to allow States to require that all elevators particpate in State grain funds whether they are licensed by the Federal Government or the State government.

The State Grain Fund Protection Act of 1988 is an opportunity to demonstrate common sense and fairness to State grain funds, elevator operators, rural communities and most importantly, our farmers.

DELAY ASKED FOR IMPLEMENTATION OF COLLECTION OF EXCISE TAX ON DIESEL FUEL

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

Mr JONTZ. Mr. Speaker, tomorrow is April 1, the day on which the game is to try to fool someone else. But for America's farmers it is more than just getting fooled for 1 day; it is more like getting fooled for a year, because as of tomorrow the IRS begins collecting 15 cents of excise tax on each gallon of diesel fuel that is purchased by farmers and other off-road diesel fuel users.

The economy may be getting better down on the farm, but I do not think anyone can claim that farmers are doing well enough to be making interest-free loans to the Federal Government, which is what this collection amounts to.

Fortunately, there is overwhelming support in both the House and the Senate to correct this problem, including the support of the gentleman from Illinois [Mr. ROSTENKOWSKI], chairman of our Committee on Ways and Means. However, it is obvious that we do not have enough time to pass corrective legislation prior to the April 1 deadline. For that reason, my hope is that Treasury Secretary Baker will delay the implementation of this tax provision until Congress has time to act.

I am confident we can solve this problem, as over 200 Members of the House are cosponsoring one of several bills to exempt farmers from the collection of this tax. However, we need time, and I hope that the Treasury Department will give us the time we need for delaying the implementation of this tax and, in doing so, give farm-

ers on April Fools' Day present that is no joke.

QUALIFICATIONS FOR THE PRESIDENCY

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

Mr. DELLUMS. Mr. Speaker, as we proceed through this process of attempting to select a President of the United States, there is a great deal of discussion as to who has or does not have experience to be the President. I would submit that the Office of the Presidency of the United States is extraordinarily unique and incredibly powerful.

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I would further assert that there is no avenue that one can journey that fully qualifies one to be the President of the United States or gives them the necessary experience to be fully capable of being the President of the United States without developing on-the-job training as all of us develop in any job we proceed through.

The U.S. Senate is not a training ground for the Presidency. The House of Representatives is not a training ground for the Presidency, nor is the governorship, nor is the legislature, nor is the mayor's office or city council; so whatever journey one travels to become the President of the United States, there are tremendous gaps in one's experience.

It is my hope that the American people will focus on this reality and determine the efficacy of a candidate based upon the accuracy of their analysis, the depth of their compassion, the length of their prospective, the nature of their character, the nature of their integrity, the nature of their values and the feasibility of their courage and integrity.

In that regard, Mr. Speaker, the American people will come to decide who the President shall be, not based upon some absurd notion that any one of us are fully qualified to be President. The nature of that office is too powerful, too awesome and too unique to be otherwise.

PRESIDENTIAL PRIMARY CAMPAIGN—ABSOLUTELY AWFUL

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

Mr. PORTER. Mr. Speaker, the Presidential primary campaign has been absolutely awful. The American people think so, too. As I have been making speeches over the past 4 or 5 weeks and have made a point of saying so, each time I get a large wave of applause.

Why? Because the candidates—almost all of them—have failed to speak to the issues that face our country, have failed to lay out their agendas and visions for the future and the media has failed to force them to do so.

Because all that plays on our television sets and screams from the front pages of our newspapers is the trivia, the garbage of these campaigns, who's called who a name, who's running negative ads about what other candidate, who has a mole in the other guy's campaign, who lied about his record, who has raised more money, what do the polls say the results will be.

Isn't it time the American media stop demeaning the intelligence of the American electorate and treat us to the candidates positions and what they propose to do to address our serious problems?

Isn't it time we stop being treated to the results of the latest polls—which often discourage people from participating in the actual election and going to the actual poll on election day—and hear instead the visions for our country and the world of those who seek to lead us?

Mr. Speaker, let's tell the candidates and the media that this is too important a process to be left with so little information and so much trivia.

PRESIDENTIAL TRANSITIONS EFFECTIVENESS ACT

The SPEAKER. Pursuant to House Resolution 415 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3932.

□ 1133

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3932) to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President, with Mr. SLATTERY in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 30 minutes, and the gentleman from New York [Mr. HORTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, H.R. 3932 authorizes appropriations under the Presidential Transition Act of 1963 to fund the transition activities of the incoming and outgoing Presidents after the 1988 Presidential election, and for subsequent transitions. It increases the authorization for the incoming President from $2 to $3.5 million; the authorization for the outgoing President and Vice President would remain at $1 million.

H.R. 3932 also requires disclosure of the source of any private funding used for transition purposes and requires that the President-elect and Vice President-elect make available information that would be needed to audit both private and public funds used in the transition. It also requires the disclosure of a limited amount of information about individuals who are given the power to contact Federal agencies on behalf of the incoming administration.

Several other relatively minor amendments to the 1963 Transition Act are made by H.R. 3932. These include provisions authorizing the use of Government aircraft by the transition on a reimbursable basis and allowing payment of relocation expenses to transition personnel who receive appointments with the new administration.

Mr. Chairman, the national interest clearly is served by a smooth and orderly transition from one Chief Executive to another. Continuity in the office of the President is vital to us as a nation. This means that the new occupant of that office must be ready to begin business the day his term of office begins. Similarly, we owe it to the institution of the Presidency to assist the outgoing Chief Executive in closing out his term of office efficiently. The Presidential Transition Act of 1963, and the amendments to the Transition Act that are made by H.R. 3932, fulfill those purposes by providing support to the incoming and outgoing President and Vice President.

The increase in the authorization for transition expenses for the President-elect and Vice President-elect, from $2 to $3.5 million, reflects the inflation in the costs of transition goods and services that has occurred since the authorization was last raised 12 years ago. In one real-world example of the effects of inflation on transition costs, we heard testimony that office space here in Washington that GSA rented for the Reagan transition team for $8.75 per square foot in 1980 would cost $27 per square foot in today's market. Mr. Chairman, as I mentioned earlier, H.R. 3932 contains several provisions requiring disclosure of a limited amount of information about transition funding and about the people who are authorized by the new President to go into the agencies and undertake inquiries about their operations on his behalf.

It is important that transition activities be undertaken in a manner that

upholds the public's confidence in the integrity of the process.

At the same time, we recognize that the transition is a unique occurrence with a narrow purpose and an extremely limited timeframe. We do not want to burden down the transition with heavy bureaucratic disclosure and reporting requirements. H.R. 3932 strikes a balance between these two interests.

Mr. Chairman, a smooth Presidential transition is in the national interest. I hope H.R. 3932 will be approved swiftly.

Mr. HORTON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, a smooth and efficient Presidential transition is important to all of us. Adequate resources are certainly a necessity. We determined some 25 years ago that in order to promote the orderly transfer of Executive power when a Presidential administration changes, public funds should be made available.

As written in the statute:

The national interests require that such transitions in the office of President be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of the affairs of the Federal Government, both domestic and foreign. Any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States and its people. Accordingly, it is the intent of the Congress that appropriate actions be authorized and taken to avoid or minimize any disruption.

That is the statute.

The amount of $900,000 authorized in 1963, which was 26 years ago, was intended to cover the transition expenses of both incoming and outgoing administrations. Recognizing that the authorization was no longer adequate, we increased the amount in 1976 to provide $2 million for the President-elect and Vice President-elect as well as $1 million for the outgoing President and Vice President.

Now, 12 years later, it is time again to adjust the authorization. We heard expert testimony recently from the General Accounting Office, the General Services Administration, and the Office of Management and Budget, citing the need for an increase. We know we are going to have a new administration next January, and we must ensure that adequate resources are available for the transition.

H.R. 3932, which I was pleased to cosponsor with Chairman BROOKS, proposes a reasonable increase to cover the legitimate and necessary expenses of the Presidential transition. This measure authorizes appropriations of $3.5 million for providing transition services to the incoming administration, which is an increase from the current authorization of $2 million; while making no change in the current authorization of $1 million for the outgoing President.

On this point, Mr. Chairman, I must say that I question whether the $1 million authorization will be adequate for the outgoing administration. As I have stated, H.R. 3932 provides an increase for the incoming administration from $2 to $3.5 million. In addition, the bill also provides that the authorizations for both the incoming and outgoing administrations may be adjusted for inflation in future years. These adjustments, however, do not apply to the next transition. I do not disagree with the merits of these provisions—I support them. I would only point out that we are addressing every contingency except the adequacy of transition funds for the current administration. I am very hopeful that our colleagues in the other body, during their consideration of this measure, will include an increase for the outgoing administration.

In the case of Mr. Carter, he moved to Plains, GA, and that is quite different from Los Angeles.

It also should be pointed out that in the transition from the Carter administration there were Federal buildings available, and so that expense was not nearly what it will be transporting material of the current administration to Los Angeles and hiring areas to store the outgoing administration's documents, and so forth. So I feel that that amount is inadequate, and I hope the other body can correct that situation.

In H.R. 3932, we have also included requirements for disclosure of private transition contributions as well as transition personnel. In this connection, Mr. Chairman, I believe it is important to point out that any process that would require very detailed and intrusive invasions into personal and family finances would unquestionably inhibit the participation of many talented potential transition personnel.

Also, I do not want to see any additional paperwork, because having served as the chairman of the Paperwork Commission, I am very concerned that we eliminate as much paperwork as we possibly can.

We have made every effort in this bill to protect volunteer participants' right to privacy while also preserving the public's right to know the individuals who are involved in the transition process.

Mr. Chairman, I support H.R. 3932 as reported from the Committee on Government Operations. It is a good bill, and I urge my colleagues' support.

Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

At the appropriate time I am going to be offering an amendment to the bill that deals with the problem of transition slush funds. I will talk about the amendment in detail at that point; but I want to put it in the context of the overall bill at this particular time.

As has been mentioned by the chairman in his very good overview of the bill, this bill and this act was enacted to promote the orderly transfer of Executive power in connection with the expiration of the term of the office of the President and the inauguration of the new President.

Furthermore, according to the committee report, what this bill does is it assures the faithful execution of the laws and the conduct of the affairs of the Federal Government, both domestic and foreign. That is the purpose behind what we are doing here today. We are reauthorizing that.

I have to tell you that that is a purpose with which this gentleman agrees.

Furthermore, what this bill says is that in order to do that, what we ought to do is use public funds, that we ought not to be in a position of having administrations come into office and be doing essentially public duties, but doing it with nonpublic funds.

□ 1145

So the idea behind this authorization was that we would supply sufficient public funds in order to do the job.

The gentleman from New York raises the question whether $3.5 million included in this bill is sufficient public funds to do the job. I will tell the gentleman that in subcommittee and in full committee we came to the conclusion that that is sufficient money. The testimony was clear, and the testimony was that $3.5 million is enough money to accomplish this transition.

The next question then comes in, what about additional moneys that have traditionally gone into these campaigns?

Yes, traditionally what they have done is gone out and gotten private money into these campaigns. There is some real concern about those private funds. Why do I know there is real concern on the part of the committee about those private funds? One of the major sections we are adding to the bill is a new disclosure section about those private funds, in other words we have reason to believe that those private funds may not always be exactly clean. So it raises some real questions about that private contribution stream that flows into these transition processes.

Here is my point: if in fact the private money may not be the best thing for us to do and if the $3.5 million of public money is sufficient, why have the public money at all? The chairman was absolutely correct a few moments ago when he said that what we want

to have as a part of this whole thing is a smooth transition without any redtape. I will tell my colleagues that we can eliminate a lot of the redtape if we eliminate private funding. That was we need no disclosure, no disclosure requirement, no redtape is required because public moneys will pay the bill, and we will not have all of the potentially dirty money flowing in.

It strikes me as somewhat ludicrous that we have decided as a country that we will publicly fund Presidential campaigns in order to keep the special interests away from the Presidential campaign, and then after the campaign is over and the guy gets elected, then we are going to allow the special-interest money to flow in to help him get inaugurated. That just makes no sense.

If my colleagues buy the idea that we are separating the President from special-interest power in the campaign, why should we not separate him from special-interest power in the transition?

My colleagues will hear later that the administration opposes my amendment. Let me tell my colleagues this: the administration is also up here with information on the Republican side that they oppose public disclosure, too. In other words, the administration is not for doing anything about this private money that is flowing in, so it is true they are probably opposed to my amendment, but they are also opposed to the public disclosure section in this bill.

I would suggest that they cannot be opposed to both and be responsibly addressing this concern. I would suggest to the House that we take a close look at my amendment because it seems to me that it does what we want to accomplish. It assures that we have a transition, it assures that it is done with public money, and it assures that potentially dirty private money does not get into the hands of the people who are trying to accomplish the transition. I will talk more about the specifics of my amendment in a few minutes.

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

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

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment, and each section is considered as having been read.

Mr. BROOKS. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3932

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 "Presidential Transitions Effectiveness Act".

SEC. 2. PRESIDENTIAL TRANSITION AUTHORIZATIONS.

(a) AMENDMENTS.—Section 5 of the Presidential Transition Act of 1963 (3 U.S.C. 102, note) is amended—

(1) by redesignating such section as section 6;

(2) by inserting before such section the following heading:

"AUTHORIZATION OF APPROPRIATIONS";

(3) by inserting "(a)" after the section designation;

(4) in paragraph (1), by striking out "$2,000,000" and inserting in lieu thereof "$3,500,000"; and

(5) by adding at the end thereof the following new subsection:

"(b) The amounts authorized to be appropriated under subsection (a) shall be increased by an inflation adjusted amount, based on increases in the cost of transition services and expenses which have occurred in the years following the most recent Presidential transition, which shall be included in the budget transmitted to the Congress under the provisions of section 1105 of title 31, United States Code, by the President for each fiscal year preceding the fiscal year in which the term of office of such President shall expire.".

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective upon enactment, except that the amendment made by paragraph (5) of such subsection shall take effect on October 1, 1989.

SEC. 3. PRESIDENTIAL TRANSITION FINANCING AND PERSONNEL.

The Presidential Transition Act of 1963 (3 U.S.C. 102, note) is further amended by inserting after section 4 the following new section:

"DISCLOSURES OF FINANCING AND PERSONNEL

"SEC. 5. (a)(1) The President-elect and Vice-President-elect (as a condition for receiving services under section 3 and for funds provided under section 6(a)(1)) shall disclose to the Administrator the date of contribution, source, amount, and expenditure thereof of all money, other than funds from the Federal Government, and including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, received either before or after the date of the general elections for use in the preparation of the President-elect or Vice-President-elect for the assumption of official duties as President or Vice President.

"(2) The President-elect and Vice-President-elect (as a condition for receiving such services and funds) shall make available to the Administrator and the Comptroller General all information concerning such contributions as the Administrator or Comptroller General may require for purposes of auditing both the public and private funding used in the activities authorized by this Act.

"(3) Disclosures made under paragraph (1) shall be—

"(A) in the form of a report to the Administrator within 30 days after the inauguration of the President-elect and President and the Vice-President-elect as Vice President; and

"(B) made available to the public by the Administrator upon receipt by the Administrator.

"(b)(1) The President-elect and Vice-President-elect (as a condition for receiving services provided under section 3 and funds provided under section 6(a)(1)) shall make available to the public—

"(A) the names and most recent employment of all transition personnel (full-time or part-time, public or private, or volunteer) who are members of the President-elect or Vice-President-elect's Federal department or agency transition teams; and

"(B) information regarding the sources of funding which support the transition activities of each transition team member.

"(2) Disclosures under paragraph (1) shall be made public before the initial transition team contact with a Federal department or agency and shall be updated as necessary.".

SEC. 4. LIMITATION ON EXPENDITURES OF CERTAIN FUNDS.

(a) USE OF AIRCRAFT.—Section 3(a)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) by inserting "(A)" after "(4)",

(2) by adding at the end thereof the following new subparagraph:

"(B) When requested by the President-elect or Vice-President-elect or their designee, and approved by the President, Government aircraft may be provided for transition purposes on a reimbursable basis; when requested by the President-elect, the Vice-President-elect, or the designee of the President-elect or Vice-President-elect, aircraft may be chartered for transition purposes; and any collections from the Secret Service, press, or others occupying space on chartered aircraft shall be deposited to the credit of the appropriations made under section 6 of this Act;".

(b) DURATION OF EXPENDITURES.—Section 3(b) of the Presidential Transition Act of 1963 is amended to read as follows:

"(b) The Administrator may not expend funds for the provision of services and facilities under section 3 of this Act in connection with any obligations incurred by the President-elect or Vice-President-elect—

"(1) before the day following the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code; or

"(2) after 30 days the date of the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice-President.".

(c) COMMENCEMENT OF EXPENDITURES.—Section 4 of the Presidential Transition Act of 1963 is amended by striking out "six months from the date of the expiration" and inserting "seven months from 30 days before the date of the expiration".

SEC. 5. TRAVEL AND TRANSPORTATION EXPENSES.

Section 5723 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking out "or (B)" and inserting "or (C)";

(2) in subsection (a), by adding at the end thereof: "In the case of an appointee de-

scribed in paragraph (1) who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), the provisions of paragraphs (1) and (2) may apply to travel and transportation expenses from the place of residence of such appointee (at the time of relocation following the most recent general elections held to determine the electors of the President) to the assigned duty station of such appointee."; and

(3) in subsection (c), by adding the end thereof the following: "In the case of an appointee described in subsection (a)(1) who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), the travel or transportation shall take place at any time after the most recent general elections held to determine the electors of the President.".

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Are there amendments?

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS: Page 2, beginning on line 22, strike out "which shall be included" and all that follows through line 26 and insert the following: "and shall be included in the proposed appropriation transmitted by the President under the last sentence of subsection (a).".

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BROOKS. Mr. Chairman, this amendment is a technical provision to ensure that the President will include in the budget that he submits to Congress and the authorization for transition expenses, and that this amount for transitions after the 1988-89 transition will be adjusted to reflect increases in transition cost since the most recent Presidential transition. The transition amount shall be included in the President's budget submission for the fiscal year in which the present term expires.

Mr. Chairman, it is a technical amendment and has been discussed at some length with the distinguished gentleman from New York [Mr. HORTON].

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

Mr. BROOKS. I am happy to yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I have no objection to the amendment, and I urge its adoption.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. BROOKS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 3, beginning on line 10, strike out all of section 5(a) through line 10 on page 4 and insert the following:

"PROHIBITION OF PRIVATE FUNDING AND DISCLOSURE OF PERSONNEL

"SEC. 5. (a) The President-elect and Vice-President-elect, as a condition for receiving services under section 3 and for funds provided under section 6(a)(1), shall not accept any private funds for the purposes of carrying out activities authorized by this Act.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, this is the amendment that I referred to a few moments ago. Let me tell my colleagues about this amendment. I offered this amendment in subcommittee, and I lost. I offered it in the full committee, and I lost. I decided to come to the floor and I do not know what the outcome is going to be, but I think that maybe the House ought to reflect on what it is I am trying to achieve because I think if my colleagues listen to what this amendment does they will not want this bill to go forward without this kind of language in it because what this bill is aimed at doing is eliminating those private moneys that now can flow into transition expenses that up until now we have had no accounting for.

Mr. Chairman, under this bill we have some accounting for providing the administration that opposes it does not get its will.

I would suggest that we are far better off if we have sufficient public money provided in this bill for a transition paid for by those public moneys to eliminate the private funds. That is what this bill will do with my amendment.

Let me talk about it a little bit in detail because there have been some red herrings thrown out about what my amendment does. It is said, for example, that it would prohibit people from coming to town to help the administration with the transition.

I say to my colleagues, we must read my amendment. What my amendment is saying is that the only ban on private funds is for the purpose of carrying out the activities authorized under this act. In other words, it is the activities of the transition team that could not be paid for with these private slush funds under my amendment. If somebody wants to come to town and give advice to the new administration at their own expense, there is nothing in my amendment that would prohibit that.

What it would prohibit them from doing is taking on official duties, the official duties of the new transition team would have to be paid for out of public moneys.

Why do I think maybe that is a good idea? I think maybe we ought to look at our own experience. Several years ago this House of Representatives had a policy which said that if one had expenses over and above one's official expenses that they could go out and collect private moneys and use those private moneys pursuant to one's official duties. We found out that that was a pretty abusive system so what did Congress do, Congress eliminated the slush funds. We no longer permit them. I think it is a good rule. I do not think there ought to be private fat cats out there that are funding what are essentially public duties. We ought to be doing that on our own.

Now we come to the tradition and Congress is going to say that the slush funds by the fat cats for the President are OK but they are not OK in Congress. I think we setup a double standard that cannot be defensed by anyone.

I would also make a pitch to some of those of my colleagues who believe in public financing of campaigns. We have had a lot of debate about that. I happen to think there are problems with public financing because it freezes incumbents in office, but if my colleagues are believers in public financing of campaigns, how in the world can they suggest it is a good thing for the Presidential transition team to be receiving unlimited fat cat money? We are not talking about the little guy here contributing to Presidential transitions. If my colleagues believe the transition team is going to go out and raise this money for the President in $10 contributions from the average public, I will say that I have some swamp land that I would love to sell.

The fact is they are going to go to the big fat cat, they are going to go to big labor, they are going to go to big business, they are going to go to big government bureaucrats, and so on, and say to them, "We want your money."

So it is going to be the fat cats involved. It is going to be the big boys that pay this expense, and guess what they are not going to do that just because they are a little friendly about the new administration. They are going to do it because they believe it buys them entree. That is exactly why I say to my friends that while we are continuously being told that we ought to eliminate private financing of congressional campaigns because it allows the special interests to buy too much in the way of influence, that is exactly what would happen here. So I would suggest that we ought to adopt this amendment and say that the public function of transitioning to a new ad-

ministration ought to be paid for by public moneys. We ought to get away from the idea of private fat cat slush funds paying for a part of those expenses.

All my amendment does is eliminate the need for the disclosure requirements in the bill because it eliminates all the problems that those disclosures requirements speak to. It eliminates the private slush funds.

Mr. Chairman, I ask my colleagues to support my amendment. I think it is a way of cleaning up the process and assuring that potentially dirty money never reaches the Presidential transition team.

Mr. BROOKS. Mr. Chairman, I rise reluctantly in opposition to the amendment.

Mr. Chairman, I oppose the amendment of my friend from Pennsylvania. What we are trying to do in H.R. 3932 is to provide a level of public funding for transition activities that should be sufficient to cover those activities for the incoming President. If the President-elect, for some reason of his own, wants to conduct a more elaborate transition operation involving private funding, H.R. 3932 provides safeguards in the form of disclosure of the source of such private contributions. I do not believe that we should tie the hands of the President-elect in the unique process of shaping his new administration, provided that the safeguards I just mentioned are in place.

The amendment also raises questions about how inkind contributions would be handled. Unless we are going to guard against any involvement of private resources in transition activities by setting up some elaborate reporting and monitoring mechanism for inkind contributions such as exists in Federal election law, I think it would be wiser to let the funding of this unique activity remain as it is in the bill before us: public funding for this public function that should be adequate, with an option for private funding if the President-elect feels that is necessary.

I urge a "no" vote on the amendment of the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, would the gentleman yield for a legislative history point?

Mr. BROOKS. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I think the gentleman from Texas [Mr. BROOKS] raises an important point with respect to inkind, but if we go to my amendment we will see that the amendment says "shall not accept any private funds."

It seems to me that in saying that, it is clear that what we are trying to do is prevent the contribution of moneys to the campaign and that the inkind contributions are not at all referenced here because of the fact that it is funds for the purposes of carrying out the activities authorized by the act.

So it is this gentleman's intention to eliminate the moneys that flow into the campaigns under the language that is in the bill.

Mr. BROOKS. Reclaiming my time, I would tell the gentleman from Pennsylvania that this is not the worst amendment I have seen him offer.

Mr. WALKER. I thank the generous chairman, I think.

□ 1200

Mr. HORTON. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment, also reluctantly.

Mr. Chairman, I agree with my friend from Pennsylvania that the intent of the bill is to ensure the availability of sufficient public funds for the orderly transition of a new administration. If legislative intent were always transformed into sound public policy, then I would feel more comfortable with this amendment. We know better. This bill is a perfect example of a situation where legislative intent is not fully addressed. The authorization increase to $3.5 million we provide in this measure allows fewer resources for a President-elect than were available in 1976 in terms of purchasing power.

The transition process is critical to the success of any administration; this amendment could unduly restrict that process and tie the hands of the President-elect. On the other hand, private funds, the source and amounts of which we propose to make matters of public record, provide an accountable auditable resource base available to a President-elect, should he or she require its use.

This issue was raised during our Legislation and National Security Subcommittee hearing on the bill at which time Joseph R. Wright, Deputy Director of the Office of Management and Budget, stated his opposition to such a prohibition.

Subsequently, Mr. WRIGHT sent me a letter in which he underscored again the administration's opposition to any provision that would prohibit the incoming President and Vice President from accepting private donations. In his letter of March 18, 1988, he states:

Such a prohibition would be detrimental to the President's ability to seek the advice and support necessary to ensure a smooth transition and a well planned policy agenda. The Federal funds provided to the incoming President and Vice President are only an estimate of the funding needs for a transition. Every President, past and future, will have different needs during his or her transition. To try to control the amount a President can spend on transition would arbitrarily limit a President'a ability to run his transition in a way that meets his or her needs. Furthermore, the proposed increase to $3.5 million does not even provide the new incoming President and Vice President with the same purchasing power as was provided in 1976, when the $2 million level was established.

I believe he makes an important point: the $3.5 million authorization is only an estimate of the funding needs for a Presidential transition. While we know that private funds have been used in previous transitions to augment public resources, we have no specific information about the amount or the expenditure of those funds since we have not required disclosure of such information in the past. The disclosure requirements in H.R. 3932 will permit us to take a look at some of these facts after which we will be in a much better position to make a judgment about whether or not private funds should be prohibited.

Mr. Chairman, the increased authorization, together with the disclosure requirements for private contributions, both of which we provide in this bill, allow a more adequate level of funding and a more responsible framework for participation by the private sector. A President-elect should have this flexibility.

Our committee, as the gentleman from Pennsylvania [Mr. WALKER] indicated, rejected this amendment during its consideration of this bill. The administration opposes it, and I urge my colleagues to oppose it.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 4, noes 5.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 187, not voting 41, as follows:

[Roll No. 50]

AYES—203

Archer	DeFazio	Green
Ballenger	Dellums	Hansen
Bartlett	Derrick	Harris
Bates	DeWine	Hawkins
Bellenson	Dicks	Hayes (IL)
Bentley	Donnelly	Hefley
Bereuter	Dorgan (ND)	Henry
Berman	Dornan (CA)	Herger
Bevill	Dreier	Hertel
Bilbray	Durbin	Hiler
Bilirakis	Dymally	Hochbrueckner
Bliley	Dyson	Holloway
Brennan	Eckart	Hopkins
Broomfield	Erdreich	Hubbard
Brown (CO)	Fields	Huckaby
Buechner	Flake	Hunter
Burton	Florio	Hutto
Byron	Foglietta	Hyde
Callahan	Frank	Inhofe
Cardin	Gallegly	Ireland
Chandler	Gejdenson	Jeffords
Chapman	Gekas	Jenkins
Clement	Gibbons	Johnson (SD)
Clinger	Gingrich	Jontz
Coats	Glickman	Kasich
Craig	Gonzalez	Kennedy
Crane	Goodling	Kildee
Crockett	Gordon	Kolbe
Daub	Gradison	Konnyu
Davis (IL)	Gray (PA)	Kostmayer

Kyl
LaFalce
Lagomarsino
Leach (IA)
Leath (TX)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Livingston
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lukens, Donald
Mack
MacKay
Madigan
Markey
Martin (IL)
Martinez
McCandless
McCloskey
McCollum
McDade
McMillen (MD)
Michel
Miller (CA)
Miller (WA)
Moody
Moorhead
Morella
Morrison (CT)
Mrazek
Nagle
Neal
Nelson
Nichols
Nielson
Oberstar
Obey
Ortiz
Owens (UT)
Oxley
Packard
Panetta
Parris
Patterson
Pease
Penny
Porter
Pursell
Ravenel
Ridge
Rogers
Roth
Roukema
Russo
Sabo
Sawyer
Schaefer
Scheuer
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter (VA)
Smith (IA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solarz
Solomon
Spence
Spratt
Stallings
Stangeland
Stenholm
Studds
Stump
Sweeney
Swindall
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Vander Jagt
Vucanovich
Walgren
Walker
Weber
Weiss
Weldon
Wheat
Williams
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)

NOES—187

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
Baker
Barnard
Barton
Bateman
Bennett
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Brooks
Bruce
Bryant
Bunning
Bustamante
Campbell
Carper
Carr
Chappell
Cheney
Clarke
Coble
Coelho
Coleman (TX)
Collins
Combest
Conyers
Cooper
Coughlin
Coyne
Darden
de la Garza
DeLay
DioGuardi
Dixon
Dowdy
Downey
Duncan
Early
Edwards (CA)
English
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Foley
Ford (MI)
Frenzel
Frost
Gallo
Garcia
Gaydos
Gephardt
Gilman
Grandy
Grant
Gray (IL)
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hastert
Hatcher
Hayes (LA)
Hefner
Horton
Houghton
Hoyer
Hughes
Jacobs
Johnson (CT)
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kleczka
Kolter
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Lightfoot
Lloyd
Luken, Thomas
Martin (NY)
Matsui
Mavroules
Mazzoli
McGrath
McHugh
McMillan (NC)
Meyers
Mfume
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Morrison (WA)
Murtha
Myers
Natcher
Nowak
Oakar
Olin
Owens (NY)
Pelosi
Pepper
Perkins
Petri
Pickett
Pickle
Price (NC)
Rahall
Rangel
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Saiki
Saxton
Schneider
Schuette
Shumway
Sikorski
Slattery
Slaughter (NY)
Smith (FL)
Smith (NE)
Smith (NJ)
Snowe
St Germain
Staggers
Stokes
Stratton
Sundquist
Swift
Synar
Thomas (CA)
Towns
Traficant
Udall
Upton
Valentine
Vento
Visclosky
Volkmer
Watkins
Waxman
Whittaker
Whitten
Wilson
Wise
Wortley
Wylie

NOT VOTING—41

Ackerman
AuCoin
Badham
Biaggi
Boulter
Boxer
Brown (CA)
Clay
Coleman (MO)
Conte
Courter
Dannemeyer
Davis (MI)
Dickinson
Dingell
Dwyer
Edwards (OK)
Emerson
Flippo
Ford (TN)
Kemp
Latta
Lent
Lungren
Manton
Marlenee
McCurdy
McEwen
Mica
Montgomery
Murphy
Pashayan
Price (IL)
Quillen
Ray
Rose
Savage
Smith, Robert (OR)
Stark
Taylor
Traxler

□ 1229

The clerk announced the following pair:

On this vote:

Mr. Robert F. Smith for, with Mr. Quillen against.

Messrs. SLATTERY, ANDREWS, BOEHLERT, HUGHES, HASTERT, and FAZIO changed their votes from "aye" to "no."

Mrs. MARTIN of Illinois, Mrs. SCHROEDER, Messrs. TAUKE, HERTEL, GEJDENSON, ECKART, ORTIZ, MARKEY, SCHEUER, McMILLEN of Maryland, SHARP, WEBER, SKELTON, DERRICK, MARTINEZ, DICKS, HERGER, TAUZIN, SHAW, BROOMFIELD, BILIRAKIS, NIELSON of Utah, BLILEY, SCHAEFER, RAVENEL, HEFLEY, LOTT, VANDER JAGT, HENRY, and HAYES of Illinois changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1230

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 3932, the Presidential Transitions Effectiveness Act. This important bill recognizes the need for a smooth and effective transition between Presidential administrations. It would bring about the first increase in transition funds since 1976. In accord with the best procedures for openness in Government, the bill would require Presidents-elect to disclose private contributions to their transition operations and require the disclosure of names and previous employment of transition team employees. These are very worthwhile provisions and should insure a sufficient degree of "sunlight" into these important activities.

But it is also important for the success of the transition to address a subject that has not yet received sufficient attention: The application of the ethics-in-Government laws and regulations to paid and unpaid transition team members. What are the conflict of interest rules that apply to this work force which will soon be scrutinizing the various executive branch agencies and who will have special access to information about agency activities? I do not have a preconceived notion of what those rules should be, but some balance is obviously required. We would not wish to discourage talented people from joining the transition, but at the same time we have an obligation to try to prevent unethical conduct.

It is not surprising that this laudable bill does not address this issue, since very little information was available to the Committee on Government Operations about it. I would, however, propose that we encourage soon a study of that issue. I would hope that such a study could be undertaken, prior to November, by a body such as the Administrative Conference of the United States, an independent, advisory agency with members from all major Federal agencies, whose mission it is to undertake studies and make recommendations on agency procedures. The Administrative Conference has undertaken useful studies of similar issue in the past and could with the cooperation of agencies like the Office of Government Ethics, make a significant contribution to this issue before the election.

I would urge that the legislative history of H.R. 3937 reflect the need for work in this area, and with that comment, I am pleased to support the bill.

The CHAIRMAN. Are there any other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. SLATTERY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3932) to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of Executive power in connection with the expiration of the term of office of a President, pursuant to House Resolution 415, he report the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the

Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were yeas 374, nays 15, not voting 42, as follows:

[Roll No. 51]

YEAS—374

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

NAYS—15

Brown (CO)	Jacobs	Smith, Robert (NH)
Coble	Miller (OH)	Solomon
Crane	Pursell	Sundquist
Frenzel	Sensenbrenner	Upton
Holloway	Smith, Denny (OR)	
Inhofe		

NOT VOTING—42

Ackerman	Edwards (OK)	Murphy
AuCoin	Emerson	Pashayan
Badham	Flippo	Price (IL)
Biaggi	Florio	Quillen
Boulter	Ford (TN)	Ray
Boxer	Kemp	Rose
Brown (CA)	Latta	Roukema
Clay	Lent	Smith, Robert (OR)
Coleman (MO)	Lungren	Stark
Conte	Manton	Tauke
Courter	Marlenee	Taylor
Dannemeyer	Martin (NY)	Traxler
Davis (MI)	McEwen	
Dickinson	Mica	
Dwyer	Montgomery	

□ 1255

The Clerk announced the following pairs:

On this vote:

Mr. Quillen for, with Mr. Robert F. Smith against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. 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. 3932, the bill just passed.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 272. Concurrent resolution providing for a conditional adjournment of the House and Senate until April 11, 1988.

GENERAL LEAVE

Mr. COOPER. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from Illinois [Mr. ROSTENKOWSKI].

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

There was no objection.

NATIONAL BIOLOGICAL DIVERSITY CONSERVATION AND ENVIRONMENTAL RESEARCH ACT

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

Mr. SCHEUER. Mr. Speaker, today I am introducing legislation to help stem the alarming global decline in the diversity of animal and plant life on this planet.

Scientists warn us that we may lose 20 percent of the Earth's species before the end of the century—a rate of species destruction greater than any since the mass extinctions of the dinosaurs 65 million years ago.

The difference is that this mass extinction is the work of man.

What is at stake in the biological diversity crisis is more than simply saving cute and appealing creatures. We depend upon biological diversity for our economic well-being. Biological resources provide food, fuel, shelter, and medicine, among other important products. They are sources of intellectual and scientific knowledge, including the promising new field of biotechnology. And they provide, of course,

opportunities for recreation and aesthetic pleasure.

Biological diversity is an essential characteristic of healthy ecosystems which support plant and animal life. These finely tuned ecosystems directly affect us by: Moderating climate, governing nutrient cycles, producing and conserving soil, controlling pests and diseases, and degrading wastes and pollutants.

The loss of biological diversity could have devastating impacts on human welfare. As the Office of Technology Assessment has warned in its report," "Technologies to Maintain Biological Diversity":

> The most optimistic view of the consequences of reduced diversity is that resources that otherwise might improve the quality of human life will not be available. At worst, reductions could mean a serious disruption of the ecological processes on which civilization depends.

Maintaining biological diversity assures future generations a full range of genetic and biological materials to meet future needs—many which we cannot foresee today.

The United States has been a leader in trying to reduce the destruction of rich ecosystems in the developing world that contain much of the world's remaining biological diversity. But the problem is not one of the developing world alone. The impoverishment of biological diversity in the United States is also a serious problem.

Since the Pilgrims landed at Plymouth Rock, nearly 500 species and subspecies of plants and animals have become extinct in North America. The U.S. endangered species list nears 1,000 species—about half of which are in the United States—and there are 3,000 candidates waiting for inclusion on the list.

There are existing national laws—particularly the Endangered Species Act—which attempt to address the loss of biological diversity in the United States. But the focus of these laws is on saving species one by one, after their habitats have shrujk and their ecosystems have been disrupted, a process which is ultimatehy costly and inefficient.

In addition to the ecological safety net afforded by our existing laws, it is time for new legislation that recognizes what our scientists tell us—that the way to save the trees is to save the forest and that the way to save endangered species is to prevent them from becoming endangered.

The National Biological Diversity Conservation and Environmental Research Act makes a national commitment to maintain diversity of life through planning and prevention, based on our best scientific information and understanding.

It reflects the recommendations of the Office of Technology Assessment by:

Establishing the conservation of biological diversity as a national goal;

Creating a National Center for Biological Diversity which will improve our scientific knowledge about our biological resources and ways to manage them to protect diversity;

Requiring impacts on biological diversity to be included in environmental impact statements; and

Requiring a coordinated Federal program for maintaining and restoring biological diversity in the United States.

A section-by-section analysis of this bill is attached to these remarks.

I urge my colleagues to join with me and the other cosponsors of this bill in addressing this critical issue.

SECTION-BY-SECTION SUMMARY OF NATIONAL BIOLOGICAL DIVERSITY CONSERVATION AND ENVIRONMENTAL RESEARCH ACT

SEC. 1. SHORT TITLE

Sets out the short title of the bill as the "National Biological Diversity Conservation and Environmental Research Act."

SEC. 2. FINDINGS

States that Congress finds that: the Earth's biological diversity is rapidly being reduced; most losses of biological diversity are unintended and largely avoidable; reduced biological diversity may have serious consequences for human welfare as resources are irretrievably lost and ecosystem functioning may be endangered; inadequate knowledge regarding biological diversity hampers the efficiency of resource policy and management decisions; present laws only address the protection of individual endangered species rather than maintaining ecosystem conditions necessary for sustaining diversity; existing laws are largely uncoordinated and inadequate; a comprehensive Federal strategy is needed to arrest the loss of biological diversity and to restore it, where possible; increased ecological and biological research is needed to provide the knowledge to maintain biological diversity; increased understanding by the public is necessary for effective conservation; the most prudent course is to save the diversity of living organisms in their natural habitats.

SEC. 3. DEFINITIONS

Contains definitions of terms, including "biological diversity" and "conservation".

SEC. 4. PURPOSES

States the purposes of the Act, namely: to undertake a nationally coordinated effort to collect, synthesize, and disseminate adequate information for understanding biological diversity; to support basic biological and ecological research necessary for the conservation of biological diversity; to require explicit assessment of effects on biological diversity in environmental impact statements; to establish a Federal strategy for conservation of biological diversity; to establish mechanisms for coordinating efforts to preserve biological diversity and natural environments; to educate the citizens of the United States regarding the importance of biological diversity.

SEC. 5. NATIONAL BIOLOGICAL DIVERSITY AND ENVIRONMENTAL POLICY

States that conservation of biological diversity is a national goal and a national priority and that all Federal actions shall be consistent with this goal. Section 5(d) amends the National Environmental Policy Act to explicitly require assessment of impacts on biological diversity in environmental impact statements. Section 5(e) directs the Council on Environmental Quality to develop guidelines for consideration of biological diversity in impact statements and to identify biotic communities, species, and populations in decline or otherwise of special concern.

SEC. 6. NATIONAL CENTER FOR BIOLOGICAL DIVERSITY AND ENVIRONMENTAL RESEARCH

Establishes a National Center for Biological Diversity and Environmental Research to set national priorities and provide leadership and coordination to promote knowledge of the biota of the Nation including the effects on the biota by the activities of people, and to make this knowledge accessible to the people of the United States. Directs the Center to establish a cooperative network for the collection of information regarding the biota; oversee a review of existing information; develop a strategic plan, initiate and provide financial support towards an ongoing survey of the biota of the Nation; provide for field surveys through contracts or otherwise; make recommendations to agencies regarding the use of the latest technology; further interaction between collection of data and utilization of data for conservation, management, and sustainable use; publish information relevent to understanding and conserving biological diversity; prepare lists of biotic communities, species, and populations that appear to be in decline or are otherwise of special concern; provide information useful in the preparation and implementation of the Federal strategy described in Section 8; work closely with the national network of state natural heritage programs; to raise additional funds necessary to support these activities.

SEC. 7. INTERAGENCY WORKING COMMITTEE ON BIOLOGICAL DIVERSITY

Establishes an Interagency Committee composed of members from specified Federal agencies that manage or study biological natural resources. Directs the Interagency Committee to coordinate Federal activities for conservation of biological diversity and to prepare and implement a Federal strategy for the conservation of biological diversity set out in Section 8.

SEC. 8. FEDERAL BIOLOGICAL DIVERSITY STRATEGY

Directs the Interagency Committee, with the advice and guidance of the Scientific Advisory Committee established under Section 10, to develop a coordinated strategy for conservation of biological diversity. Sets out specific areas to be addressed by the strategy. Requires a progress report on the development of this strategy to be submitted to the Congress within one year and the completed strategy within two years. Requires a progress report on the implementation of the strategy to be submitted every two years. Directs the Scientific Advisory Committee established under Section 10 to review the reports and include its written comments.

SEC. 9. RESEARCH, AND TRAINING

Authorizes each agency represented on the Interagency Committee to engage in partnership grants with public agencies, private individuals, and organizations for projects to maintain or restore biological diversity. Requires Federal funds made available for grants under this subsection to be

matched by the grantee, unless the grantee is a State.

Directs each agency represented on the Interagency Committee to assess the adequacy of their existing environmental research and training programs for (A) long-term ecological research and monitoring and (B) training of personnel in basic principles of ecology and systematics.

SEC. 10. NATIONAL SCIENTIFIC ADVISORY COMMITTEE ON BIOLOGICAL DIVERSITY

Establishes a National Scientific Advisory Committee of 15 non-Federally employed scientists. Directs the Scientific Advisory Committee to assist the Interagency Committee established in Section 7 in preparation of the Federal Strategy for the Conservation of Biological Diversity and to evaluate the progress in implementing the strategy, to assist in coordinating the Interagency Committee and the Center and in evaluating the impacts of proposed Federal actions on biological diversity.

SEC. 11. APPROPRIATIONS

Authorizes the appropriations of $5 million in FY 1989, $10 million in FY 1990, and $10 million in FY 1991.

H.R. 4330 TO ENSURE FAIRNESS FOR MARIEL CUBAN DETAINEES

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

Mr. KASTENMEIER. Mr. Speaker, I am pleased to cosponsor, with my colleague from Kentucky, Mr. MAZZOLI, H.R. 4330. This bill would ensure that the decision to deport Mariel Cuban detainees to Cuba would be made only after each detainee is afforded a truly "full, fair and equitable" review. The call for this legislation is clear; the need is resounding.

I believe that a little background to this situation is required. During the first half of 1980 approximately 125,000 Cubans, with the encouragement of our Government, migrated from Cuba to the United States via the Cuban port of Mariel. Upon their arrival to this country, the Cubans received the status of "conditional entrants" because they lacked valid passports or visas. As such, they were technically "excludable" from the United States, were entitled to no procedural rights under our laws and theoretically could have been deported at any time.

Over the years, the overwhelming majority of these Mariel Cubans were released into this country on "parole" status. A small number, however, were never released and remained housed as "detainees" at the antiquated Federal Penitentiary in Atlanta, GA. In addition, some of the Mariel Cubans who were initially released were subsequently reincarcerated for allegedly committing crimes or parole violations in the United States.

Initially, Cuba refused to accept the return of these or any other Mariel Cubans. In 1984, however, the United States and Cuba entered into an agreement whereby Cuba agreed to take back 2,746 Mariel Cubans who were currently being detained in the United States. The United States had returned 201 detainees to Cuba pursuant to this agreement when, allegedly in retaliation for the United States' commencement of radio service on Radio Marti, Cuba abruptly terminated the agreement. The United States continued to house Mariel Cuban detainees who had no realistic expectation of being returned to Cuba or hope of being released into the community.

In November 1987 the United States and Cuba reinstated the 1984 repatriation agreement and normalized immigration relations with Cuba. At that time, there were approximately 3,830 Mariel Cubans serving prison sentences in State and local jails, and 3,800 Mariel Cubans detainees in INS custody in State, local, and Federal facilities. Though the agreement concentrated on the original list of 2,746, all of the Mariel Cuban detainees were potentially eligible for deportation to Cuba. The news of this agreement combined with the general sense of hopelessness and despair apparently caused the detainees to riot and violently take over the two correctional facilities at Atlanta and Oakdale.

Exactly whom will be deported according to the 1987 agreement will be determined by a review plan established by the Attorney General. The Attorney General had promised that this plan would provide detainees with a "full, fair and equitable" review prior to any final deportation determinations.

The plan ultimately adopted by the Attorney General established two levels of review that detainees would undergo to determine whether they were releasable. The first level is conducted by an INS panel. At this level of review detainees are either deemed releasable or slated for the second level of review. The second level of review is conducted by a Department of Justice review panel. If this panel does not find a detainee releasable, then the detainee will remain in detention and presumably will be eligible for deportation to Cuba at some later date.

Noticeably lacking from the plan are many vestiges of due process. At no time in the review process will detainees be provided with the opportunity to appear at a hearing before a neutral decisionmaker, such as a judge or an administrative law judge. Similarly, even though many of the detainees cannot afford or obtain a lawyer, none will be provided for them under the plan.

The absence of these basic due process rights is particularly glaring given the magnitude of the consequences to be imposed on the detainees. Many of the detainees have family and other relations in the United States from whom they will be permanently separated if they are deported to Cuba. Moreover, past experience demonstrates that a significant number of detainees who are returned to Cuba can expect to serve additional sentences in Cuba prisons for crimes that they allegedly committed in the United States. These are the same Cuban prisons, I might add, that the U.S. Ambassador to the United Nations has publicly condemned as brutal and inhumane.

It has been a basic principal in our legal system that standards of due process should be greatest when, as in this instance, the risks of error and potential negative consequences are most severe. Without including basic due process protections into the Attorney General's review plan, we cannot be confident that we have justly evaluated the cases of detainees before sending them back to Cuba. To maintain the integrity of the review process, therefore, I believe that the review plan must be revised to incorporate the minimal due process protections that are commonly encompassed by the phrase "full, fair and equitable" review.

Before deciding to propose legislation that would incorporate due process protections into the current review plans, I formally urged the Department of Justice to make such changes on its own. The Department, however, rejected my suggestions stating that it was satisfied with the Review Plan as written

One explanation that I have received from the Department of Justice for its refusal to inject due process into the Review Plan is that, even as is, the current Plan affords the detainees greater legal rights than those to which they are legally entitled. Technically this argument is correct. I do not, however, find this argument compelling given the legal, but nonetheless embarrassing and inhumane, manner in which these detainees have been treated over the past 8 years. The structure of our laws on "excludable aliens" is premised on the practical availability of returning an alien to his or her place of origin. In the case of the Mariel Cubans, the refusal of Cuba to accept their return—an act for which the Marielitos are now bearing the consequences—challenges that structure and compels us to seek a unique solution to the case at hand.

We simply cannot stick our heads in the sand, hiding behind the legal fiction that the Mariel Cubans are not really here and therefore are not due any legal rights. We are a country that prides itself in its insistence on taking the moral high ground, even when "the law" provides differently. Just look at our policies toward countries like South Africa and the Soviet Union where we deplore State actions despite their being permitted by law. If, in fact, our laws do not provide for the humane treatment of the Mariel Cubans, then we should write new laws that do. That is the purpose of H.R. 4330.

Moreover, even the current Review Plan, as implemented, is riddled with problems and seeming inequities. I have received letters from attorneys who have tried to represent detainees under the current plan in which they complain of such things as: insufficient notice prior to INS panel interviews; denied access to key documents in detainees' files; substantial limits on the degree of representation they can provide; lack of trained hearing officers or neutral decisionmakers; inadequate translators; and the absence of any permanent record of the interviews.

It is clear that the detainees are not receiving the "full, fair and equitable" review to which they were promised. Having unsuccessfully turned to the Department of Justice to resolve this issue on its own, I see no other option than to introduce legislation that will provide the detainees with the fair and humane treatment that has been their due for the past 8 years and which this Government committed to provide to them just 4 months ago.

The review provided for in H.R. 4330 differs from the Attorney General's Review Plan only in so far as the nature of the review to be provided the detainees. Specifically, H.R. 4330

will provide those detainees who have been determined to be "unreleasable" at both the INS and DOJ levels of review a final and definitive hearing before an administrative law judge. At this hearing, detainees may be represented by counsel—at Government expense if they cannot obtain one of their own—may present evidence and witnesses on their behalf, and may challenge the evidence presented against them by the Government. Detainees found releasable under this plan will be released in the same manner that detainees released pursuant to the Attorney General's Review Plan would be released. Detainees who are not found releasable will be eligible for deportation to Cuba, but will be afforded another review each year they remain in Federal detention.

There will be some who might argue that adding this final due process hearing will be unduly costly. I believe, however, that the cost of implementing this legislation will be substantially less than the approximately $50 million per year it has cost to house the Cuban detainees in Federal institutions and the close to $100 million that we have lost as a result of the November riots. Failing to implement this legislation on the other hand, not only will have significant consequences for the detainees but also will diminish this Nation's international stature on a fundamental question of human rights. These latter costs are ones that we cannot afford and ones that H.R. 4330 is designed to prevent. I, therefore, urge quick movement on the passing of this bill.

□ 1300

CODEL TO MOSCOW

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

Mr. MILLER of Washington. Mr. Speaker, the gentleman from New York [Mr. GILMAN] and I are going to share our special orders if there is no objection, and hopefully the two of us within 5 minutes time will be able to finish and certainly within 10 minutes that we would have separately. The purpose of our having these special orders is to discuss and recount a trip that the two of us along with a congressional delegation took earlier this year to Moscow in the Soviet Union. We are not going to go into all the details of the official meetings that we had, because we had many of them. The gentleman from New York [Mr. GILMAN] and I had the privilege in addition to the official meetings of meeting unofficially with many citizens and we wanted to explain for the Members some of those meetings and what took place, because it offered an interesting contrast with the official meetings where glasnost and human rights and perestroika were discussed and spoken about, highlighting the contrast between that openness and positive spirit that we had in the official meetings and some of our experiences that we had in our unofficial meetings.

I recall our meetings on three successive evenings, the first evening being when we met with a group of Jewish refuseniks in Moscow in a rather bleak and cramped apartment.

Mr. Speaker, at this time I yield to the gentleman from New York [Mr. GILMAN] so that he might give us his impressions of the meetings on that Thursday that we had with the 40 or 50 Jewish refuseniks.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Washington [Mr. MILLER] for yielding me this time. I want to commend the gentleman from Washington for his consistent and long pursuit of human rights, not only in the Soviet Union, but in so many other areas and for so many other people around the world. There is a Talmudic saying, in the Old Testament, that to save one life is to save the world, and I do commend the gentleman from Washington for his persistence in continually attempting to save lives and to improve the human rights aspects of so many nations around the world.

Yes, I do vividly recall our recent opportunity to meet with several hundred refuseniks, while we were in the Soviet Union. Some of them were from Moscow, some from the Leningrad area. The most significant message that they gave us was that while glasnost and perestroika sound good, there has been minimal movement in improving human rights behind the Iron Curtain. Their plea to us was that we must continue in our efforts, in the Congress and they were so proud of the efforts of so many of our colleagues in the House of Representatives in continually raising our voices to try to convince the Soviet authorities to change their hard-nosed approach to the human rights issue. Despite the fact that the General Secretary, Mr. Gorbachev, has indicated that there would be a lessening of some of the restrictions, they are still confronted with many obstacles in seeking the right to emigrate. For example, there is still the state's secrets provision that prevents so many from coming out, people who have not been employed in those security positions for more than 10 to 15 years, as was stressed by a professional group from Leningrad that the gentleman from Washington [Mr. MILLER] arranged for us to meet in our Embassy in Moscow. Those professional refuseniks had traveled all night from Leningrad to relate to us their sad plight, most of whom had not worked in their occupations for 10 to 15 years.

The gentleman from Washington [Mr. MILLER] referred to on another evening meeting with another group of 40 to 50 courageous refuseniks who stressed varying aspects of the problems they were having, in seeking the freedom to emigrate. Most had lost their jobs upon declaring their intention to leave the U.S.S.R. and most were relegated to having to perform menial tasks for a livelihood. Despite one OVIR refusal after another, they still maintained their hope and courageously refiled their applications for visas.

Mr. MILLER of Washington. Mr. Speaker, my time is expiring, and we will continue this special order into the special order of the gentleman from New York [Mr. GILMAN].

MEETING WITH JEWISH REFUSENIKS IN THE SOVIET UNION

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield further to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I think the point made by the gentleman from New York [Mr. GILMAN] is a very good one. We met so many people that Thursday evening at the Embassy that had been waiting 10, 12, and 14 years. I remember one family in particular, the Besprozzanny's from Leningrad, possibly the best example, a man who had been waiting 14 years. His in-laws live in the Puget Sound area that I come from, and they have been waiting 14 years, having been told 14 years ago that he would be able to leave. He has not been able to leave. He was told he cannot leave now, and that his son cannot leave because he worked in a shipyard 18 years ago and allegedly had state secrets. It was truly moving to talk with people like that who continue to struggle. I happened to take that family down to the immigration office, the OVIR, to see if that office would somehow let these people go.

They have not done that yet. That struggle goes on.

Since we have limited time, I wanted to move on to the meetings we had the following two nights, and particularly that meeting on Friday on that Sabbath dinner we went to which I think gave us insight as to why Jewish refuseniks want to leave the Soviet Union.

We will remember at that Sabbath meal that we met with that young man from Odessa, Vladimir Karlin, who as far as I know he had not wanted to leave, and he had been arrested in any event. My colleague will remember that he told us he had been arrested in Odessa because he tried to organize a Jewish study group. He was taken to a prison and while there he was beaten. While he was there his apartment was stripped, the clothes he had except those on his back were taken from him. When he left the prison they would not give him his

passport back. They gave him one document, a prison document, and he showed that document to us and at the bottom was his picture. If one had looked closely at the picture, we would see that he was being beaten while in the prison. So that drove home again how important it is to have religious freedom, true religious freedom.

Mr. GILMAN. The most important message that these courageous Soviet refuseniks left with us is how important it is for us to continually raise our voices here in the United States, in the Congress, that these messages are followed closely by the Soviet authorities and they do have an impact, and their plea to us and to our colleagues not to diminish any of our efforts in trying to make certain that the doors to freedom will open.

This is an appropriate time of the year to remind the world of the Soviets' restrictions on human rights as Jews throughout the world prepare to celebrate the Passover holiday, the holiday that commemorates the exodus of the Jews from Egypt, as Pharaoh heeded Moses' plea of "let my people go."

It is extremely important that we continue to remind the Soviets of the importance of giving attention to the human rights violations with the U.S.S.R., particularly at a time when the Soviets are trying to develop normalcy of relations with our Nation, and as they serve to reduce the trade barriers and an exchange of technology. It is important that they be reminded that environment of human rights in the Soviet Union must be improved before there can be any real progress in those directions.

Mr. MILLER of Washington. If the gentleman from New York will yield for a moment, I agree with him completely and I want to thank my distinguished colleague from New York for the leadership he has given over the years in battling for human rights around the world and in this case human rights within the Soviet Union. It was so important when we talked with people to see their appreciation of the fact that we as Representatives of the American people had not forgotten them.

Mr. GILMAN. Mr. Speaker, as we adjourn to observe the Easter-Passover recess, and as we prepare to join our families in worship, let us remember there are many millions around the world who do not enjoy that opportunity, who do not have the blessings of those freedoms to pursue their own religious beliefs. I would hope that this message will help to remind other nations of their responsibility to preserve and permit these freedoms.

Our congressional delegation had the opportunity to meet with a number of Soviet officials, with whom we reiterated our unequivocal support for the human rights of Soviet Jews, Pentacostalists, Baptists, Evangelical Christians, and others denied basic religious and cultural rights guaranteed by the Helsinki Final Act. The Soviets would have us believe, though, that all those Soviet Jews who wanted to previously emigrate, have done so, and this is most definitely not the case. As I previously noted, during our few days in Moscow, we had the opportunity to meet scores and scores of long-term refuseniks. They crowded into apartments and meeting rooms at every opportunity, determined to demonstrate to Members of the U.S. Congress that thousands of them remain.

I have gathered the names of those who were in attendance at those various meetings, and I ask that this list be inserted in the CONGRESSIONAL RECORD. We also received a large number of direct appeals to the Congress, which I also would like to share with our colleagues and which I request that they also be inserted in the RECORD.

The issues that were raised at those meetings are numerous indeed. Despite the aura of glasnost, and in spite of a summit atmosphere, there remain thousands of Soviet Jews who are arbitrarily refused permission because of outdated security classifications or perceived financial obligations. While we recognize and appreciate that last year's emigration figure of 8,155 is well over the 914 allowed to leave in 1986, the individuals we met with are clear proof that there are many more long-term refuseniks left in the Soviet Union than we have been led to believe.

In the past few weeks, a number of those with whom we met have since received permission, which is gratifying indeed. However, as my colleagues will note, the material we have brought back with us reflects the signatures of several hundred individuals and their families. They are representative of the many thousands more who, without our speaking out on their behalf, will continue to languish as, "the Jews of silence."

Mr. Speaker, in 2 months we will again be conducting a summit meeting with the Soviet Union, though this time it will take place in Moscow. President Reagan and Secretary of State Shultz, as well as Ambassador Richard Schifter and Ambassador Warren Zimmermann, have continued to reiterate their personal commitment to the rights accorded Soviet Jews under the Helsinki Final Act. We will continue to stress compliance with its provisions, which do not recognize the arbitrariness of the first degree relative rule, the financial obligation requirement, nor the newest obstacle we heard about—that of a military waiver for a teenage son.

We have received reports that families with teenage sons are being asked to provide the OVIR office with a waiver from the military, stating in fact that it does not have any interest in the young man. The family with a teenage son therefore faces a potential 10 years in refusal, calculated in this manner: from age 16, a refusal by the military to provide the young man with a waiver. Two years later, at age 18, he is drafted, and serves for 3 years. Then, following military service, he is designated a security risk for 5 years, for having been privy to some unknown state secrets during his term of service. A young man of 16 then, becomes a refusenik for an additional 10 years before he has even turned around.

Many long-term Soviet Jewish refuseniks are slowly being granted permission to leave. However, many among them, such as Yuli Kosharovsky, continue to wait. Yuli has waited for 17 years, and he has been refused for 17 years. His security classification was lifted a number of years ago, yet OVIR authorities then designated him as lacking a first degree relative. I must persist in pointing out to my colleagues that no such requirements exist in the Helsinki Final Act. It is to its precepts that we cling as the preeminent human rights document of its kind. Only with full compliance with the Helsinki Act can we assert that the Soviet Union is living up to its agreements. Until this occurs, we will continue to meet with Soviet Jews, attempt to correspond with them, and speak out on their behalf at every opportunity.

Mr. Speaker, I include for the RECORD the list of some of the Soviet refuseniks who asked to be listed in the CONGRESSIONAL RECORD. They are courageous people who wanted it to be known that they are still desirous of seeking freedom in other lands around the world.

JEWISH REFUSENIKS IN ATTENDANCE AT JANUARY 1988 MEETING IN MOSCOW

1. Bella Gulko.
2. Vladimir Kislik.
3. Yuriy Semenovsky.
4. Igor Uspenskiy.
5. Yuriy Ziman.
6. Eugene Grechanovskiy.
7. Evgenia Shvartzman.
8. Tanya Rosenblit.
9. Olga Grossman.
10. Matus Pobereyskiy.
11. Tanya Kolchinskiy.
12. George Samojlovich.
13. Vladimir Meshkov.
14. Mikhail Feodorov.
15. Sergey Mkertchyan.
16. Yuliy Kosharovskiy.
17. Nataliya Khassina.
18. Gregory Rosenstein.
19. Boris Cherobilskiy.
20. Yuriy Chernyak.
21. Benjamin Charnyy.
22. Naum Meiman.
23. Gennadiy Resnikov.
24. Sulamith Reznikov.
25. Anatoliy Shvartsman.
26. Evgenia Nenomnyaskaya.
27. Judith Lurie.

28. Emmanuel Lurie.
29. Anatoliy Genis.
30. Tsilya Reitburd.
31. Vladimir Dashevskiy.
32. Alexander Feldman.
33. Igor Gurvich.
34. Irena Gurvich.
35. Yakov Strelchin.
36. Alyosha Zavrazhnov.
37. Julian Khassin.

JEWISH REFUSENIKS FROM LENINGRAD, AT MOSCOW MEETING ON JANUARY 16, 1988

1. Faina Zhukovska.
2. Mark and Freda Budnyelsky.
3. Anatoly Pintchasovich.
4. M. Konson.
5. Blinov.
6. Vladimir and Asya Knokh.

DEPARTMENT OF PROPAGANDA, CC CPSS, MID, CCCP GERASIMOV

(Editorial offices, Izvestiya, Soviet Culture Vechernaya Moskva, Trud)

We Jewish refuseniks, protest against the campaign of slander and harassment unleashed by the mass media: in print, on the radio and television of the USSR.

The Soviet press insults us, calling (us) renegades, demogogues, hooligans, persons pursuing selfish goals, violators of public order. They try to depict us as people "who were not pleased by the meeting in Washington of the leaders of the two nations", who would like to "hold back the clock of history".

This is a lie! We are for disarmament. We are for peace without bombs, without rockets, and without refuseniks.

Kolchinskaya.
Poberezhsky.
Yurovitsky, V.
Kosharovsky, Yu.
Belyakov, M.
Lakhman, M.I.
Sadykov, E.A.
Levitsky, G.Ya.
Nadgorny, B.E.
Nadgornaya, N.M.
Gutman, S.R.
Vanyan, D.I.
Vanyan, N.D.
Mlechina, L.I.
Mlechin, S.V.
Svishchev, A.V.
Ovsepyan, G.E.
Ashikyan, Zh.O.
Shmuilovich, M.
Gorovaya, K.M.
Turkeltaub, V.
Ostroverkh, V.N.
Gonorovskaya, L.M.
Rozenblit, T.M.
Rozenblit, E.I.
Langman, E.I.
Kogan, A.M.
Gutman, M.R.
Mkrtchyan, S.
Genis, A.
Grinberg, A.Kh.
Strelchin, Ya.L.
Vainshtok, L.
Kremen, T.
Gorelikova, V.M.
Lyubshitz, F.
Uspensky, I.
Ioffe, I.
Volovik, A.D.
Liverman, E.A.
Meshkov, V.
Zonis, A.
Gashumin, A.

Moscow, *January 14, 1988.*

To the Congressmen of USA:

DEAR SIRS: The attitude of the Congress of the United States to the problem of Jewish emigration from the USSR has always been based on lofty principles of morality and human rights. We are deeply thankful for that and want you to be informed of the real state of affairs.

During preparations to the summit meeting the Soviet leadership demonstrated and skillfully advertised certain signs of progress: emigrational quotas were somewhat increased, a number well-known long term refusniks were allowed to leave and family reunification became possible for a broad circle of people.

American firm stands on the human rights issue, numerous assurances by Soviet official representatives, including those on the highest possible level, that a progress in Soviet disarmament priorities and in a trade will be accompanied by a real progress in the field of emigration, and also the earlier mentioned sign of improvement gave birth to hopes that a successful summit will result in tangible improvement im emigration.

Now the summit is over and successfully due to historical breakthrough in the area of disarmament and even more impressive prospects for the future envisaged. As to the Jewish emigration, the presummit signs of progress began to disappear one after another: (a) beginning January 1, the Visa Office once again demands "invitations" from the first degree relatives before one can apply or even reapply (for refusniks) to leave. This denies some 90% of people of the possibility to emigrate; (b) as before there is a lot of arbitrariness and direct lawlessness in cases of state secrecy refusals, all refusals are verbally communicated without any argumentation and any mention of how long the security restriction will last; (c) applications are again considered during much longer time etc. The Soviet propaganda now demonstrates a ridiculous combination of attempts to speak about the brain drain problem and at the same time to state that Jewish emigration has naturally exhausted.

In our opinion, all that clearly indicated, that the Soviet side is determined to further diminish if not cancel Jewish emigration. In the period of so called "glasnost" and democratization the Soviet Jewry, devoid of any institutes of national protection is subject to increasing pressure from neofascist and nationalistic organizations of the "Pamyat" (Memory) and "Otechestvo" (Fatherland) type and hundreds of thousands of people stay before the closed doors of the Exodus.

Today a new danger seems to appear, that in relations between Soviets and Western democracies a disproportion will develop, potentially very detrimental to the problem of human rights and to the problem of emigration. And this bias, especially for the internal use in the USSR is endorsed by the high prestige of the recent summit.

This cannot be tolerated and we appeal to you to draw attention of the Soviet leadership to it.

Yours sincerely,

Yuli Kosharovsky, Anatoly Genis, Yuri Cherniak, Gregory Rozenshtein, Vladimir Kislik, Gennady Reznikov, Tanya Pobereysky, Tanya Kolchinskaya, George Samuelovich, Mikhail Feoderov, Sergei Mkrtchyan, Vladimir Meshkov, Anatoly and Eugenia Shvartsman, Julian Khasin, Igor Uspensky, Emmanuel and Judith Lurie, Leonid Grossman, Tanya Rosenblit, Eugene Grechanovsky, and Irina Gurvich.

AN APPEAL

Moscow,
January 13, 1988.

To the U.S. Congress:

We are a group of Jewish refuseniks, united by a common pretext for being refused permission to leave the USSR. We appeal to Congress of the USA.

The reason we are refused permission to emigrate is the so-called "poor relatives" problem. According to the regulations for entering and leaving the USSR, in order to apply to leave one must submit a notarized affidavit from family members remaining behind and from ex-spouses, when minor children are involved, that they have no outstanding claims.

This vague formulation refers to financial and property commitments. There is no procedure in the Soviet Union, legal or notarial, obligatory for both sides, for obtaining such an affidavit, whether or not there are claims.

A situation has thus been created whereby one's right to emigrate is virtually restricted and made dependent on the willingness or unwillingness of relatives and former spouses. To us, this situation is reminiscent of feudalism.

The hopelessness of the situation led to the formation of the "Poor Relatives" group in 1987. From the beginning, our group aimed at a juridical solution to our problem. Numerous appeals to official Soviet offices elicited no reply. The USSR Ministry of Justice rejected two of our drafts for a legislative solution.

It has become clear that the authorities are uninterested in improving our situation. Instead, various cosmetic steps are taken to beat down our wave of protests. Rumors were circulated that the problem would soon be solved. In December 1987, the USSR OVIR informed active members of our group that as an exception, a list of some 20 families have been allowed to apply to leave without affidavits from their relatives. Applications are not accepted from members of our group who missed appearing on the mysterious list. Their cases are not considered. In addition, as of January 1, 1988, the old rule is again in force by which applications to leave are accepted for consideration only if they include "invitations" from blood relatives.

Everything indicates that the policy of restricting departure from the USSR continues. The problem of "poor relatives" remains an important component of that policy.

We therefore once again appeal to Congress to discuss our problem in the context of Soviet compliance with the International Pact on Civil and Political Rights, signed and ratified by the Soviet Union.

1. Sergei Mkrtchyan, Moscow.
2. Yury Semenovsky, Moscow.
3. Vladimir Meshkov, Moscow.
4. Sergei Mlechin, Moscow.
5. Natalya Samarovich, Moscow.
6. Yulia Shurukht, Moscow.
7. Vladimir Dashevsky, Moscow, suburb Troitsk.
8. Alla Dubrovskaya, Moscow.
9. Yakov Strelchin, Moscow.
10. Gennady Khlopotin, Moscow.
11. Anatoly Genis, Moscow.
12. Gennady Krochek, Moscow.
13. Yury Klyaitis, Moscow.
14. Rita Vinokurova, Moscow.

15. Olga Messerman, Moscow.
16. Olga Goldfarb, Moscow.
17. Boris Bekker, Moscow.
18. Yakov Katz, Moscow.
19. Vyacheslav Royak, Bendery.
20. Boris Chernobylsky, Moscow.
21. Yevgenia Meskina, Moscow.
22. Ilis Benzionov, Moscow, suburb Khimki.
23. Igor Mirovich, Moscow.
24. Yeva Tendler, Moscow.
25. Alyona Kagan, Moscow.
26. Klara Koyfman, Moscow.
27. Rauf Khabibulin, Moscow.
28. Mark Barencholk, Moscow.
29. Dmitry Golovaty, Moscow.
30. Olga Ilyinskaya, Moscow.
31. Ernst Gonopolsky, Moscow.
32. Inna Perlova, Moscow.
33. Pyotr Perlov, Moscow.
34. Viktor Berlyavsky, Moscow.
35. Mark Berenfeld, Moscow.
36. Irina Sterkina, Moscow.
37. Olga Buber, Moscow.
38. Boris Odessky, Moscow.
39. Tatyana Olshanetskaya, Moscow, suburb Krasnogorsk.
40. Yury Lugovik, Moscow.
41. Alexander Milman, Moscow.
42. Felix Milman, Moscow.
43. Alla Prilutskaya, Moscow.
44. Josef Latynsky, Leningrad.
45. Lev Fayn, Leningrad.
46. A. Eldin, Leningrad.
47. D. Dyskin, Leningrad.
48. L. Janishvily, Leningrad.
49. A. Zaretskaya, Leningrad.
50. Lilianna Varvak, Kiev.
51. Genrikh Perchenko, Moscow.
52. Vladimir Bord, Minsk.
53. Grigory Gorodetsky, Kishinev.
54. Alexander Kogan, Kishinev.
55. Roman Rosentul, Kishinev.
56. Izik Roytman, Kiahinvev.
57. Arkady Aptekar, Kishinev.
58. Leonid Reshkovan, Kishinev.
59. Eduard Vainshtein, Soroki (Moldavia).
60. Alisa Litinskaya, Dnepropetrovsk.
61. Viktoria Zinevich, Dnepropetrovsk.
62. Alexander Porotsky, Dnepropetrovsk.
63. Leonid Markov, Dneprodzerjinsk.
64. Genya Cherkasskaya, Odessa.
65. Mordekhai Ionesas, Kaunas.
66. Matvei Firmeinin, Vilnius.
67. Alexander Kushkulei, Riga.
68. Arthur Uritsky, Riga.

[An Appeal from Sergei Mkrtchyan, 115533, Nagatinskaya Naberejnaya 18 Apt. 101 Moscow, January 5, 1988]

To The Executive Committee of the Moscow City Soviet:

We inform You that on the 15th of January, 1988 at 10-10:30 a.m. near the OVIR's building (address: Moscow, Kolpachny pereulok, 10) a demonstration of Jewish refuseniks' group "Poor Relatives" will be held in token of the solidarity with the group's activist Sergei Mkrtchyan.

The Demonstration's subject: "A Protest Against the Dominance of Bureaucracy and Red Tape in Ovir."

The demonstration will be Peaceful on principle. If we'll be arrested or blocked on the ways to the place of the demonstration, we would come out again on Monday, Tuesday etc.

We ask You to provide Safety for the demonstration.

Activists of "Poor Relatives" group:
1. Sergei Mkrtchyan.
2. Yury Semenovsky.
3. Vladimir Meshkov.
4. Sergei Mlechin.
5. Natalya Samarovich.

[From the Executive Committee of the Moscow City Soviet to Sergei Mkrtchyan, Moscow, Nagatinskaya naberejnaya 18 apt. 101, January 13, 1988]

Your application (sent on the 5th of January, 1988) is examined in the Committee.

Problems on departure from the USSR are being considered by the City OVIR. in accordance with the law. Your application is being considered the same way.

The Committee has not found grounds to give permission for the demonstration which is to be held on the 15th of January as well as on the next days, because the activists of the demonstration pursue an objective to create a wrong deliberately perverted impression of the consideration procedure of departure from the USSR. The Committee also takes into account the Moscow inhabitants attitude towards such kind of actions as well as the fact that such kind of actions recently has already led to the breach of the peace in the Kolpachny pereulok.

A.I. Kostenko,
Deputy Chairman of the Committee.

The Problem of One's Parents' Permission To Leave the Country

In the Soviet newspapers and the information intended for the West the Soviet officials assert that the Soviet state takes care of the parents and does not allow the children to leave the country in case their parents are against their leaving.

But every person has the right to decide where he prefers to live and whether he can leave his parents. Millions of people and their parents reside in different countries but they are allowed to visit each other.

The Soviet officials should allow the people who left the country to visit their parents instead of preventing the grown-up children from leaving the country on the pretext that it is immoral to leave the parents without having a possibility to see them from time to time.

To apply for permission to leave the country one has to present a paper from his or her parents that they have no material claims to him or her. The paper does not include the permission of the parents for their children to leave the country.

Thus OVIR leaves the moral aspect aside and puts emphasis on material claims only. But the Code (§ 77) on the marriage and family states that the Soviet government guarantees the necessary pensions to the people and that the children are not obliged to pay alimony duties to their parents. Therefore OVIR has no right to require from the people the paper that his or her parents have no material claims.

From the point of reason it is quite clear that if a person has do debts or alimony duties he must be allowed to leave the country. In case he has some debts or alimony duties he must pay them and after this be allowed to leave the country.

At one of the demonstrations I carried a slogan which said: "I do not owe, let me go".

The paper of the Soviets of the Peoples' Deputies of the USSR, Izvestiya, December 2, 1987, published an open letter to the members of the USA Congress, that is to you.

This open letter is entitled: "These Problems We Must Solve Ourselves".

This letter is nothing but a cry for help of Jewish mothers whose children decided to leave the country. Being loving mothers they do not want to part with their children in spite of the fact that their children decided to leave the country.

What do these mothers want the USA Congress to do? They want the Congress not to interfere and leave the things as they are: the mothers are to decide the fate of their children.

By the way of Joke: Why did the Soviet mothers address the USA Congress by writing to the paper of the Soviets of the Peoples' Deputies of the USSR. Evidently the Soviets of the Peoples' Deputies of the USSR is unable to settle the matter and they try to address a more competent organ: the Congress of the USA.

Who put their names under the letter? The letter of Jewish mothers to the USA Congress has five signatures. Three of the women are Russian, two of them are aunts and not mothers.

Among the names given under the letter there are those of my mother-in-law and her sister.

My wife and I were shocked by the event and sent a letter to the USA Congress trying to describe the situation: we have been trying for six years to leave this country for Israel where my father-in-law lives. We are not allowed to do so because my mother-in-law is unwilling to sign the document which OVIR demands.

At the same time she makes our lives very hard by writing denunciations to KGB and the Soviet police which persecute for Jewish activity, i.e. teaching Hebrew, Jewish history and culture.

Appeal by "The Hostage" Refusenik Group, January 10, 1988

In November 1987 a group of long time "regime" refuseniks held a symposium "Refusal to Eiigrate from the Country on Security Grounds. Legal and Humanitarian Aspects". The situation was given a thorough consideration in 48 papers submitted for the Symposium. The enclosed statement was issued by the Working Group of the Symposium.

As was noted in papers and at the Symposium discussions, the "regime" refuseniks are actually political hostages to USA-USSR relations. This finds its confirmation in General Secretary Gorbachev's statement at the Washington press conference on December 10, 1987, about 220 refuseniks being kept in the USSR on security grounds for unspecified term, probably for their lifetimes.

Presently the group that has organized the Symposium bears the name "The Hostage" and is planning to:

Organize seminars for discussions of various refusal problems;

Publish a periodical magazine;

Try open discussions of the problem with Soviet officials, press, scientific, legal and governmental bodies; and

Prepare an international conference on the problem of security refusals.

We will be happy to receive your help and cooperation. Thank you.

Sincerely,

Eugene Grechanovsky, Grigory Grinberg, Bella Gulko, Michael Gutman, Tatyana Ziman, Vladimir Kislik, Oscar Mendeleyev, Emil Mendgeritsky, Tsilya Reitburd, Gennady Resnikov, Georgy Samoilovitch, Julian Khasin.

STATEMENT OF THE WORKING GROUP OF THE SYMPOSIUM "SECURITY REFUSAL," MOSCOW, NOVEMBER 25, 1987

From 23 to 25 of November in Moscow there was held the Symposium "Refusal to Emigrate from the Country on Security Grounds: Legal and Humanitarian Aspects". The aim of the Symposium was to discuss thoroughly and to analyze the practice of regime restrictions on leaving the Soviet Union and to work out means of solving the problem. The preparation of the Symposium was conducted by the Working Group of 18 regime refuseniks.

More than 130 people from Moscow, Leningrad, Kiev, Gorky, Novosibirsk, Minsk, Vilnus and Odessa took part in the Symposium. 48 papers and reports were presented and are in the 2 volumes of the proceedings to be published.

As the Moscow City Council refused to provide a hall for the Symposium, it was held in three private apartments. This reduced the number of those willing to take part.

The Soviet organizations, academic institutes and the press had been invited but ignored the Symposium.

The participants of the Symposium noted:

1. The absence of legal norms regulating the issuing of refusals, especially on so called "regime considerations".

2. Complete arbitrariness and absence of "Glasnost" in issuing refusals.

3. Preposterous terms of refusals, 5-10-15 and more years.

4. The absence of rights for legal defense.

5. Extending regime restrictions to relatives and to other people having no access to classified information.

6. Anti-human practice of emigration restrictions which go against the international obligations of the Soviet Union.

As a result, refuseniks and their families during periods of time commensurable to life-span find thermselves in a situation of complete uncertainty and of limited human rights and vital interests.

Besides, the present practice of Soviet regime restrictions undermines the foundations of international confidence.

To break the present deadlock, the participants of the Symposium consider it necessary:

1. Soviet restrictions on emigration from the country should be in accord with the international norms and practices.

2. Until the Soviet law is changed,

(i) to limit the maximal term of regime refusals by 5 years (from termination of security work) with possibility of its further reductions;

(ii) the refusals should be issued in written form with the indication of exact reasons and term;

(iii) to forbid the practice of extending the regime limitations to people without security clearance.

3. To publish periodically the list of people applied for visas with the date of the first application.

4. To establish means for international monitoring of the fulfillment of the abovementioned requests.

JANUARY 14, 1988.

First of all I would like to say some words about the situation with scientists-refuseniks. In 1986 I saw off just two scientists. In 1987, not less than 15 Moscow scientists, known to me, left and 11 more received their permissions and are leaving now. This should be admitted as a positive change in the trend.

Nevertheless, the problem has not been solved completely. And moreover, the authorities seem to never miss an opportunity to deny the exit visa for a scientist. That is if the application of a scientist is new enough, say about 5 years, the visa is almost surely denied.

It is also worth emphasizing that the cases of old refuseniks like the one of professor N.N. Meiman and Yulii Kosharovsky and a great many of others have not been still solved positively.

The terms during which scientists are kept here still exceed 10 years and no ultimate term was officially announced. Moreover, the very right of the citizen of the USSR to leave the country has never been clearly stated in a document issued for internal use. When people turned to the court to confirm their right and to defend it, the judges refused to admit the existence of the right as such.

I would like to stress that each scientist does possess useful and sometimes valuable information, because almost any scientific information is valuable, but it is shocking injustice to claim this information to be classified.

There remains a lot of unsolved problems for those who are still kept here—

(i) the applicants are usually fired out or forced to quit;

(ii) refuseniks cannot find and keep adequate jobs; and

(iii) when a refusenik is lucky to have an adequate job he is discriminated by his employers, the ways to publish his papers are blocked, the international conferences are usually forbidden, the contacts with his even Soviet colleagues are complicated.

I want to lay emphasis on the fact that these circumstances are particularly painful for scientists-refuseniks.

Such is the situation in Moscow and Leningrad. As to the other cities, it is by far worse. So we are very privileged here.

The consideration procedure for the exit visas is determined by the instructions of Domestic Affairs Ministry and remains unknown to the public. That is we do not know who and how and on which pretext denies us from our right. The activity of the Supreme Soviet Committee is fairly vague and contradictory. Some people do not even believe in its existence.

The secrecy of consideration procedure also opens the way for the former chiefs of the applicant to revenge upon him for the difficulties the application brought about. In some cases the scientist can, after his departure, reveal for the whole world that his scientific authorities and colleagues just pretend to be experts and to work hard in their field (I am afraid that it is exactly my case).

One more comment about the procedure of the consideration. The visa-office requires the certificates signed by the close relatives that there are no unfulfilled obligations on the part of the applicant. First, it surely violates the presumption of innocence; second, there are methods, other than to rotten a man in the country he does not want to live in, to settle the claims (there is so called Foreign Juridical Board to deal with the cases like this).

With the time flying, the long term refusal often turn to real tragedy. Thus, children are growing up and then may marry or be drafted into the army which can completely block the emigration of the whole family. All this develops on the background of very harsh attitude of the authorities towards refuseniks which sometimes can be classified as direct murder as in the case with late Inna Meiman.

Finally, I should dwell on the latest development, i.e. on the events of the current year. The visa-office authorities require the invitations just from the first-grade relatives which makes emigration impossible for the majority. This is being done contrary to the official claims made last summer.

YURI CHERNYAK,
11-year refusenik.

LEGAL DEFENSE OF THE CIVIL LAW—MYTH OR REALITY?

The declaration of Glasnost and Perestroika in the USSR, the enforcement in 1987 of the Law on entrance and exit of the USSR, some increase in the number of people getting exit visas, especially of the well-known refusniks caused an animation in the Jewish emigration movement. This movement was increasingly supported by the democratically-minded people in the West.

However, it is precisely here that the main problem came to the foreground, in other words the main brake: the absence of legal norms regulating the exit procedure and complete arbitrariness of the organs of the Ministry of the Interior in the practice of executing these laws. It became clear at once that the new Law not only had not made things clear, but, on the contrary, it had muddled the situation still more, having cemented the stand of the supporters of arbitrary solutions.

As a result, there appeared tendencies among refusniks of more serious understanding of the problems of emigration from the USSR, with a more scientifically grounded approach to various aspects of emigration. One of the manifestations of this tendency was the preparation for and holding the Symposium on regime refusal in Moscow on November 23-25. The symposium evoked a wide response in the West and was absolutely ignored by the Soviet authorities and legal scientific and practical organizations. So, the "silence conspiracy" was broken through only from one side.

To break through this "conspiracy" from the other side, it is necessary, as we believe, to have a mechanism of promulgation. This mechanism could be a consultative-practical seminar with the periodical press organ: "Legal problems of refusal to Emigration."

The principal task of this seminar and its publications is revealing the discrepancy between the current procedure of making decisions concerning exit refusals and the system of Soviet law and international obligations of the USSR. The practical implementation of this task can be effected through legal assistance from the seminar in holding individual and collective actions in courts, organs of justice and their research centres, organs of the Ministry of the Interior etc. and the promulgation of the documents in the press organ.

The first practical step of our seminar was the preparation and realization of the attempt of legal defense of our civil law on emigration violated by the organs of Visas and Registrations of the Ministry of the Interior. The substantiation of the jurisdiction of this legal right to Soviet law is given below.

At present about forty Moscow refusniks have brought suits to the Department of Visas and Registrations. All our suits were rejected by the judges of the Kalininski district court on account of "non-jurisdiction" (again "zones of non-jurisdiction" con-

demned by the leaders of the CPSU and Soviet State).

The decisions of the first sessions of the cassation instance (Moscow city court) were not consoling for us either. True, we did not expect the "miracles" of instant success in the breakthrough of the old ills of the long stagnation period in Soviet law practice. Perestroika has not actually become a "realized necessity."

However, we would like to hope that our small contribution to the clarification of this relatively narrow field of Soviet law (the freedom of movement, or according to Article 10 of the Civil Code of the RSFSR, the freedom to chose the place of residence) will eventually bear fruit.

The contents of the first booklet are the legal cases of Moscow's refusniks against the Department of Visas and Registrations, violating their civil right to emigration.

The subsequent booklets will be published with the accumulation of the material.

(Seminar Supervisors: Bella Gulko, Eugene Grechanovsky, Veadimir Kiseik, Gennady Resnikor.)

SUBSTANTIATION OF JURISDICTION

Soviet law recognizes that all citizens have civil rights and duties (Article 9 of the Civil Code of the RSFSR). For example, Article 10 of the Civil Code reads: "Citizens can, in accordance with law . . . choose . . . the place of residence, . . ." The choice of the place of residence must necessarily be associated with the freedom to quit one place and move to another place of residence, i.e., with the freedom of movement. Consequently, Article 12.2 of the international covenant on Civil and Political Rights ("Every person has the right to quit any country, including his own country") is in complete correspondence with Soviet law.

As can be seen, the legal basis of the exit of citizens from the USSR is determined by Soviet law and international obligations of the USSR taken during the ratification of the Pact. It should also be noted that in accordance with Soviet law (Article 19, "on conclusion, execution and denunciation of international treaties of the USSR" dated June 6, 1978, "international treaties of the USSR should be strictly observed by the USSR in accordance with the norms of international law and the rules of international treaties and agreements of the USSR have priority over the rules of Soviet law in case of their mutual discrepancy (Article 569, Civil Code).

So, according to the laws of the USSR, citizens have the right to leave the country.

Having ratified the Pact, the USSR took the obligation to provide any person whose rights and freedoms, underlined in this pact, have been violated, an efficient means of legal defense, even if this violation was effected by the people acting in the official capacity . . . (Article 2.3).

In accordance with Article 12 of the Civil Law, the limitations of civil rights are possible only "in cases and order envisaged by law". The limitations concerning the exit rights have been determined by the Law of the Council of Ministers of the USSR N 1064 (Law on entrance/exit from the USSR. However, in case of illegal limitation of this right, any interested person can appeal to court.)

On the basis of Article 6 of the Civil Law of the RSFSR, the defense of the civil right is effectd by court, except the cases specially envisaged by law when the defense is carried out in the administrative order. The defense of the civil right to exit by administrative organs is not determined by law, consequently, it should be effected by the court.

On the basis of article 25 of the Civil Practice Code, courts consider the cases arising from civil legal relations, provided at least one of the sides is represented by a citizen. Exceptions are made for such cases when the settlement of such conflicts is effected by administrative or other organs.

Soviet law does not envisage a law regulating the conflicts between a citizen and the Department of Visa and Registrations.

However, guided by Article 10 of the Civil Practice Code of the RSFSR, the court should apply the law regulating similar relations, and if this law is non-available, the court should proceed from general practice and fundamental ideas of Soviet law.

Refusing to consider the suits of citizens to the Department of Visas and Registrations, the court acts in contradiction to Soviet law and international obligations of the Soviet Union.—Bella Grelko, Moscow.

STATEMENT TO THE MINISTER OF THE INTERIOR, VLASOV

Each of us has appealed to the court for the defense of the civil right to quit the USSR, the right which has been for many years violated by the Department of Visas and Registrations of the Chief Department of the Interior at the Moscow City Executive Soviet. Each of us has been refused to defend the civil right by the court which stipulated that the defense of the civil right to quit the country is within the jurisdiction of the Ministry of the Interior of the USSR.

Many years of experience of appealing to the organs of the Ministry of the Interior have shown that your ministry did not only fail to admit its competence in defending the civil right, but it also actively supported the leadership of the Department of Visas and Registrations in their violations.

The refusal to defend the civil right to exit can be regarded only as a refusal of the USSR to fulfill its obligation taken during the ratification of the International Covenant on Civil and Political Rights, contrary to the clauses of Articles 19, 20, 21 of the USSR Law "On the order of conclusion, execution and denunciation of international treaties of the USSR" dated June 6, 1978.

If the decisions of the judges of the Kalininski district court of Moscow correspond to the reality and at present the defense of the civil right to quit the USSR is within the jurisdiction of the Ministry of the Interior of the USSR, then in accordance with Article 13 of the Civil Practice Code of the RSFSR we appeal to you for defense of the right, violated by the Department of Visas and Registrations of the Moscow City Executive Soviet, and demand to effect the defense procedure with our participation in the atmosphere of Glasnost and Observation of Law.

Please, inform us about your decision. Our address: 119048, Moscow, Komsomoski Prospect 48/22 apartment 37. Gulko B.F.

(Signed by all members of the Seminar)

LIST OF REFUSENIKS WHO APPLIED TO THE COURT FOR DEFENCE OF THE CIVIL RIGHT TO EXIT

Michael Belyakov, Ella Varshavskaya, Asja Golomshtok, Zoya Golomshtok, Grigory Grinberg, Lenoid Gonorovskiy, Eugene Grechanovsky, Victoria Gorelikova, Michael Gutman, Irina Gurvitch, Bella Gulko, Leonid Grossman, Vladimir Kislik, Tatyana Kolchinskaya, Jenja Lanman, Marina Lachman, Aaron Lachman, Judith Jurje, and Emmanuel Lurje.

Oscar Mendeleyev, Galina Pilmenshtein, Irina Pilmenshtein, Elia Pilmenshtein, Joseph Pilmenshtein, Matus Poberehskiy, Gennady Resnilov, Tatyana Rozenblit, Moshe Rozenblit, Alexander Feldman, Julian Khasin, Sevpol Hotimskiy, Inna Ioffe, Jury Chernijak, Igor Shmuelovich, Sergey Rtishchev, Evgeny Rubinstein, Elia Resnilov, and Anna Sapozhnikova.

To the Presidium of the Supreme Soviet:

In 1981, N.A. Bokhman and his wife R.P. Gruzman were, without justification, refused permission by the Kiev UVIR to emigrate abroad. (The Kiev OVIR) referred to the fact that their son had been a student in the mechanical-mathematics department at the Tomsk University. The period of time for this illegal refusal was defined as being until 1986. In March 1986, the unjustified limitation was dropped, and in July the Kiev OVIR gave permission to emigrate to the entire family. At the demand of OVIR, R.P. Gruzman's education records were turned over to the factory where she worked more than eleven years previously. Subsequently, the deputy director (of the factory?, trans) made calls, as he put it, "through his channels". As a result, the Kiev OVIR "changed its mind" about giving permission, which was a heavy blow to a serious ill individual. Gruzman is a category II disabled person who has suffered six myocardial heart attacks. Indeed, the OVIR's refusal was a contributing factor to a series of heart attacks, the last of which occurred in October 1987, and was serious ("krupnoochagovy", literally "going to the source"). The family sent a complaints to the Supreme Soviet on November 19, 1987, but received no answer.

We request that this cruel, illegal action of the Kiev OVIR be terminated, and that the family of N.A. Bokhman and R.P. Gruzman be given the opportunity to reunited with their son in Israel.

(Address: Kiev 252222, Ulitsa Nikolaeva, bldg, 1/24, a apt. 19, tel: 545-52-81)

Kolchinskaya, Poberezhsky, Kaplanskaya, B.F. Gulko, Lakhman, R. Lifshitz, B. Lifshitz, Meshkov, Boris Chernobilsky, Natalya Khasina, A.N. Sofman, Pezhikova, Gonorovskaya, Kapuzksky.

Mr. Speaker, I am pleased at this time to yield to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, I just hope that over the next year before we reach the next Passover and Easter season that within the Soviet Union we will see some progress toward religious freedom and freedom of emigration.

TECHNICAL CORRECTIONS ACT OF 1988

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

Mr. ROSTENKOWSKI. Mr. Speaker, I am pleased to introduce today H.R. 4333, the Technical Corrections Act of 1988. The purpose of this legislation is to make technical corrections to the Tax Reform Act of 1986, other tax legislation enacted during the 99th Congress, and the tax provisions of the Omnibus Budget Reconciliation Act of 1987. This

legislation is cosponsored by the Honorable JOHN J. DUNCAN (R., Tennessee), ranking minority member of the Committee on Ways and Means. An identical bill is being introduced in the Senate today by the Honorable LLOYD M. BENTSEN (D., Texas) chairman of the Senate Finance Committee, and the Honorable ROBERT PACKWOOD (R., Oregon), ranking minority member of the Senate Finance Committee.

Last year, on June 10, 1987, Chairman BENTSEN and I jointly introduced the Technical Corrections Act of 1987—(H.R. 2636, S. 1350. That legislation was the product of our staffs working with the staff of the Joint Committee on Taxation, the two minority staffs, the staff of the Treasury Department, and the Offices of the Legislative Counsel, to review the Tax Reform Act of 1986 and make recommendations for technical corrections and clarifications. That legislation also reflected the input of many practitioners and professional associations throughout the Nation.

At the time of the introduction of the Technical Corrections Act of 1987 last year, I asked the public for written comments on the bill. The committee received over 1,000 comments on the bill. I instructed my staff to continue its efforts along with the other congressional tax writing staffs to review and, where appropriate, incorporate additional public comments into the technical corrections legislation.

As a result of these comments and further staff analysis, a modified version of the technical corrections legislation was approved by the Committee on Ways and Means and was passed by the House of representatives as part of title X of H.R. 3545, the Budget Reconciliation Bill of 1987. The Senate Finance Committee passed a similar, although not completely identical, version of technical corrections in title IV of S. 1920.

Under last year's Economic Budget Summit Agreement between the Congress and the administration, all provisions which lost revenue, including technical corrections, were required to be deleted from the Omnibus Budget Reconciliation Act of 1987. Accordingly, Chairman BENTSEN and I again instructed our staffs to review the technical corrections legislation, including the revenue provisions of the Omnibus Budget Reconciliation Act of 1987, and produce an updated bill.

I am pleased that the bill I introduce today reflects the input from Members, staff, and the public to provide clarification and necessary correction of the provisions of both the Tax Reform Act of 1986 and the Omnibus Budget Reconciliation Act of 1987. I wish to thank particularly members of the public, including many tax practitioners, who have expended countless hours reviewing this legislation and have provided invaluable comments on the provisions of these recent tax acts. In order to assist taxpayer analysis of this bill, Chairman BENTSEN and I have instructed the staff of the Joint Committee on Taxation to issue a pamphlet describing the provisions of the bill. This explanation is expected to be available within a few days.

Mr. Speaker, H.R. 4333 will greatly improve the ability of taxpayers to understand and comply with both the Tax Reform Act of 1986 and the Omnibus Budget Reconciliation Act of 1987. Because of the unfortunate delay in enacting the technical corrections bill, I am requesting the Internal Revenue Service and the Treasury Department to allow taxpayers to rely on these technical corrections as they did in a more limited way last year when the original technical corrections bill was introduced. I think that such assurance is necessary and appropriate in light of Treasury's statement last year and in light of the fact that taxpayers need such guidance when filing current tax returns.

Mr. Speaker, I want to assure my fellow Members and taxpayers, as I did last year when first introducing technical corrections legislation, that this bill is not intended or designed to make substantive changes to recent tax acts. Like last year's bill, this legislation is nearly revenue neutral. Given the responsibilities of the Committee on Ways and Means with respect to the Federal budget deficit, I do not anticipate making changes to H.R. 4333 which would cause any further loss of revenue as measured against last year's legislation.

Mr. Speaker, I wish to thank Congressman JOHN DUNCAN and Chairman BENTSEN for their continued support in developing this legislation. I would also like to thank all the staffs involved for their continued analysis and work on this legislation. I want to assure taxpayers that it is my intention to have the Committee on Ways and Means process this essential legislation as expeditiously as possible. This is critical legislation to which I am fully committed, and which I expect to be enacted prior to adjournment of the 100th Congress later this year.

Mr. DUNCAN. Mr. Speaker, today, I am joining the chairman of the Committee on Ways and Means in introducing new legislation to make needed corrections to the 1986 Tax Reform Act and other tax legislation enacted during the 99th Congress.

Although this bill includes provisions contained in the technical corrections measure—H.R. 2636—which was introduced last June, it is different in two respects. First, it is a more comprehensive measure because it corrects additional technical errors identified after June 1987. Second, the new bill also makes important corrections to the recently enacted Revenue Act of 1987, embodied in the Omnibus Budget Reconciliation Act.

As we are painfully aware, technical corrections has been sidetracked twice following the passage of the 1986 Tax Reform Act. Since then, the bill has grown from approximately 80 pages to a 700-plus-page document. That fact alone suggests the importance attached to the bill. As was the case with its predecessor—H.R. 2636—this legislation makes perfections and clarifications which are needed by taxpayers and practitioners to understand and comply with the new laws. It is, for the most part, a "nuts and bolts" bill.

I cannot say that I agree with every provision in this massive bill. However, I believe it accomplishes the intended objectives of providing accuracy and clarity which better reflect the decisions and the intent of Congress. The introduction of this bill will give the public an opportunity to review proposed additions to the technical corrections measures previously considered.

ACID RAIN ABATEMENT ACT OF 1988

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

Mr. COOPER. Mr. Speaker, today I am introducing legislation that would require a major reduction in the air pollution that causes acid rain. My bill, the Acid Rain Abatement Act of 1988, would reduce emissions of sulfur dioxide by approximately 10 million tons per year by 2003 from 1980 levels. It would require this reduction in two phases—3.5 million tons per year by Dec. 31, 1996, and the remaining 6.5 million tons per year by Dec. 31, 2003—and it would require that polluters pay for their own reduction costs.

This is a far more gradual reduction requirement than under any other acid rain bill currently being considered in either the House or Senate. Indeed, it is even more gradual than I had considered proposing until very recently. I am introducing this bill today, however, for several reasons.

First, I believe Congress should move forward this year with an acid rain abatement program. The debate on this issue has been protracted. Acid rain bills have been introduced, but have failed to move for the past three sessions of Congress. I believe acid rain is an environmental problem, and although the severity of the problem is a matter of some dispute, further delay is neither in the national interest nor is it in the interest of Members like me with specific concerns about the social and economic costs of an abatement program. I represent a coal district and I support a strong coal economy. This bill is an invitation to all Members to negotiate a reasonable bill that can claim broad support.

Second, we have a special opportunity this year to enact acid rain legislation. Last fall, a vote in Congress for a short-term extension, instead of a long-term extension for areas that failed to meet the deadline for attaining the ozone and carbon monoxide air quality standards, kept pressure on this Congress to reauthorize the Clean Air Act. An amendment to the Clean Air Act will almost certainly reach the floor of the House this year, and if one does, chances are it will be reported with an acid rain component. It is high time to begin the search now for a consensus acid rain bill.

Third, an alternative acid rain bill to Representative SIKORSKI's H.R. 2666, which presently defines the debate in the House, is needed to engage the significant block of Members who have opposed acid rain legislation in the parts. My bill offers an invitation to those Members to come to the table and negotiate a reasonable solution. I have worked closely with key Members of the House Energy and Com-

merce Committee who have historically opposed any form of acid rain legislation, and they have indicated a willingness to take this proposal seriously and negotiate in good faith.

Finally, while this bill incorporates a more gradual phasing of reductions than I had earlier considered, it maintains its commitment to progressive and innovative reduction strategies. Conservation and energy efficiency are encouraged not only because they reduce pollutant emissions, but also because they represent cornerstones to a sound long-term energy policy. The bill's stretched-out deadlines provide time for innovative clean coal technologies to mature and play a major role in achieving cost-effective reductions. A $1.2 billion clean coal technology demonstration program, funded over 4 years, is built into the bill to encourage the use of progressive technologies. [The bill allows maximum flexibility for States and utilities to achieve their share of reductions in the most cost-effective way they can.] And since there is no subsidy to help utilities pay for pollution control devices, additional emphasis is placed on cost-effective decisionmaking.

In short, I've introduced a bill today in an effort to get us moving on acid rain. Acid rain legislation is necessary, but it is only possible if its benefits outweigh its costs. We have a special opportunity this year to produce a bill, expand the scope of the debate and then move toward a real consensus. I look forward to hearing from Members with input, ideas and responses to my proposal, and I look forward to playing a constructive role in this debate.

□ 1315

LEGISLATION TO BAN CREDIT DISCRIMINATION BASED ON COURSE OF STUDY

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

Mr. KLECZKA. Mr. Speaker, I am today introducing legislation to ban the ridiculous but quite injurious practice of refusing credit to an individual based on that person's course of study.

Recent news accounts indicate that Citibank, the largest bank in the United States and a major player in the credit card market, engaged in systematic discrimination against cared applicants who were humanities majors in college while granting credit to business and engineering majors. Certain majors, according to some skewed statistics, were deemed to be bad credit risks.

This is a reprehensible practice. In the modern marketplace, access to credit is less a privilege than a necessity. The law should not allow Citibank, which apparently will curtail this noxious practice, or any other credit arbiter to blackball an applicant because a person chose to study history rather than business. By this peculiar logic, one of the more memorable CEO's in the history of Citibank, Walter Wriston, would have had trouble obtaining a post-collegiate VISA card from Citibank. His credit mistake? His college major was history, as it was for Richard S. Braddock, the head of Citibank's retail banking division.

The victims of such a narrow-minded and needlessly exclusive policy are, of course, not bad credit risks because they chose a particular course of study. As such, the law should protect them against capricious discrimination.

Unfortunately, it does not. The Equal Credit Opportunity Act of 1974 prohibits discrimination on the basis of race, color, religion, national origin, sex, marital status, or age. In addition, the law bars discrimination in credit because all or part of the applicant's income derives from public assistance. The legislation I introduce today would amend the act to add to the list of prohibitions discrimination on the basis of a course of study pursued, or intended to be pursued.

I am pleased to have as original cosponsors of this legislation Mr. FAUNTROY, Mr. TORRES, Mr. SOLARZ, Mr. DEFAZIO, Mr. BIAGGI, Mr. WALGREN, Mr. HORTON, Mr. PRICE of North Carolina, Mr. KASTENMEIER, Mr. WEISS, and Mr. FAZIO.

At this point, I am including in the RECORD the text of the legislation and pertinent newspaper articles:

[From the Los Angeles Times Mar. 20, 1988]

CREDIT CARD FEUD—HUMANITIES NOT A MAJOR TO BANK ON

(By Douglas Frantz, Times Staff Writer)

Back in the 1960s, the hot issues at UC Berkeley were free speech and the Vietnam War. Today, it's equal access to credit cards.

The new controversy erupted this week when the campus newspaper disclosed that Citibank, the nation's largest bank and biggest purveyor of credit cards, has regularly denied credit cards to students who majored in humanities.

The New York bank has marketed its MasterCard and Visa credit cards on college campuses for four years, even setting up tables to hand out applications at Berkeley and a few other select universities beneath signs that proclaim, "No Previous Credit History Required."

But throughout the period, the bank has routinely rejected students who list majors in the humanities, such as English, history or art. The bank's basic rationale that these students are less likely to repay debts because they will not land the high-paying jobs that go to business or engineering graduates.

"It's obvious discrimination," said Molly F. Sorkin, an art history major turned down by Citibank shortly before her graduation in December. "A friend who majors in business got one as a freshman, and they are raising her credit limit to $6,000."

For Citibank, which counts a million college students among its 18.2 million credit card customers, the controversy is embarrassing, and the bank is beating a hasty retreat from the policy.

"This story is a nightmare," one official at the New York headquarters said Wednesday.

Another bank official, Bill McGuire, said the company has been phasing out a student's major as a factor in determining credit worthiness following complaints from around the country. But he defended the past use of a student's major as a factor.

"In the absence of a credit history, we looked at field of study as one indicator of an individual's ability to repay debt," he said.

The controversy started when Citibank refused a MasterCard to Kennedy K.S. Yip, 22 a senior rhetoric major at Berkeley.

Yip already had an American Express card and a Visa card from Bank of America and Citibank. American Express and B of A did not require him to list his major and he got the Citibank Visa when he was a mathematics major at UC Santa Cruz.

After transferring to Berkeley and switching majors. Yip applied for a Citibank MasterCard with the idea of consolidating his cards with one bank. But on Feb. 13, he received a letter from Citibank that listed "field of study" as the sole reason for turning him down.

Yip said Wednesday that he was angered about the reasoning behind the denial. "In essence, they are telling me that rhetoric majors do no pay back their debts." he said.

He posted signs about Citibank at the school and complained to a friend, Irene Chang, an English major who wants to become a journalist. Chang found other students with similar stories and decided to find out for herself by talking to a Citibank canvasser on campus.

"I told her that I was an English major and I had heard rumors about humanities majors being denied credit and I asked her what I should do." Chang said Wednesday. "She told me that I could fake my major as business administration or engineering. She said lots of students lie about their majors.

CONSIDERED LEGAL

Chang wrote a story that appeared Monday in the Daily Californian an independent campus paper.

The law prohibits using race or sex in deciding credit. But Edwin L. Rubin, a law professor at Berkeley, said Citibank could legally consider a student's major. But he questioned the social responsibility of the policy.

"With so many motivations for students to abandon the humanities and go into a professional career, it seems a pity and not responsible corporate behavior for a bank to send this additional signal," he said.

Questions can also be raised about the value of a major as an indicator of success. Walter B. Wriston, head of Citibank for many years before his retirement in 1984, and Richard S. Braddock, its chief of retail banking, were history majors. The current chairman of parent Citcorp, John S. Reed, has degrees in science and American literature.

[From the New York Times, Mar. 17, 1988]

CITIBANK TO PHASE OUT POLICY AGAINST LIBERAL ARTS MAJORS

BERKELEY, Calif., March 16.—Citibank said today that it would abandon a policy that denied credit cards to some liberal arts majors after students at the University of California at Berkeley demanded the bank's representatives be barred from campus because of the policy.

Bill McGuire, a spokesman for Citibank in New York, said the policy would be discontinued by the end of June. He said the company had received complaints from several universities.

Mr. McGuire said a student's major "was a good indicator of future earning potential and of students' ability to pay debt," but said other factors would now be used to

judge credit worthiness. He would not elaborate.

ART HISTORY MAJORS COMPLAIN

A spokesman for the United States Comptroller of the Currency said Tuesday that the Equal Credit Opportunity Act does not prohibit using a student's academic major to judge credit worthiness.

Spokesmen for American Express and the Bank of America said they were surprised by the Citibank policy, since their organizations had found that students were good credit risks. They said they did not use academic majors as part of their credit scoring system for students.

The students at Berkeley said they were denied credit cards because of their studies in such areas as English, rhetoric, art history and Italian. They said the bank's representatives would be barred from campus unless there was a change in the policy.

SENSELESS DISCRIMINATION

"This was obvious, senseless discrimination, that in effect said students in business or engineering majors are the ones who will be making all the money and that only they could be trusted," said Molly Sorkin, a 22-year-old art history major. She said Citibank rejected her application for a Visa card last fall because of her "field of study."

Another student, Kennedy Yip, said he was turned down by Citibank on Feb. 13 because he was majoring in rhetoric. But he said he received a Visa last year while attending a different college as a mathematics major.

The Citibank policy was uncovered last week when a reporter for a campus newspaper, The Daily Californian, asked a bank representative how to apply for a credit card.

The reporter, Irene Chang, said the representative advised her to fill in the credit application by listing business administration or electrical engineering as her major instead of English.

[From the San Francisco Chronicle, Mar. 17, 1988]

CITIBANK LIFTS RESTRICTION ON CREDIT FOR LIBERAL ARTS STUDENTS

(By Steve Massey)

A red-faced Citibank is backing off a nationwide policy of denying credit cards to many college students simply because they are liberal arts majors.

After scattered student protests, including one this week at the University of California at Berkeley, the giant New York bank yesterday said it is dropping "field of study" from its list of credit criteria for collegians.

The change, which takes effect in June, follows a report in the Daily Californian newspaper that students pursuing humanities degrees routinely were turned down for Citibank credit cards.

One rejected applicant, Molly Sorkin, said yesterday that she was led to believe that she would have no problems obtaining a Citibank credit card when, as an art history senior, she applied last fall.

"But about a month later, I got a letter that said, "Thank you for applying. However, we are not going to issue you a credit card at this time because of your field of study," she said.

Citibank spokesman Bill Hughes denied that the UC Berkeley uproar over its policy had anything to do with the bank's change of heart.

Field of study was included in credit decisions because "in the absence of credit history of younger people, it was regarded as one indicator of future earnings potential and the ability of that person to repay debt," he said.

[From the New York Times, Mar. 21, 1988]

LIBERAL ARTS, TIGHT CREDIT

College students who major in liberal arts—good for the mind but not necessarily for the purse—know they may not end up in the money. Haven't their parents been pointing out to them all this time that it's just as easy to study business as it is, say, semiotics?

But until Irene Chang, a reporter for a campus newspaper at the University of California at Berkeley, did a little digging, liberal arts students probably didn't know that their majors also flag them as potential welshers.

At least they do for Citibank.

According to Ms. Chang, Citibank had a policy of denying credit cards to some students at the University of California at Berkeley and several other schools, simply because of their liberal arts majors.

She discovered the policy when a bank representative advised her to list her major on a credit application as electrical engineering rather than English.

Investigating, Ms. Chang found a student who had been approved for credit, when he was a mathematics major at another college but was denied it when he switched to Berkeley and to rhetoric. Students of art history and Italian were denied credit as well.

Now Citibank has decided to abandon its policy—and a good thing, too. Liberal arts may or may not be impractical. But how could the study of Elizabethan drama or Renaissance art possibly be thought a character flaw?

[From the Los Angeles Times, Mar. 21, 1988]

WELL, MY MOTHER LOVES ME

The recent flap at Berkeley over Citibank's discrimination against humanities majors in issuing credit cards to college students didn't surprise Spencer Nilson, publisher of a credit card industry news-letter called the Nilson Report, which is based in Santa Monica.

"All I know is that Citibank is one of the sharpest outfits in the world and if they were rejecting humanities majors, you can be darn sure they had a reason for doing it," Nilson said. "I remember when I was a credit manager. I rejected every used-car salesman and lawyer who ever applied for credit. Actors and actresses, too."

H.R. 4342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 701(a) of the Equal Credit Opportunity Act (15 U.S.C. 1691(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) in paragraph (2), by striking out "or" the second place it appears; and

(3) by inserting after paragraph (2) the following:

"(3) on the basis of any course of study pursued or intended to be pursued by the applicant; or".

LEGISLATION TO HAVE HISTORIC SITE NEAR VINCENNES, IN, INCLUDED UNDER NATIONAL PARK SYSTEM

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

Mr. McCLOSKEY. Mr. Speaker, today I am pleased to introduce legislation to have an historic site near Vincennes, IN, included under our National Park System. This site, referred to as Fort Knox II, was one of several forts built and garrisoned in the area to protect settlers and to control the strategic Wabash River.

The first Fort Knox, built in 1787, was for a time the westernmost post on the far frontier. Fort Knox II, built in 1803 just north of town, was fortified in 1809 and became the center of military activity for the Indiana territory but was abandoned a few years later in order to build Fort Knox III which provided more protection for the town.

Of further historic significance is the association of the fort with several people of national importance. The construction of Fort Knox II was completed by Capt. Zachary Taylor, later to become the 12th President, and the fort was the staging ground for the preparation of troops under Gen. William Henry Harrison, first Governor of the Indiana Territory and 9th President, for the Battle of Tippicanoe against Indian tribes led by the prophet. In addition, the Indian Chief Tecumseh and 400 armed warriors stopped at the fort on the way to a conference with Governor Harrison in Vincennes.

The Department of the Interior has recognized the significance of Fort Knox II by including it on the National Register of Historic Places. This legislation allows the Indiana Historical Society to donate the approximately 39.5 acres to the U.S. Government, to become a part of the George Rogers Clark Historical Park. Under Public Law 89-517, the Secretary of the Interior is authorized to accept property in Vincennes "Historically associated with George Rogers Clark and the Northwest Territory for the inclusion of such property in the George Rogers Clark National Historical Park."

Those of us in Washington often hear the phrase that we are making history by passing certain pieces of legislation, or by voting a particular way. We spend countless hours and reams of paper commemorating any number of organizations, causes, and people. What we need is a real sense of what our forbearers went through in order to provide the opportunities we have in this great country. We must do everything we can to preserve and protect the artifacts and sites of historical significance so that we can

build a strong sense of patriotism and heritage.

I want to commend the members of the Indiana Historical Society for their recognition of this goal and for their generosity in offering this land to the people of America, and I commend this legislation to my colleagues for their consideration.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore (Mr. TORRES). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, it is said in the Scriptures that the bird has his nest, the fox has his hole, but the son of man has no place to rest his head.

In America today unfortunately what we had feared on December 4, 1982, when the Subcommittee on Housing and Community Development that I have the honor of chairing had the first hearing and, thereby, the first national attention to what was then an unperceived, though to us growing menacing problem of homelessness, the most disturbing feature having been for a few months before that in 1982 of the nature of homelessness the like of which I for one had not seen since the Depression era.

America had become accustomed to considering what we used to call the hobo, the ne'er-do-well, the unfortunate alcoholic, roaming our streets and countrysides wandering homeless, rootless, but the new nature that was most aggravating and most disturbing to me even as early as the summer of 1982 was the case of a father and mother with a 2-year old living in an automobile in a public park area in my hometown, because they simply had no place to go or live. I thought, well, this is an ad hoc situation, yes, they did have a very pathetic story to tell. Nevertheless, it seemed that even then under those circumstances it was impossible to conceive of an American family living that way.

I intervened and found it difficult even on an emergency basis to get that family temporary emergency housing with the housing authority. Then as we went into the autumn here in the District of Columbia, I received letters and phone calls from some private church supported facilities that were inquiring as to what, if any, Federal program existed, and being that I was chairman of this Housing Subcommittee, the calls were referred to me. They had called the Department of Housing and Urban Development, but could not find any one place to get results, which illustrates what I have said all along, and that is that that is the reason why the Constitution provides for this office, that we are attempting to discharge an office that has been shaped to be as close and as accessible to the people as it is humanly possible to devise.

The rest is history. It was the December 4, 1982, hearing, for instance, that first brought forth such later nationally established personalities as Mitch Snyder, and it also gave impulse to our efforts, up to then by letter, to convince GSA, the General Services Administration, to allow the use of the old Federal City College facility.

In any event, the rest is history. Just 1 year and 2 months ago, we had almost everybody in the leadership position in the so-called Emergency Homeless Assistance Act joining, but just that year, last year, was the first year that the President sent a budgetary request that recognized that problem by inserting a $100-million provision which he had steadfastly fought us for 3 years in a row. As difficult as it has been, the most unfortunate thing is that it has developed into a national disgrace. We have literally our fellow Americans, too many, rootless, wandering our land, homeless, and in effect refugees in their own home land.

The causes we have been speaking about ad nauseam for years. The purpose of my address today, which I feel will be succinct, is to report that I have introduced H.R. 4292, the Emergency Home Ownership Assistance Act. I have reformed it a little, perfected it from the 1983 version, which this House of Representatives approved and, incidentally, it is the only so-called new program that under the Reagan administration has been approved by the House of Representatives. Unfortunately in May 1983, it went over to the Senate where it languished and died, not even a hearing, not even one Senator asking questions.

I might point out also by way of parentheses, that the U.S. Senate until last year, since 1981, never even so much as called 1 half-hour of hearings on any housing matter, so that in working with our conferees within the context of the Congress, we finally did last year manage to produce the first freestanding authorization or reauthorization bill on housing and community development which, in effect, is a sort of a standby.

The Emergency Home Owners' Assistance Act of 1983 was motivated because of the hearings that I referred to in December 1982, and the subsequent incremental increases reported to us in homelessness of this nature, that is, where families, children, mothers, not single males, but families were homeless.

The cities in the Sun Belt and in the temperate zones of the west coast were beginning to report problems with "homelessness."

I feel that it is fine to give emergency attention to a problem that is assailing us, but if we do not address the cause of the problem, the factors that are motivating and creating homelessness, of what avail is it that we tread water in an endless renewal and extension of homelessness assistance programs?

This bill today is what I consider to be the preventive. We have estimated that had it been accepted, as modest as it was, in 1983, we would have at least 10 percent prior homeowners now homeless not homeless. We had targeted not less than 100,000 homeowning American families to have been assisted if that act had been placed into law.

Today I want to point out that over the last 20 years, through public policy, the Congress has solved many of the consequences of what the economists call cyclical problems or periods related to housing.

Housing does not stand alone as we constantly have to remind colleagues and witnesses. If we speak of housing, we have to talk about streets, drainage, sewage, water facilities, known by the very highfallutin' term of infrastructure, as I have been reporting because the title of the subcommittee that I chair is Housing and Community Development, and I have been into 33 States, into every single rural area where there is any kind of migratory or rural labor or housing situation, and I have been into every single dense urban area in this country from New York to Florida, from Minnesota to Alabama, Texas, the Midwest, California. I can tell you there is no question about it, we have a serious housing crisis on our hands and one that is growing. It cannot help but grow.

Up to now, we had had a different environment under which all of these corollary activities involved in what we call housing were operative, including the financial institutional framework of reference, the savings and loan.

There is no such thing. They have all been made banks since 1982. Our financial institutions from credit unions to banks themselves are now homogenized, and we have as yet not found a substitute. We must if we are ever going to resume production of affordable housing available to the average family.

At this point about 6 percent of American families are able to purchase a brand new single-family dwelling unit. Through these years in the last 20 years, we have created what is known as a secondary mortgage institution activity, known as various entities such as the Government National Mortgage Association, Ginnie Mae, the Federal National Mortgage Association, Fannie Mae, and the Federal Home Loan Mortgage Corporation, Freddie Mae. There were structured to make available allocations of credit or availability of credit for housing funds

during periods of tight money or of credit restraints.

However, as I often again have to remind these very institutional officials, those are known as secondary mortgages. Secondary implies there is a primary, but if the primary is sick, how can a secondary be well, meaning available?

In sum, while we have been able to address the critical problem of mortgage capital for homeowners in an indirect way through the secondary mortgage institution facilities, Congress up to now has not dealt with the equally serious regional as well as cyclical problem of delinquencies and foreclosures due to the economic circumstances which eventually lead to families losing their homes.

□ 1330

When these families lose their homes, they lose all. Homeownership represents achievement as well as stability and a sense of control over one's life. No government should stand by, as I have said in vain for 7 years, without offering help to thousands of citizens who are losing their homes and their savings as well as pride and hope and, above all, family stability; not because they have been careless, not because they have been foolish, but only, and only because they have been caught up in an economic cycle over which they have no control.

Therefore, I am reintroducing this legislation somewhat spruced up and perfected because there is no such thing as any perfect bill being written at one given time.

I believe it is urgently needed today and maybe more today than in 1983. It is similar, as I said, to the one in 1983, but I think improved. And, if accepted—and I almost feel certain this time we are going to have luck, because I have even had the private sector, the mortgage banking institutions, at least a segment of them, indicating that they had made a mistake when they opposed us in 1983. Of course, I could understand then, because it was a different environment under which that mortgage and mortgage banker was operating as compared to today. They could very well have been cavalier in saying, "We will be reluctant to foreclose, we will forebear."

But for 1½ years, no matter how much they wanted to, they simply cannot.

Now a good chunk or segment of that financial community is in touch with me saying that they are certainly sympathetic. It looks to me as if we will have some support that we did not have in 1983.

I am offering for the record a summary, in summary form, the clauses contained in this act known as H.R. 4292; also a table showing the 60-day default statistics by Federal Home Loan Bank districts as of last year. However, the most up-to-date account by the mortgage tabulators as of March 18, that is this month, indicates that the problem continues to be deepening and getting more serious insofar as foreclosures are concerned.

I am not talking about delinquencies, I am talking about foreclosures.

So that at this point I will place a summary of emergency housing assistance, the table of 60-day default statistics and a copy of H.R. 4292.

The documents referred to are as follows:

SUMMARY OF EMERGENCY HOUSING ASSISTANCE ACT OF 1988

A. EMERGENCY MORTGAGE RELIEF

The Emergency Housing Assistance Act of 1988 would provide temporary financial assistance for homeowners of non-FHA insured single-family homes who are faced with the threat of foreclosure due to involuntary unemployment or substantial loss of income. The primary features of the program would be:

Mandatory Activation

Would require HUD to institute the program when the average default rate, over a 3-month period, as measured by the Federal Home Loan Bank Board (FHLBB) 60-day default series, by Federal Home Loan Bank Board District rises to 2.0 percent of mortgage funds represented by the series and to suspend the program when the default rate drops to an average of 1.9 percent over a 3-month period. Would require that the Secretary notify financial institutions when the program is activated.

Qualifications for Assistance

Property secured by the mortgage is the primary residence of the homeowner and is a one-to four-family residence, a cooperative or condominium unit, or a manufactured home and lot on which the home is situated;

The mortgage payments are 90 days delinquent or the homeowner has been notified that the lender intends to foreclose; homeowners in foreclosure may also apply;

The original mortgage amount does not exceed the maximum mortgage amount that could be insured by FHA; the maximum ranges from $67,500 to $101,250;

The homeowner has suffered a substantial loss of income due to a loss or reduction in his or her employment, his or her self-employment, or returns from the pursuit of his or her occupation, or any similar loss or reduction by any person contributing to the income of such mortgagor.

Assistance Payments

Would cover the difference between what the homeowner is capable of paying and the total amount actually needed to cover principal, interest, taxes, assessments, ground rents, hazard insurance, and mortgage insurance, but in all cases the homeowner would have to contribute 38 percent of monthly net effective income;

Would include an amount necessary to make mortgage payments current to the date assistance is awarded;

May be provided to 18 months plus any period of default and may be extended for an additional 18 months if the Secretary determines it is necessary to avoid foreclosure;

Must be secured by a lien on the property and shall be repaid upon terms established by the Secretary except that any interest rate charged on the repayments shall be either the rate determined by the Secretary of the Treasury taking into consideration the average interest rate on all interest bearing obligations of the United States then forming a part of the public debt or 8.5 percent, whichever is less; Secretary may establish, with consent of mortgagor, incentives for early repayment of loan including forgiveness of part of interest charges on loan.

Must be repaid at an amount that ensures that monthly repayment and total monthly housing expense does not exceed 38 percent of monthly net effective income of homeowner.

Authorization

$500 million is authorized for a revolving loan fund.

60-Day default statistics by Federal Home Loan Bank Districts

[Rate as of September 1987]

Federal Home Loan Bank of:	
Boston; Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont	0.87
New York; New Jersey, New York, Puerto Rico, and Virgin Islands	1.86
Pittsburgh; Delaware, Pennsylvania, and West Virginia	1.87
Atlanta; Alabama, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia	1.64
Cincinnati; Kentucky, Ohio, and Tennessee	2.33
Indianapolis; Indiana and Michigan	1.28
Chicago; Illinois and Wisconsin	1.86
Des Moines; Iowa, Minnesota, Missouri, North Dakota, and South Dakota	2.29
Dallas; Arkansas, Louisiana, Mississippi, New Mexico, and Texas	6.45
Topeka; Colorado, Kansas, Nebraska, and Oklahoma	3.23
San Francisco; Arizona, Nevada, and California	1.62
Seattle; Alaska, Hawaii and Guam, Idaho, Montana, Oregon, Utah, Washington, and Wyoming	2.02

Trigger in emergency bill is 2.0.

H.R. 4292

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Housing Assistance Act of 1988".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the uncertain economic conditions that have existed in various parts of the Nation during the past several years have contributed to a continuing high rate of delinquencies and foreclosures;

(2) many homeowners are suffering from the impact of the economic downturn in their regions and are struggling to meet their mortgage obligations; and

(3) many such homeowners could retain their homes if they received temporary financial assistance until economic conditions improve.

(b) PURPOSE.—It is the purpose of this Act to establish a program that will preserve and promote forbearance with respect to mortgages and, through emergency mortgage relief payments, prevent widespread mortgage foreclosures and distress sales of homes resulting from the temporary loss of employment and income.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) DISTRICT.—The term "district" means any Federal Home Loan Bank district established by the Federal Home Loan Bank Board under section 3 of the Federal Home Loan Bank Act.

(2) FEDERAL SUPERVISORY AGENCY.—The term "Federal supervisory agency" means the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration.

(3) FUND.—The term "Fund" means the Homeowners Emergency Relief Fund established in section 9.

(4) MONTHLY NET EFFECTIVE INCOME.—The term "monthly net effective income" means the monthly gross income of a mortgagor, less any Federal, State, or local income or employment taxes due with respect to such income.

(5) MORTGAGE.—The term "mortgage" includes a land contract or other instrument providing for the sale and purchase of property referred to in section 5(a)(1), and the terms "mortgagor" and "mortgagee" include the parties to the agreement of sale and purchase.

(6) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(7) STATE.—The term "State means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(8) TOTAL MONTHLY HOUSING EXPENSE.—The term "total monthly housing expense" means the sum of—

(A) the monthly payment of principal, interest, taxes, assessments, ground rents, hazard insurance, and mortgage insurance premiums due by a mortgagor with respect to a property assisted under this Act;

(B) the reasonable monthly maintenance costs of the mortgagor with respect to the property; and

(C) the reasonable monthly utility costs of the mortgagor with respect to the property.

SEC. 4. EFFECTIVE MORTGAGE DELINQUENCY RATE.

(a) AVAILABILITY OF ASSISTANCE.—

(1) GENERAL AUTHORITY.—The Secretary of Housing and Urban Development shall, to the extent approved in appropriation Acts, carry out the program established in this Act.

(2) CONDITIONS REQUIRING IMPLEMENTATION.—For purposes of carrying out the program established in this Act, the Secretary shall contract to make, and make, assistance available under this Act in any district when, on an average monthly basis for a period of 3 consecutive months for the district, the amount of funds represented by mortgage loans and contracts that are accounted for in the 1- to 4-family permanent mortgage delinquency series maintained by the Federal Home Loan Bank Board, and for which payments have been delinquent for 60 days or more, exceeds 2.0 percent of all funds represented by mortgage loans and contracts accounted for in the series.

(3) MONTHS CONSIDERED.—For purposes of determining when assistance is to be made available pursuant to paragraph (2), the Secretary shall take into account all months beginning with or after the third month before the month in which this Act is enacted.

(4) INITIAL ASSISTANCE.—With respect to the initial occurrence, after the date of the eanctment of this Act, of the delinquency rate condition described in paragraph (2), the Secretary shall begin to contract to make, and make, assistance available at the beginning of the first month after the month in which the mortgage delinquency series referred to in such paragraph indicates that the condition has occurred.

(5) AVAILABILITY OF DATE.—The mortgage delinquency series referred to in paragraph (2) shall be made available by the federal Home Loan Bank Board to the Secretary and the Congress on a monthly basis and shall contain data on the mortgage delinquency rate during the previous month for each district.

(b) TERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—Once assistance is made available under this Act in any district, the Secretary shall continue to contract to make, and make, the assistance available until the date on which the mortgage delinquency series referred to in subsection (a)(2) indicates that the amount of funds represented by 60-day delinquent mortgage loans and contracts accounted for in the series has declined, on an average monthly basis for a period of 3 consecutive months for the district, to below 1.9 percent of all funds represented by mortgage loans and contracts accounted for in the series, except that—

(A) the assistance shall continue to be made available pursuant to contracts entered into before such date; and

(B) the Secretary shall reinstitute the program established in this Act in the district whenever the delinquency rate condition described in subsection (a)(2) reoccurs.

(2) REINSTITUTION AFTER TERMINATION.—In any case in which the program is reinstituted in any district, the Secretary shall begin to contract to make, and make, assistance available beginning with the date after the date on which the mortgage delinquency series indicates that the delinquency rate condition has reoccurred.

(c) NOTIFICATION OF MORTGAGEES.—The Secretary shall promptly notify each financial institution or other mortgagee holding a mortgage on property in any district in which the Secretary had determined to institute or reinstitute the program of assistance established in this Act.

SEC. 5. ELIGIBILITY FOR ASSISTANCE.

(a) ELIGIBILITY CONDITIONS.—Assistance may be made with respect to a mortgage under this Act only under the following terms and conditions:

(1) ELIGIBLE PROPERTIES.—The property securing the mortgage (or other security interest in the case of units in cooperative or condominium projects, or in the case of any manufactured home and the lot on which the home is situated) is a one- to four-family residence (including one-family units in a condominium project, a membership interest and occupancy agreement in a cooperative housing project, and any manufactured home and the lot on which the home is situated) and is the principal residence of the mortgagor involved.

(2) IMPENDING FORECLOSURE.—Either—

(A) the mortgagee involved has indicated to the mortgagor its intention to foreclose; or

(B) payments under the mortgage have been delinquent for at least 90 days.

(3) EXCLUSION OF FEDERALLY INSURED OR ASSISTED HOUSING.—The mortgage is not insured under the National Housing Act or assisted under title V of the Housing Act of 1949.

(4) INVOLUNTARY REDUCTION IN INCOME.—The mortgagor has incurred a substantial reduction in income as a result of—

(A) an involuntary loss of, or reduction in—

(i) his or her employment, other than as a result of any willful repeated or felonious misconduct by the mortgagor;

(ii) his or her self-employment, other than as a result of a willful repeated or felonious misconduct by the mortgagor; or

(iii) returns from the pursuit of his or her occupation, other than as a result of any willful repeated or felonious misconduct by the mortgagor; or

(B) any similar loss or reduction by any person contributing to the income of the mortgagor; which reduction in income renders the mortgagor unable to correct a mortgage delinquency within a reasonable time or to resume full mortgage payments.

(5) INCOME LIMITATION.—The aggregate annual income of the mortgagor and the members of the family of the mortgagor residing with the mortgagor, for the 12-month period preceding the date of the application of the mortgagor for assistance under this Act, does not exceed whichever of the following is higher:

(A) AREA MEDIAN INCOME.—The median income for a family of 4 persons in the metropolitan statistical area involved.

(B) NATIONAL MEDIAN INCOME.—The national median income for a family of 4 persons.

(6) ESTABLISHMENT OF PAYMENT PLAN WITH MORTGAGEE.—The Secretary has determined that the mortgagor, if contacted by the mortgagor, has cooperated with the mortgagee in attempting to establish a reasonable plan for the making of partial payments of the amounts due under the mortgage or, considering the financial circumstances of the mortgagor, any other reasonable plan to correct the mortgage delinquency of the mortgagor without financial assistance under this Act.

(7) PROSPECT OF RESUMPTION OF FULL MORTGAGE PAYMENTS.—The Secretary had determined that payments under this Act are necessary to avoid foreclosure and that there is a reasonable prospect that the mortgagor will be able to—

(A) resume full mortgage payments within 36 months after the beginning of the period for which payments under this Act are provided or upon termination of assistance under this Act; and

(B) make the payments under the mortgage in full by its maturity date or by a later date agreed to by the mortgagor and mortgagee.

(8) PRINCIPAL OBLIGATION OF MORTGAGE.—

(A) MAXIMUM ORIGINAL PRINCIPAL OBLIGATION.—An amount equal to the original principal obligation of the mortgage does not exceed the principal amount that could be insured, at the time the mortgagor applies for assistance under this Act, with respect to the property of the mortgagor under section 203(b) of the National Housing Act (or under section 203(n) or 234(c) of such Act with respect to a unit in a cooperative housing project or condominium project, respectively).

(B) CURRENT PRINCIPAL OBLIGATION.—A mortgagor may not be determined to be ineligible for assistance under this Act on the basis of the relationship between the fair market value of the home and the outstanding principal obligation of the mortgage.

(b) ELIGIBILITY LIMITATION.—Upon a determination that the conditions of eligibility in subsection (a) have been met by a mortgagor, the mortgagor shall become eligible for the assistance described in section 7, to the extent amounts are available under section 9 for the assistance.

SEC. 6. APPLICATION FOR ASSISTANCE.

(a) SUBMISSION OF APPLICATION.—During any period in which the program established in this Act is in effect in any district, each financial institution or other mortgagee shall, not less than 30 days prior to instituting any foreclosure proceeding with respect to any property described in paragraphs (1), (3), and (8) of section 5(a), assist the mortgagor involved in the preparation and submission to the Secretary of an application for assistance under this Act. The application shall not be required if the mortgagor executed a waiver of assistance under this Act after full disclosure of his or her possible eligibility.

(b) POSTPONEMENT OF FORECLOSURE PROCEEDINGS.—If any mortgagor submits an application for assistance under subsection (a), the financial institution or other mortgagee involved may not institute foreclosure proceedings with respect to the mortgagor prior to the receipt of notification from the Secretary under section 7(g) with respect to approval or disapproval of the application for assistance.

(c) STAY OF FORECLOSURE PROCEEDINGS.—A mortgagor may submit an application for assistance after foreclosure proceedings have been instituted, in which event the proceedings shall be automatically stayed until receipt of notification from the Secretary under section 7(g).

(d) PROOF OF COMPLIANCE.—In States that require judicial approval of foreclosure, compliance with this section shall be pleaded and proved as a precondition to foreclosure of any mortgage eligible for assistance under section 5. In all States, failure to comply with the provisions of this section shall be the basis of an action to enjoin a foreclosure. Proof of the refusal of the mortgagor involved either to submit an application or to execute a waiver under this section shall satisfy the burden of proof established in this subsection.

SEC. 7. ASSISTANCE PAYMENTS.

(a) FORM OF ASSISTANCE.—Assistance under this Act shall be provided in the form of emergency mortgage relief payments made by the Secretary to mortgagees on behalf of mortgagors. The payments shall be made using amounts available in the Homeowners Emergency Relief Fund.

(b) AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—Payments with respect to any mortgage under this Act shall be in an amount that, together with the contribution of the mortgagor involved, is equal to the amount of the principal, interest, taxes, assessments, ground rents, hazard insurance, expenses of the mortgagee involved in connection with payments or repayments under this Act, and mortgage insurance premiums due under the mortgage, and the initial payment shall include an amount necessary to make the payments on the mortgage current.

(2) MAXIMUM AMOUNT.—Payments under this Act shall not exceed amounts that the Secretary determines to be necessary to supplement the amounts, if any, that the mortgagor involved is capable of contributing toward the mortgage payments.

(3) MINIMUM AMOUNT.—Payments on behalf of any mortgagor under this Act shall not be less than the amount required to ensure that the total monthly housing expense of the mortgagor does not exceed 38 percent of the monthly net effective income of the mortgagor.

(c) DURATION OF ASSISTANCE.—

(1) IN GENERAL.—Payments under this Act may be provided for a period of not to exceed 18 months plus any period of delinquency.

(2) EXTENSION.—The period shall be extended for a period not to exceed 18 months if the Secretary has determined that the extension is necessary to avoid foreclosure.

(3) CHANGE IN FINANCIAL CIRCUMSTANCES.—

(A) REVIEW PROCEDURES.—The Secretary shall establish procedures for—

(i) each mortgagor, on whose behalf payments are made under this Act, to inform the Secretary of any significant increase or decrease in income; and

(ii) periodic review, to be conducted not less then once annually, of the financial circumstances of the mortgagor of the purpose of determining the necessity for continuation, termination, or adjustment in the amount of the payments.

(B) DISCONTINUATION OF PAYMENTS.—The payments shall be discontinued at any time if the Secretary determines that, because of changes in the financial circumstances of the mortgagor, the payments are no longer necessary to avoid foreclosure.

(d) TERMS OF ASSISTANCE.—

(1) SECURITY.—All payments under this Act shall be secured by a lien on the property involved and by such other obligation as the Secretary may require. The lien shall be subordinate to all mortgages existing on the property on the date on which the initial assistance payment is made under this Act on behalf of the mortgagor involved.

(2) REPAYMENT.—

(A) IN GENERAL.—Payments under this Act shall be repayable upon terms and conditions prescribed by the Secretary, and the terms and conditions may include requirements for repayment of any amount paid by the Secretary toward the expenses of a mortgagee in connection with the payment or repayments made under this Act.

(B) INTEREST.—

(i) RATE.—The Secretary may establish interest charges on payments made under this Act, except that the interest charges on the payments made on behalf of any mortgagor shall be set at a single rate that does not exceed whichever of the following rates is less:

(I) 8.5 PERCENT.—8.5 percent.

(II) TREASURY BORROWING RATE.—A rate determined by the Secretary of the Treasury taking into consideration the average interest rate on all interest bearing obligations of the United States then forming a part of the public debt, computed at the end of the month preceding the month in which the initial payment is to be made on behalf of the mortgagor.

(ii) ACCRUAL.—The interest charges on any payments made on behalf of a mortgagor under this Act shall not begin to accrue until termination of the payments.

(iii) PREEMPTION OF STATE AND LOCAL LIMITS.—The interest charges shall be payable notwithstanding any provisions of any State constitution or law or local law that limits the rate of interest on loans or advance of credit.

(3) AMOUNT OF MONTHLY REPAYMENT.—

(A) GENERAL LIMIT.—The Secretary shall establish the monthly repayment to be made by any mortgagor under this Act at an amount necessary to ensure that the sum of the monthly repayment and the total monthly housing expense of the mortgagor does not exceed 38 percent of the monthly net effective income of the mortgagor.

(B) INCENTIVES FOR EARLY REPAYMENT.—The Secretary may, at the option of any mortgagor, establish appropriate incentives for early repayment of the amount owed to the Secretary under this Act, including forgiveness of part of the interest charged on the payments made on behalf of the mortgagor.

(C) REVIEW OF FINANCIAL CIRCUMSTANCES.—The Secretary shall establish procedures for—

(i) each mortgagor making repayments under this Act to inform the Secretary of any significant increase or decrease in income; and

(ii) periodic review, to be conducted not less than once annually, of the financial circumstances of the mortgagor for the purpose of determining the necessity for adjustment in the amount of the repayments.

(4) DEPOSIT OF RECEIPTS IN FUND.—All receipts from repayments made to the Secretary under this Act shall be deposited in the Homeowners Emergency Relief Fund established in section 9.

(e) AGGREGATE LIMITATION ON ASSISTANCE.—Payments by the Secretary under this Act may be made without regard to whether the Secretary has previously taken action under this Act on behalf of a mortgagor, except that payments may not be provided on behalf of a mortgagor under this Act for more than an aggregate of 36 months.

(f) COUNSELING ASSISTANCE.—The Secretary shall provide, in accordance with section 106(c) of the Housing and Urban Development Act of 1968, homeownership counseling to mortgagors on whose behalf payments are made under this Act.

(g) PROCESSING OF APPLICATIONS.—The Secretary shall process applications for assistance under this Act in as expeditious a manner as is practicable. In carrying out this Act, the Secretary shall provide that, within not more than 45 calendar days from the receipt of an application for assistance under this Act, the mortgagor and mortgagee involved will be notified by the Secretary of the determination of the Secretary to approve or disapprove the application for assistance.

(h) ALLOCATION OF ASSISTANCE.—

(1) IN GENERAL.—In providing assistance under this Act, the Secretary shall—

(A) seek to ensure a reasonable distribution of funds among districts in which the program established in this Act is in effect; and

(B) take into consideration the rates of residential mortgage foreclosure and unemployment in the units of general local government in which the properties involved are located and whether the units of general local government are eligible for assistance under section 119 of the Housing and Community Development Act of 1974, giving particular consideration to units of general local government that have rates of unemployment exceeding the national average or are eligible for assistance under such section 119.

(2) USE OF MOST RECENT DATA.—In carrying out the provisions of this subsection, the Secretary shall utilize the most recent information available from the Secretary of Labor with respect to rates of unemployment.

SEC. 8. AUTHORITY OF THE SECRETARY.

(a) REGULATIONS.—The Secretary may make rules and regulations that are consistent with the provisions of this Act and are necessary to carry out the provisions of this Act.

(b) ADDITIONAL AUTHORITY.—

(1) POWERS UPON DEFAULT.—In the performance of, and with respect to, the functions, powers, and duties vested in the Secretary by this Act, the Secretary shall—

(A) have the power, notwithstanding any other provision of law, whether before or after default, to provide by contract or otherwise for the extinguishment upon default of any redemption, equitable, legal, or other right, title in any mortgage, deed, trust, or other instrument held by or held on behalf of the Secretary under the provisions of this Act; and

(B) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon the Secretary be law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale any property in connection with which assistance has been provided pursuant to this Act.

(2) MANAGEMENT AND DISPOSITION OF ACQUIRED PROPERTY.—In the event of any such acquisition, the Secretary may (notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States) complete, remodel and convert, dispose of, lease, and otherwise deal with, the property.

(c) COLLECTION OF CLAIMS.—Notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims acquired by the Secretary in connection with any security, subrogation, or other rights obtained by the Secretary in administering this Act. Any funds collected by the Secretary under this section shall be deposited in the Homeowners Emergency Relief Fund established in section 9.

SEC. 9. HOMEOWNERS EMERGENCY RELIEF FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the Homeowners Emergency Relief Fund.

(b) ASSETS.—The Fund shall consist of—

(1) any amount approved in appropriation Acts for purposes of carrying out this Act;

(2) any amount received by the Secretary as repayment for payments made under this Act;

(3) any amount collected by the Secretary under section 8; and

(4) any amount received by the Secretary under subsection (d).

(c) USE OF AMOUNTS.—The Fund shall, to the extent approved in appropriation Acts, be available to the Secretary for purposes of carrying out the provisions of this Act, including—

(1) the making of emergency mortgage relief payments to mortgagees on behalf of mortgagors under section 7; and

(2) the administrative expenses of the Secretary in carrying out the provisions of this Act.

(d) INVESTMENT OF EXCESS AMOUNTS.—Any amounts in the Fund determined by the Secretary to be in excess of the amounts currently required to carry out the provisions of this Act shall be invested by the Secretary in obligations of, or obligations guaranteed as to both principal and interest by, the United States or any agency of the United States.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS; LIMITATION ON BUDGET AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the provisions of this Act $500,000,000 for fiscal year 1989. Any amounts so appropriated shall be deposited in the Fund and shall remain available until expended.

(b) LIMITATION ON BUDGET AUTHORITY.—The aggregate amount of assistance made available over the duration of the contracts entered into under this Act may not exceed $500,000,000.

SEC. 11. ACTIONS BY FEDERAL SUPERVISORY AGENCIES.

(a) PROMOTION OF FORBEARANCE.—Each Federal supervisory agency, with respect to financial institutions subject to its jurisdiction, and the Secretary, with respect to other approved mortgagees, shall, not later than 14 days following the date of the enactment of this Act—

(1) communicate in writing with each such institution or mortgagee encouraging it to exercise forbearance (including the acceptance of partial payment), to the maximum extent possible, with respect to residential mortgage foreclosures;

(2) waive or relax limitations pertaining to the operations of such institutions or mortgagees with respect to mortgage delinquencies, to the extent the waiving or relaxing of the limitations is not inconsistent with laws relating to the safety and soundness of such institutions or mortgagees; and

(3) take such actions as may be necessary to ensure that each such institution or mortgagee complies with the requirements established in section 6.

(b) SPECIAL CONSIDERATION FOR INSTITUTIONS EXERCISING FORBEARANCE.—

(1) FEDERAL HOME LOAN BANKS.—In considering applications for advances, the Federal Home Loan Banks shall give special consideration to institutions that have exercised forbearance in residential mortgage foreclosures as a result of actions taken pursuant to this section.

(2) FEDERAL RESERVE BANKS.—In considering applications for advances or discounts, the Federal Reserve Banks shall give special consideration to depository institutions and other borrowers that have exercised forbearance in residential mortgage foreclosures as a result of actions taken pursuant to this section.

(3) NATIONAL CREDIT UNION ADMINISTRATION BOARD.—In considering applications for extensions of credit, the National Credit Union Administration Board, on behalf of the National Credit Union Central Liquidity Facility, shall give special consideration to members that have exercised forbearance in residential mortgage foreclosures as a result of actions taken pursuant to this section.

SEC. 12. REPORTS TO CONGRESS.

(a) DELINQUENCIES AND FORECLOSURES.—The Secretary shall submit annually to the Congress a report on—

(1) the current rate of delinquencies and foreclosures in the housing market areas of the Nation that should be of immediate concern if the purpose of this Act are to be achieved;

(2) the extent of, and prospect for continuance of, voluntary forbearance by mortgagees in such housing market areas;

(3) actions being taken by governmental agencies to encourage forbearance by mortgagees in such housing market areas;

(4) actions taken and actions likely to be taken with respect to making assistance under this Act available to alleviate hardships resulting from any serious rates of delinquencies and foreclosures; and

(5) the current default status and projected default trends with respect to mortgages covering multifamily properties, with special attention to mortgages insured under the various provisions of the National Housing Act and with recommendations on how the defaults and prospective defaults may be cured or avoided in a manner that, while giving weight to the financial interests of the United States, takes into full consideration the urgent needs of the many low- and moderate-income families that currently occupy the multifamily properties.

(b) ALTERNATIVE MORTGAGE DELINQUENCY SERIES.—

(1) STUDY.—The Secretary shall conduct a study to determine if a mortgage delinquency series other than the mortgage delinquency series referred to in section 4(a)(2) would be a more effective and efficient series to utilize in carrying out this Act.

(2) REPORT.—Within 1 year after the date of the enactment of this Act, the Secretary shall transmit to the Congress the findings and conclusions of the study along with any legislative recommendations concerning the program established in this Act.

SEC. 13. REPEAL OF EMERGENCY HOMEOWNERS' RELIEF ACT.

The Emergency Housing Act of 1975 is amended by striking title I.

IMPLICATIONS FOR CONGRESS OF RISING DISTRICT OF COLUMBIA DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. PARRIS] is recognized for 60 minutes.

Mr. PARRIS. Mr. Speaker, when I became the ranking member of the Committee on the District of Columbia, I began a systematic assessment of a number of issues which I felt the committee should consider. Toward that end, I have held countless meetings and discussions with representatives of the business community, the city council, and the executive branch of the city government. These meetings are continuing and will form an important component of my activities in carrying out my responsibilities as vice chairman of the committee that has oversight of our Nation's Capital.

Among the issues which I have focused upon have been the form of city governance, public safety, and finance. While much remains to be done in the areas of governance and public safety, my view on these subjects is already quite well known.

Less well known are my views on the state of the city's finances. The vagueness of that position has been somewhat deliberate because I have not wanted—nor do I want today—to interfere with the elected Mayor's and City Council's budget prerogatives, the budget formulation and review process. The priorities which the Home Rule government establishes are rightly their's just as they are rightly the prerogatives of every other municipality in our land.

On the other hand, unlike other municipalities, the District of Columbia anticipates receiving this year more than $430 million or 16 percent in a Federal payment toward an annual operating budget of $2.5 billion. It is this fact that prompts me to review and make these comments concerning the stewardship by the city of its finances.

What I have found troubles me. As a result of the work which City Councilmember John A. Wilson, who is also the Chairman of the Council's committee on finance and revenue, has completed with the publication of his "white paper" on the District of Columbia's debt, I have to conclude that the current debt is both staggering and increasing alarmingly. In a phrase, unless someone does something about the debt, it is out of control. Let me cite some figures:

First, the District of Columbia is currently over $6 billion in debt. Put another way, every man, woman, and child in the District would have to contribute $8,658 in order to satisfy the city's existing debt.

Second, the largest portion of the debt, or some $3.4 billion at the end of 1986, is attributable to the unfunded pension liability for teachers, firefighters, police, and judges. That amount is not the end of this saga for the unfunded pension liability alone is projected to increase by an additional $9.5 billion over the next 17 years to $12.9 billion in 2005.

The impact that this singular item—the unfunded pension liability—will have on the operating budgets in the future is nothing short of staggering. For example, in fiscal year 1988, $164.7 million is budgeted for the net pay-as-you-go costs of the pension system. Unless something is done about funding the projected unfunded liability, the net pay-as-you-go costs will rise to $794.6 million in 2005 for that one year.

I should not have to note the impact that such a liability will necessarily have on future budget policies and the hopes and aspirations of those who are then the residents and employees of this city. That the city has budgeted $14.8 million toward the annual amortization of the difference between the projected unfunded liability as of September 30, 2004, and the unfunded liability as of September 30, 1979, is simply ludicrous.

Third, the next largest portion of the debt, $2.249 billion at the end of fiscal year 1986, is attributable to borrowings to finance capital projects. Without intending to pass any judgment on the efficacy of these projects, I will simply repeat what Councilmember Wilson stated in his report: "This particular debt has grown at a phenomenal rate, increasing 93.4 percent since fiscal year 1980." Chairman Wilson goes on to note that debt service for fiscal year 1988 is expected to be $256.3 million or an increase of more than $100 million over the amount paid in fiscal year 1980.

Over the next 5 years, interest payments will exceed $1.2 billion without taking into account payments that will be required on the $883 million in debt that the city expects to issue by the end of fiscal year 1992, the $757.5 million for which the city already has authority to issue or, finally, an additional $324 million which the Mayor has requested. All in all, total projected capital spending authority—that is, projects not under construction—amounts to $1.964 billion. If all of the possible projects represented by this amount were funded, total outstanding capital debt would be $4.213 billion.

While the debt service on such an amount might still be within the 14-percent limitation as established and defined by the Home Rule Act, it would almost surely exceed the Federal payment which is almost one-half of a billion dollars per year.

Let me just note that while section 483(c) of the Home Rule Act provides that the Federal payment shall, in the absence of other funds, be used to first pay any principal and interest due on general obligation bonds and notes, the Home Rule Act is equally clear that the full faith and credit of the United States is not pledged.

I want to emphasize that. While the statute might be quite clear, the prospect that the Capital City of the United States might at some future date be unable to pay its obligations has to, for us, be both unsettling and simply intolerable. Since a part of our oversight is to sound warnings and offer suggestions as might be appropriate, I am taking this moment to do both. I know, and Chairman Wilson has pointed out in his report, that the mayor and council are presently engaged in several efforts to get better control over the debt. Efforts, however, will not be enough. Actions—successful and meaningful actions—are required along with some innovative thinking.

Let me be quite clear about how I view this debt situation.

First of all, I do not intend to tell the city which projects it should cut, or fund, or for which it should create alternative financial strategies. That is why we have an elected mayor and city council. On the other hand, I am quite willing to meet with anyone who would like to have my thoughts on any of several options available to us all. Persons who have talked to me and to the committee staff are well aware that there are options, and many of them should be considered.

Second, I want to make it clear that I reject the notion that the Federal payment is something Congress gives to the District of Columbia because we, the Federal Government, are a burden on them and cause the city to lose substantial amounts of revenue. The Federal payment is not made because of revenue foregone or in lieu of tax receipts. Congress provides a Federal payment because Washington, DC, is the Nation's Capital and the host to millions of Americans who come to our national shrines and because we are the seat of the world's strongest democracy. In meeting those responsibilities the trustees, if you want to call them that, of our capital incur various costs which should be borne, not just by the citizens here, but by all Americans.

That is what the Federal payment is about and that is why we provide it. The amount we provide must, therefore, be a function of need—not of a blind formula or of a platitude of unjustified rationalizations. Therefore, if there is a thought, anyplace, that somehow Congress will simply cough up the additional dollars required to pay for the aggrandizement of local government officials, let that thought dissipate quickly. There will be no funds for such undertakings. On the other hand, whatever funds are needed to run the Capital City will be there if the stewardship is also there.

Toward that end, let me make a few specific comments. I begin by referring to the concerns that the City Council's finance Chairman, John Wilson, and I both share about the pension fund. I do not believe that the $14.8 million which the city has budgeted toward the annual amortization of the differences between the projected unfunded liability as of September 30, 2004, and the unfunded liability as of September 30, 1979, is enough. I know that there is a council committee which is working on this matter; but let me note that while Congress has assumed responsibility for a very substantial portion of the unfunded liabilities and may well do more, we need a stronger and better commitment from the city itself. All of us need to understand that the unfunded pension liability was not created solely by the Congress. Unless a stronger city commitment is forthcoming, I cannot foresee asking Congress unilaterally to provide more help.

What is particularly troubling in this matter, however, is the city's resolute position that it will not fully fund the administrative expenses of the retirement board as is provided in the statute. The board submitted a request for $6,948,000 of which $4,800,000 were expenses attributable to investment advice and properly chargable to the fund's income. Under the law, the city should pay the difference or $2,148,000. The city's recommendation for its share is a mere $807,000 only about one-third of what is needed. While it is true that Congress has gone along with that prac-

tice in past years, I ought to point out that the difference between the amount paid by the city and the full costs of administrative expenses have been taken from the Federal Government's contribution to the unfunded liability. This year, that amounts to $1,341,000 which could have gone into the fund. The future value of that amount, and on amounts similarly spent in past years, have to be substantial. In my view, therefore, this practice needs to end.

Beyond this, let me note and close by suggesting that the city needs to look for some new and innovative ways to accomplish tasks which at an earlier time were simply done, built or fully paid for with governmental funds. Some programs might be better served if done by the private sector or in a partnership with the local government. It is simply unfair both to the taxpayers in this city and to the taxpayers across this country, who live in communities that do not receive a $430 million Federal payment, that this city proposes to increase city government employment by an additional 3,244 persons for a total of 44,480 persons.

Put another way, approximately 1 out of every 14 residents in a city with a population of 622,000 work for the city government. Neither this city, nor any other governmental entity at any level, can do everything for everyone, all the time. Neither can it be the employer of last resort. It needs to set some priorities; and it needs to set them now. If the city wants help; if it would like guidance; if it wants suggestions; if it wants ideas for innovation, I extend an invitation to cooperate in arranging expert assistance at this, an early date, as opposed to later, when the financial problems rising from the current profligacy will surely be upon us.

□ 1345

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCEWEN (at the request of Mr. MICHEL), for today, on account of official business.

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 Mrs. SAIKI) to revise and extend their remarks and include extraneous material:)

Mr. GILMAN, for 5 minutes, today.

Mr. MILLER of Washington, for 5 minutes, today.

(The following Members (at the request of Mrs. COOPER) to revise and extend their remarks and include extraneous material:)

Mr. COOPER, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

(The following Member (at the request of Mr. PARRIS) to revise and extend his remarks and include extraneous material:)

Mr. GONZALEZ, for 60 minutes, April 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SAIKI) and to include extraneous matter:)

Mr. MADIGAN.

Mr. SCHAEFER.

Mr. FRENZEL in two instances.

Mr. CRANE.

Mr. RITTER.

Mr. PURSELL.

Mr. SHAW.

Mrs. JOHNSON of Connecticut.

Mr. MCEWEN in two instances.

Mr. BARTON of Texas.

Mr. DORNAN of California.

Mr. MICHEL.

Mr. GOODLING.

(The following members (at the request of Mr. COOPER) and to include extraneous matter:)

Mr. TRAFICANT.

Mr. MILLER of California.

Mr. RICHARDSON in two instances.

Mr. SOLARZ.

Mr. LOWRY of Washington.

Mr. STOKES in three instances.

Mr. GRAY of Illinois in four instances.

SENATE ENROLLED JOINT RESOLUTIONS

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 206. Joint resolution to designate April 8, 1988, as "Dennis Chavez Day;"

S.J. Res. 223. Joint resolution to designate the period commencing on April 10, 1988, and ending on April 16, 1988, as "National Productivity Improvement Week;"

S.J. Res. 245. Joint resolution to designate April 21, 1988, as "John Muir Day;" and

S.J. Res. 260. Joint resolution to designate the week beginning April 10, 1988, as "National Child Care Awareness Week."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On March 30, 1988:

H.R. 4263. An act to designate interstate route I-195 in the State of New Jersey as the "James J. Howard Interstate Highway;"

H.J. Res. 470. Joint resolution to designate March 29, 1988, as "Education Day, U.S.A.;"

H.J. Res. 480. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; and

H.R. 3981. An act to make section 7351 of title 5, United States Code, inapplicable to leave transfers under certain experimental programs covering Federal employees, except as the Office of Personnel Management may otherwise prescribe.

ADJOURNMENT TO MONDAY, APRIL 11, 1988

Mr. PARRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 272 of the 100th Congress, the House stands adjourned until 12 o'clock meridian, Monday, April 11, 1988.

Thereupon (at 1 o'clock and 50 minutes p.m.), pursuant to House Concurrent Resolution 272, the House adjourned until Monday, April 11, 1988, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3284. A letter from the Commissioners, National Commission on Dairy Policy, transmitting the Commission's report and recommendations on the federal milk price support program and the future of the dairy industry, pursuant to 7 U.S.C. 1446 nt, to the Committee on Agriculture.

3285. A letter from the Secretary of Housing and Urban Development, transmitting the 1988 consolidated annual report on the community development programs administered by the Department, pursuant to 42 U.S.C. 5313(a); to the Committee on Banking, Finance and Urban Affairs.

3286. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the 1987 annual report of the Council, pursuant to 31 U.S.C. 719(c)(3); to the Committee on Banking, Finance and Urban Affairs.

3287. A letter from the Director, Peace Corps, transmitting the third annual report of the actions taken to increase competition for contracts during fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

3288. A letter from the Director, Bureau of Justice Statistics, Department of Justice, transmitting a report of the activities of the Bureau during fiscal year 1987, pursuant to 42 U.S.C. 3789e; to the Committee on the Judiciary.

3289. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1989 and for other pur-

poses, pursuant to 31 U.S.C. 1110; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on the Judiciary. H.R. 3146. A bill to clarify certain restrictions on distribution of advertisements and other information concerning lotteries and similar activities; with an amendment (Rept. 100-557, Pt. 2). Ordered to be printed.

Mr. FRANK: Committee on the Judiciary. H.R. 3997. To amend the Ethics in Government Act of 1978 to extend the authorization of appropriations for the Office of Government Ethics for six years; with an amendment (Rept. 100-558, Pt. 1). Ordered to be printed.

Mr. HAWKINS: Committee on Education and Labor. H.R. 1834. To amend the Fair Labor Standards Acts of 1938 to restore the minimum wage to a fair and equitable rate and for other property; with an amendment (Rept. 100-560). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK: Committee on the Judiciary. H.R. 1385. A bill for the relief of Travis D. Jackson (Rept. 100-545). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 1864. A bill for the relief of Helen Lannier (Rept. 100-546). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 2682. A bill for the relief of Hilario R. Armijo, Timothy W. Armijo, Allen M. Baca, Vincent A. Chavez, David G. Chinana, Victor Chinana, Ivan T. Gachupin, Michael J. Gachupin, Frank Madalena, Jr., Dennis P. Magdalena, Anthony M. Pecos, Lawrence A. Seonia, Jose R. Toledo, Roberta P. Toledo, Nathaniel G. Tosa, Allen L. Toya, Jr., Andrew V. Waquie, and Benjamin P. Waquie (Rept. 100-547). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 2889. A bill for the relief of Frances Silver (Rept. 100-548). Referred to the Committee of the Whole House.

Mr. FRANK: Committee the Judiciary. H.R. 3185. A bill for the relief of James P. Purvis (Rept. 100-549). Referred to the Committee of the Whole House.

Mr. FRANK: Committee the Judiciary. H.R. 3347. A bill (Rept. 100-550). Referred to the Committee of the Whole House.

Mr. FRANK: Committee the Judiciary. H.R. 3388. A bill for the relief of Benjamin H. Fonorow (Rept. 100-551). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 3439. A bill for the relief of Marisela, Felix, and William Marrero (Rept. 100-552). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 3606. A bill for the relief of Brenda W. Gay (Rept. 100-553). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 3625. A bill for the relief of Joanne Salyards (Rept. 100-554). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 3941. A bill for the relief of Samuel R. Newman (Rept. 100-555). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 4099. A bill for the relief of Melissa Johnson (Rept. 100-556). Referred to the Committee of the Whole House.

Mr. FRANK: Committee on the Judiciary. H.R. 2711. A bill to settle certain claims arising out of activities on the Pine Ridge Indian Reservation with an amendment (Rept. 100-559). Referred to the Committee of the Whole House.

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. BRUCE (for himself, Mr. DE LA GARZA, Mr. DURBIN, Mr. EVANS, Mr. FOLEY, Mr. GRAY of Illinois, Mr. HAYES of Illinois, Mr. HORTON, Mr. JOHNSON of South Dakota, Mr. LIPINSKI, Mr. LOWRY of Washington, Mr. MADIGAN, Ms. OAKAR, Mr. PERKINS, Mr. STALLINGS, and Mr. TRAFICANT):

H.R. 4329. A bill to amend the United States Warehouse Act to specifically allow States to require grain elevators with Federal warehouse licenses to participate in State grain indemnity funds or to require collateral security; to the Committee on Agriculture.

By Mr. MAZZOLI (for himself, Mr. KASTENMEIER and Mr. SWINDALL):

H.R. 4330. A bill to provide for a hearing before an administrative law judge respecting the release of certain Mariel Cuban detainees; to the Committee on the Judiciary.

By Mr. COOPER:

H.R. 4331. A bill to amend the Clean Air Act to provide further controls of certain stationary sources of sulfur dioxides and nitrogen oxides to reduce acid deposition, to provide for the commercialization of clean coal technologies for existing stationary sources, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space and Technology.

By Mr. DEFAZIO:

H.R. 4332. A bill to amend the Internal Revenue Code of 1986 to make permanent the exlusion from gross income for educational assistance furnished under certain educational assistance programs, to exclude graduate students form the annual limitations on such exclusion, and for other purposes; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself and Mr. DUNCAN):

H.R. 4333. A bill to make technical corrections relating to the Tax Reform Act of 1986, and for other purposes; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. DEFAZIO, Mr. HENRY, Mr. TRAXLER, Mr. BROOMFIELD, Mr. VANDER JAGT, Mr. ROE, Mr. HASTERT, Mr. BALLENGER, Mr. HAMMERSCHMIDT, Mrs. MARTIN of Illinois, Mr. DAVIS of Illinois, Mr. GALLO, Mr. HOUGHTON, Mr. PURSELL, Mr. KILDEE, Mr. HOLLOWAY, Mr. BAKER, Mr. INHOFE, Mr, LIGHTFOOT, and Mr. LEVIN of Michigan):

H.R. 4334. A bill to direct the Secretary of the Army, in planning any water resource projects, to give consideration to the impact of the project on recreation uses and commercial development; to the Committee on Public Works and Transportation.

By Mr. SCHEUER (for himself, Miss SCHNEIDER, Mr. BROWN, of California, Mr. WAXMAN, Mr. LOWRY of Washington, Mr. WALGREN, Mr. KASTENMEIER, Mr. HENRY, Mr. TOWNS, Mr. GILMAN, Mr. ACKERMAN, Mr. MACKAY, Mrs. SAIKI, Mr. BUECHNER, Mr. VALENTINE, Mr. WEISS, Mr. BOEHLERT, and Mr. HOCHBRUECKNER):

H.R. 4335. A bill to establish a national policy for the conservation of biological diversity; to support environmental research and training necessary for conservation and sustainable use of biotic natural resources; to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collection, synthesis, and dissemination of information necessary for these purposes; jointly, to the Committees on Science, Space and Technology and Merchant Marine and Fisheries.

By Mr. DIOGUARDI:

H.R. 4336. A bill to prohibit the Secretary of Agriculture from extending financial assistance under the Consolidated Farm and Rural Development Act to persons who have defaulted on a loan made or insured under such Act or whose loans are restructured and remain outstanding, to prevent delinquent borrowers from repurchasing farm property at a discount, and to provide for the termination of certain restructured loans that are 180 days delinquent; to the Committee on Agriculture.

By Mr. FRENZEL:

H.R. 4337. A bill to temporarily suspend the duty on high resolution cathode ray tubes; to the Committee on Ways and Means.

By Mr HUGHES (for himself, Miss SCHNEIDER, and Mr. SAXTON):

H.R. 4338. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to impose special fees on the ocean disposal of sewage sludge, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HUNTER:

H.R. 4339. A bill to expand Japan's market for United States agricultural products; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. MOORHEAD, Mr. BOUCHER, Mr. CARDIN, Mr. FRENZEL, Mr. BAKER, Mr. ESPY, Mr. FRANK, Mr. MONTGOMERY, Mr. ROBINSON, Mr. SLATTERY, Mrs. SMITH of Nebraska, Mr. FAUNTROY, Mr. QUILLEN, Mr. SMITH of Florida, Mr. WILSON, Mr. MAZZOLI, Mr. SISISKY, Mr. SIKORSKI, Mr. WHEAT, Mrs. VUCANOVICH, Mr. CHAPMAN, Mr. BERMAN, and Mr. MORRISON of Connecticut):

H.R. 4340. A bill to provide for retirement and survivors' annuities for bankruptcy judges and United States magistrates, and for other purposes; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. KENNEDY:

H.R. 4341. A bill to amend the Immigration and Nationality Act to extend the legal-

ization program to aliens who entered the United States before March 31, 1988; to the Committee on the Judiciary.

By Mr. KLECZKA (for himself, Mr. FAUNTROY, Mr. TORRES, Mr. SOLARZ, Mr. DEFAZIO, Mr. BIAGGI, Mr. WALGREN, Mr. HORTON, Mr. PRICE of North Carolina, Mr. KASTENMEIER, Mr. WEISS and Mr. FAZIO):

H.R. 4342. A bill to prohibit discrimination in the provision of credit on the basis of the applicant's course of study; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LOWRY of Washington (for himself, Miss SCHNEIDER, Mr. BONKER, Mr. FOGLIETTA, and Mr. HOCHBRUECKNER):

H.R. 4343. A bill to require the preparation of an energy plan regarding the oil and gas reserves within the Arctic National Wildlife Refuge, and for other purposes; jointly to the Committees on Interior and Insular Affairs, Merchant Marine and Fisheries, and Energy and Commerce.

By Mr. McCLOSKEY:

H.R. 4344. A bill to direct the Secretary of the Interior to accept the donation of the tract of land known as Fort Knox II and to add such tract to the George Rogers Clark National Historical Park; to the Committee on Interior and Insular Affairs.

By Mr. MADIGAN (for himself, Mr. DE LA GARZA, Mr. BROWN of California, Mr. ROBERTS, Mr. GLICKMAN, and Mr. MARLENEE):

H.R. 4345. A bill to amend the United States Grain Standards Act to extend through September 30, 1993, the authority contained in section 155 of the Omnibus Reconciliation Act of 1981 and Public Law 98-469 to charge and collect inspection and weighing fees, and for other purposes; to the Committee on Agriculture.

By Mr. RINALDO:

H.R. 4346. A bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SHAW (for himself, Mr. LEHMAN of Florida, Mr. LEWIS of Florida, Mr. MICA, and Mr. SMITH of Florida):

H.R. 4347. A bill for the relief of the State of Florida; to the Committee on Ways and Means.

By Mr. SLATTERY:

H.R. 4348. A bill to amend the Commercial Motor Vehicle Safety Act of 1986 to provide that the requirements for the operation of commercial motor vehicles will not apply to the operation of certain farm and firefighting vehicles; to the Committee on Public Works and Transportation.

By Mr. SWINDALL:

H.R. 4349. A bill to amend the Immigration and Nationality Act to limit the period of detention of excluable aliens pending removal in the same manner as such detention is limited for deportable aliens pending deportation, to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 4350. A bill to alter the tariff treatment of certain printed advertisements; to the Committee on Ways and Means.

By Mr. VENTO (for himself, Mr. ST GERMAIN, Mr. WYLIE, Mr. GONZALEZ, Mrs. ROUKEMA, Ms. OAKAR, Mr. FAUNTROY, Mr. FLAKE, Mr. GARCIA, Mr. HUBBARD, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mr. LEHMAN of California, Mr. MANTON, Mr. MFUME, Mr. NEAL, Ms. PELOSI, Mr. SCHUMER, and Mr. TORRES):

H.R. 4351. A bill to amend the Stewart B. McKinney Homeless Assistance Act to extend the housing and shelter programs for the homeless; to the Committee on Banking, Finance and Urban Affairs.

By Mr. VENTO (for himself, Mr. LOWRY of Washington, Mr. FOLEY, Mr. COELHO, Mr. ST GERMAIN, Mr. WYLIE, Mr. GONZALEZ, Mrs. ROUKEMA, Mr. HAWKINS, Mr. WAXMAN, Ms. OAKAR, Mr. PANETTA, Mr. RANGEL, Mr. DOWNEY of New York, Mr. KILDEE, Mr. LELAND, Mr. ACKERMAN, Mr. APPLEGATE, Mr. BIAGGI, Mr. BROWN of California, Mr. BRUCE, Mrs. COLLINS, Mr. CONYERS, Mr. COYNE, Mr. CROCKETT, Mr. DEFAZIO, Mr. DICKS, Mr. FAUNTROY, Mr. FAZIO, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRANK, Mr. FROST, Mr. GARCIA, Mr. GILMAN, Mr. GRAY of Illinois, Mr. HAYES of Illinois, Mr. HUBBARD, Mrs. JOHNSON of Connecticut, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LEVINE of California, Mr. LEWIS of Georgia, Mr. MANTON, Mr. MARKEY, Mr. MATSUI, Mr. MFUME, Mr. MILLER of California, Mr. MILLER of Washington, Mr. MOAKLEY, Mrs. MORELLA, Mr. NEAL, Mr. OBERSTAR, Mr. OWENS of New York, Ms. PELOSI, Mr. PEPPER, Mr. PERKINS, Mr. RODINO, Mr. SCHEUER, Mr. SCHUMER, Mr. SHAYS, Mr. SMITH of Florida, Mr. TORRES, Mr. TOWNS, Mr. TRAXLER, Mr. WEISS, and Mr. WYDEN):

H.R. 4352. A bill to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, Ways and Means, Education and Labor, Veterans' Affairs, and Agriculture.

By Mr. VISCLOSKY:

H.R. 4353. A bill to establish a limitation of $912,598,392 on the amount of funds which may be used for operating assistance under the Urban Mass Transportation Act of 1964 in fiscal year 1988; jointly, to the Committees on Public Works and Transportation and Appropriations.

By Mr. WATKINS:

H.R. 4354. A bill to designate certain National Forest System lands in the State of Oklahoma for inclusion in the National Wilderness Preservation System, create the Winding Stair Mountain National Recreation and Wilderness Area and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. DORNAN of California (for himself, Mr. HUNTER, Mr. MOORHEAD, Mr. STANGELAND, Mr. GRAY of Illinois, Mr. SOLOMON, Mr. BLILEY, Mr. DAUB, Mr. PACKARD, Mr. SHUMWAY, Mr. DONALD E. LUKENS, Mr. NIELSON of Utah, Mr. DEWINE, Mr. SMITH of New Hampshire, Mr. HYDE, Mr. WEBER, Mr. SWINDALL, Mr. KOLTER, Mr. DANNEMEYER, Mrs. BENTLEY, Mr. PETRI, Mr. HOLLOWAY, Mr. WORTLEY, Mr. DELAY, Mr. BILIRAKIS, Mr. ARMEY, Mrs. SMITH of Nebraska, Mr. EMERSON, Mr. INHOFE, Mr. COATS, Mr. BUNNING, Mrs. VUCANOVICH, Mr. BOULTER, Mr. WELDON, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. MOLLOHAN, and Mr. HANSEN):

H.J. Res. 529. A joint resolution declaring that the preborn are persons entitled to the guarantees contained in the 5th, 13th, and 14th amendments to the Constitution of the United States of America and prohibiting abortion within the United States; to the Committee on the Judiciary.

By Mrs. VUCANOVICH (for herself, Mr. UDALL, Mr. MADIGAN, Mr. DE LA GARZA, Mr. LOWRY of Washington, Mr. GRAY of Illinois, Mr. HENRY, Mr. OWENS of New York, Mr. WORTLEY, Mr. FAUNTROY, Mr. LEWIS of Florida, Mr. HORTON, Mr. MATSUI, Mr. LAGOMARSINO, Mr. MCDADE, Mr. NEAL, Mr. SMITH of Florida, Mrs. COLLINS, Mr. HATCHER, Mr. CHAPMAN, and Mr. FUSTER):

H.J. Res. 530. A joint resolution designating May 1988 as "Take Pride in America Month"; to the Committee on Post Office and Civil Service.

By Mr. GOODLING:

H. Con. Res. 276. A concurrent resolution expressing the sense of Congress that the Surgeon General should declare that drunk driving is a national crisis; to the Committee on Energy and Commerce.

By Mr. AUCOIN:

H. Res. 424. A resolution expressing the sense of the U.S. House of Representatives on the importance of tax incentives for homeownership and that no additional restrictions or caps should be placed on homeownership tax benefits; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 4355. A bill for the relief of William D. Benoni; to the Committee on the Judiciary.

By Mr. STENHOLM:

H.R. 4356. A bill for the relief of Elizabeth M. Hill; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of March 30, 1988]

H.R. 4277: Mr. BIAGGI, Mr. LOWRY of Washington, Mr. DELLUMS, Mr. ROYBAL, Mr. RICHARDSON, Mr. FAUNTROY, Mr. MCHUGH, Mr. DE LUGO, Mr. SWIFT, Mr. LEWIS of Georgia, Mr. BONKER, Mrs. COLLINS, Mr. BATES, Mr. TORRES, Mr. WEISS, Mr. SOLARZ, Mr. SKAGGS, and Mr. LANTOS.

[Submitted March 31, 1988]

H.R. 47: Mrs. ROUKEMA.

H.R. 578: Mr. HOLLOWAY and Mr. LANCASTER.

H.R. 592: Mr. TRAFICANT, Mr. MURTHA, Mr. SHAYS, and Mr. SHUMWAY.

H.R. 593: Mr. GINGRICH, Mr. LATTA, Mrs. SMITH of Nebraska, and Mr. BLAZ.

H.R. 936: Mr. GILMAN, Mr. HORTON, and Mr. BOEHLERT.

H.R. 1580: Mr. ROYBAL, Mr. PEASE, Mr. PEPPER, and Mr. SCHUMER.

H.R. 1801: Mr. CLAY, Mr. JONTZ, Mr. MOAKLEY, Mr. OWENS of New York, and Mr. NAGLE.

H.R. 1957: Mrs. VUCANOVICH.

H.R. 2052: Mr. LOWRY of Washington and Ms. PELOSI.

H.R. 2260: Mr. KONNYU and Mrs. MARTIN of Illinois.

H.R. 2383: Mr. MORRISON of Washington and Mr. MATSUI.

H.R. 2626: Mr. JONTZ and Mr. GRAY of Pennsylvania.

H.R. 2640: Mr. COBLE, Mr. STALLINGS, Mr. FASCELL, Mr. NELSON of Florida, Mr. WEISS, Mr. GRANT, Mr. MCMILLAN of North Carolina, Mr. MCCOLLUM, Mr. SMITH of Iowa, Mr. LAGOMARSINO, Mr. BONKER, Mr. MINETA, Mr. COUGHLIN, Mr. PERKINS, Mr. TAUZIN, Mr. HOYER, Mr. SKELTON, and Mr. SWIFT.

H.R. 2642: Mr. LEWIS of Georgia.

H.R. 2859: Mr. HORTON.

H.R. 2883: Mr. LELAND.

H.R. 3071: Mr. TOWNS, Mr. BONKER, Mr. HUGHES, Mr. ACKERMAN, Mr. VENTO, and Mr. TRAFICANT.

H.R. 3143: Mr. MANTON.

H.R. 3292: Mrs. BOXER and Mr. SHAYS.

H.R. 3392: Mr. MAZZOLI, Mr. RINALDO, Mr. THOMAS A. LUKEN, Mr. CROCKETT, Mr. ECKART, Mr. OLIN, Mr. RAY, and Mr. DEFAZIO.

H.R. 3481: Mr. HATCHER and Mr. TAUZIN.

H.R. 3485: Mr. ESPY.

H.R. 3585: Mr. KOLTER, Mr. DE LA GARZA, Mr. FAUNTROY, Mr. DYMALLY, Mr. OWENS of New York, Mr. PENNY, Mr. ROBERTS, Mr. EVANS, Mr. LANCASTER, Mr. FAZIO, Mr. STALLINGS, Ms. OAKAR, Mr. BOEHLERT, and Mr. DE LUGO.

H.R. 3588: Mr. LEWIS of Georgia, Mr. FISH, Mr. OWENS of New York, Mr. FAUNTROY, Mr. YATES, Mr. SCHEUER, Mr. BEILENSON, Mrs. COLLINS, Mr. OLIN, Mr. NEAL, Mr. MATSUI, and Mr. FUSTER.

H.R. 3624: Mr. HAYES of Illinois.

H.R. 3660: Mr. MOODY, Mr. ANNUNZIO, Mr. DICKS, Mr. CARPER, and Mr. PEPPER.

H.R. 3664: Mr. FEIGHAN.

H.R. 3703: Mr. JONTZ, Mr. WALKER, Mr. HERGER, Mr. CRAIG, Mr. BALLENGER, Mr. DIOGUARDI, Mr. DONALD E. LUKENS, Mr. GINGRICH, Mr. PURSELL, Mr. MCCLOSKEY, Mr. HOLLOWAY, and Mr. DORNAN of California.

H.R. 3724: Mr. BAKER.

H.R. 3794: Mr. MCGRATH, Mr. BARTLETT, Mr. SMITH of New Hampshire, Mr. COATS, Mr. ROBERTS, Mr. BALLENGER, Mr. INHOFE, Mr. MARLENEE, Mr. CRAIG, Mr. GOODLING, and Mr. FISH.

H.R. 3826: Mr. GRAY of Illinois, Mr. PEPPER, and Mr. CHAPPELL.

H.R. 3842: Mr. RUSSO.

H.R. 3845: Mr. STAGGERS.

H.R. 3893: Mr. PACKARD and Mr. SWEENEY.

H.R. 3939: Mr. BALLENGER.

H.R. 3953: Ms. OAKAR and Mr. MARKEY.

H.R. 3954: Mr. HYDE.

H.R. 3991: Mr. OBERSTAR and Mr. FOGLIETTA.

H.R. 4011: Mr. HATCHER, Mr. STANGELAND, Mr. OBEY, Mr. PENNY, Mr. BOUCHER, Mr. LIGHTFOOT, Mr. SCHUETTE, Mr. LUNGREN, Mr. PETRI, and Mr. GORDON.

H.R. 4060: Mr. DURBIN, Mr. MOAKLEY, Mr. BONIOR of Michigan, Mr. APPLEGATE, Mr. MARKEY, Mr. KILDEE, Mr. FEIGHAN, Mr. KOSTMAYER, Mr. GRAY of Illinois, Mr. SWIFT, Mrs. SCHROEDER, Mr. PERKINS, Mr. DEFAZIO, and Mr. FASCELL.

H.R. 4078: Mr. TRAFICANT.

H.R. 4152: Mr. MARKEY, Mr. GEJDENSON, Mr. GRAY of Pennsylvania, Mr. TORRES, Mrs. BOXER, Mr. LELAND, Mr. SMITH of Florida, Mr. MFUME, Mr. HAYES of Illinois, Mr. ANNUNZIO, Ms. SLAUGHTER of New York, and Mr. FAZIO.

H.R. 4213: Mr. EDWARDS of California, Mr. APPLEGATE, Mr. MICA, Mr. STUMP, Mr. MCEWEN, Mr. BURTON of Indiana, Mr. PENNY, Mr. BILIRAKIS, Mr. STAGGERS, Mr. ROWLAND of Georgia, Mr. ROWLAND of Connecticut, Mr. BRYANT, Mr. FLORIO, Mr. SMITH of New Hampshire, Mr. GRAY of Illinois, Mr. DAVIS of Illinois, Mr. KANJORSKI, Mr. ROBINSON, Mr. STENHOLM, Mr. HARRIS, Mr. LEATH of Texas, Mr. HEFNER, Mr. JENKINS, Mr. RICHARDSON, Mr. DENNY SMITH, Mr. CLARKE, Mr. ESPY, Mr. OWENS of New York, Mr. LEWIS of Georgia, Mr. LEHMAN of Florida, Mr. BROWN of California, Mr. HORTON, Mr. ROE, Mr. DEFAZIO, Mr. TORRES, and Mr. MATSUI.

H.R. 4230: Mr. MACKAY, Mr. DE LUGO, Mr. ACKERMAN, Mr. COLEMAN of Texas, Mr. INHOFE, Mr. COELHO, Mr. KLECZKA, Mr. LAGOMARSINO, Mr. RANGEL, Mr. BILBRAY, Mr. HOCHBRUECKNER, Mrs. ROUKEMA, Mr. LEHMAN of Florida, Mr. MCGRATH, Mr. TORRES, Mr. WATKINS, Mr. MCCURDY, Mr. DYSON, Mr. AKAKA, Mr. SYNAR, and Mr. GRANT.

H.R. 4243: Mr. HUGHES.

H.R. 4245: Mr. BOEHLERT.

H.R. 4268: Mr. SHAYS and Mr. CARPER.

H.R. 4275: Mr. MADIGAN, Mr. SHARP, Mr. LIGHTFOOT, Mr. GILMAN, Mr. MURTHA, Mr. WALKER, Mr. DURBIN, Mr. KOLTER, Mr. MCDADE, Mr. HUCKABY, Mr. RIDGE, Mr. WILSON, Mr. HUBBARD, Mr. THOMAS of Georgia, and Mr. HORTON.

H.R. 4283: Mr. RICHARDSON.

H.R. 4308: Mr. PARRIS and Mr. WOLF.

H.J. Res. 145: Mr. MCCOLLUM, Mr. MANTON, Mr. FAWELL, Mr. SOLARZ, and Mr. SMITH of Florida.

H.J. Res. 388: Mr. LOTT, Mr. MILLER of Washington, and Mr. COBLE.

H.J. Res. 414: Mr. ANDERSON, Mr. ATKINS, Mr. BALLENGER, Mr. BARNARD, Mr. BARTLETT, Mr. BATES, Mr. BENNETT, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BIAGGI, Mr. BLAZ, Mr. BLILEY, Mr. BORSKI, Mrs. BOXER, Mr. BRYANT, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CAMPBELL, Mr. CARDIN, Mr. CARPER, Mr. CHAPMAN, Mr. CLAY, Mr. CLEMENT, Mr. CLINGER, Mr. COATS, Mr. COELHO, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. COOPER, Mr. COUGHLIN, Mr. COURTER, Mr. CROCKETT, Mr. DEFAZIO, Mr. DELLUMS, Mr. DE LUGO, Mr. DERRICK, Mr. DINGELL, Mr. DIXON, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. ESPY, Mr. FAUNTROY, Mr. FAWELL, Mr. FAZIO, Mr. FISH, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRENZEL, Mr. FROST, Mr. FUSTER, Mr. GARCIA, Mr. GOODLING, Mr. GORDON, Mr. GRAY of Illinois, Mr. GRAY of Pennsylvania, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARRIS, Mr. HATCHER, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HENRY, Mr. HORTON, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. HYDE, Mr. JACOBS, Mr. JENKINS, Mr. JOHNSON of South Dakota, Ms. KAPTUR, Mr. KENNEDY, Mr. KOLBE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LANCASTER, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCGRATH, Mr. MCMILLEN of Maryland, Mr. MACK, Mr. MACKAY, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MFUME, Mr. MILLER of California, Mr. MOLINARI, Mr. MOLLOHAN, Mr. MOODY, Mr. MORRISON of Washington, Mr. MURPHY, Mr. NEAL, Mr. NICHOLS, Ms. OAKAR, Mr. OBERSTAR, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. PANETTA, Mr. PARRIS, Mrs. PATTERSON, Ms. PELOSI, Mr. PICKLE, Mr. PRICE of Illinois, Mr. QUILLEN, Mr. RANGEL, Mr. RAVENEL, Mr. RICHARDSON, Mr. RINALDO, Mr. RODINO, Mr. ROE, Mr. ROWLAND of Georgia, Mr. SAVAGE, Mr. SCHUETTE, Mr. SCHULZE, Mr. SKELTON, Ms. SLAUGHTER of New York, Mr. SPENCE, Mr. SPRATT, Mr. STANGELAND, Mr. SUNIA, Mr. SWINDALL, Mr. TALLON, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. TOWNS, Mr. TRAXLER, Mr. VOLKMER, Mr. WALGREN, Mr. WAXMAN, Mr. WHITTEN, Mr. WILSON, Mr. WEISS, Mr. WOLPE, Mr. WORTLEY, and Mr. YATRON.

H.J. Res. 418: Mr. BUSTAMANTE, Mr. CRANE, Mr. FISH, Mr. GOODLING, Mr. HORTON, Mr. KOSTMAYER, Mr. LENT, Mr. MCEWEN, and Mr. SKELTON.

H.J. Res. 475: Mr. CARDIN, Mr. COYNE, Mr. DORNAN of California, Mr. DYSON, Mr. FAWELL, Mr. FLAKE, Mr. HOCHBRUECHNER, Mr. MATSUI, Mr. SIKORSKI, Ms. SLAUGHTER of New York, Mr. VOLKMER, Mr. WAXMAN, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

H.J. Res. 491: Mr. ACKERMAN, Mr. BENNETT, Mr. STRATTON, Mr. FORD of Michigan, Mr. PURSELL, and Mr. PARRIS.

H.J. Res. 492: Mr. ACKERMAN, Mr. BENNETT, Mr. STRATTON, Mr. FORD of Michigan, Mr. PURSELL, and Mr. PARRIS.

H.J. Res. 493: Mr. ACKERMAN, Mr. BENNETT, Mr. STRATTON, Mr. FORD of Michigan, Mr. ENGLISH, Mr. PURSELL, and Mr. PARRIS.

H.J. Res. 494: Mr. ACKERMAN, Mr. BENNETT, Mr. STRATTON, Mr. FORD of Michigan, Mr. ENGLISH, Mr. PURSELL, and Mr. PARRIS.

H.J. Res. 495: Mr. ACKERMAN, Mr. BENNETT, Mr. LANTOS, Mr. STRATTON, Mr. FORD of Michigan, Mr. ENGLISH, Mr. PURSELL, and Mr. PARRIS.

H.J. Res. 496: Mr. ACKERMAN, Mr. BENNETT, Mr. LANTOS, Mr. STRATTON, Mr. FORD of Michigan, Mr. ENGLISH, Mr. PURSELL, and Mr. PARRIS.

H.J. Res. 497: Mr. ACKERMAN, Mr. BENNETT, Mr. STRATTON, Mr. FORD of Michigan, Mr. ENGLISH, Mr. PURSELL, and Mr. PARRIS.

H.J. Res. 498: Mr. ACKERMAN, Mr. BENNETT, Mr. STRATTON, Mr. FORD of Michigan, Mr. ENGLISH, Mr. PURSELL, and Mr. PARRIS.

H.J. Res. 499: Mr. ACKERMAN, Mr. BENNETT, Mr. STRATTON, Mr. FORD of Michigan, Mr. ENGLISH, Mr. PURSELL, and Mr. PARRIS.

H.J. Res. 500: Mr. ACKERMAN, Mr. BENNETT, Mr. STRATTON, Mr. FORD of Michigan, Mr. ENGLISH, Mr. PURSELL, and Mr. PARRIS.

H.J. Res. 506: Mr. FOGLIETTA, Mr. DE LUGO, Mr. WORTLEY, Mr. DYSON, Mr. BLAZ, Mr. WOLF, Mr. SOLOMON, Mr. TRAFICANT, Mr. HOCHBRUECKNER, Mr. VALENTINE, Mr. FAUNTROY, Mr. HORTON, Mr. BEVILL, Mr. RUSSO, Mrs. COLLINS, Mr. ERDREICH, Mr. ESPY, Mr. CHAPPELL, Mr. MAZZOLI, Mrs. LLOYD, Mr. TALLON, Mr. MATSUI, Mr. LAGOMARSINO, Mrs. BOXER, Mr. CHAPMAN, and Mr. HATCHER.

H. Con. Res. 262: Mr. DAVIS of Michigan, Mr. LANTOS, Mr. STARK, Mr. MORRISON of Connecticut, Mr. MCGRATH, Mr. DURBIN, Mr. GUARINI, Mr. SAWYER, Mr. DYSON, Mr. NOWAK, Mr. HOYER, Mr. PURSELL, Mrs. BOXER, Mr. AUCOIN, Mr. GONZALEZ, Mr. HOCHBRUECKNER, Mr. MAVROULES, Mr. SMITH of New Jersey, Mr. BOLAND, Mr. SAVAGE, Mr. TORRES, Mr. MRAZEK, Mr. MARKEY, Mr. SIKORSKI, Mr. ESPY, Mr. MCEWEN, Mr. ATKINS, Mr. OWENS of Utah, Mr. WILLIAMS, Mr. STALLINGS, Mr. GEPHARDT, Mr. EVANS, Mr. ROWLAND of Connecticut, Mr. HAYES of Illinois, Mr. DELLUMS, Mr. ALEXANDER, Mr. RINALDO, Mr. STAGGERS, Mr. GILMAN, Mr. MOAKLEY, Mr. SAXTON, Mr. BONIOR of Michigan, Mr. FORD of Michigan, Mr. FAUNTROY, Mr. WAXMAN, Mr. MCCLOSKEY, Mr. HORTON, Mr. EDWARDS of California, Mr. MATSUI, Mr. LEHMAN of California, Ms. PELOSI, Mr. MILLER of California, Mr. DYMALLY, Mr. LEVINE of California, Mr. BERMAN, Mr. HAW-

KINS, Mr. COELHO, Mr. PANETTA, Mr. FAZIO, Mr. DOWDY of Mississippi, Mr. GORDON, Mr. SCHUMER, Mr. LOWRY of Washington, Mr. RANGEL, Mr. NAGLE, and Mr. JACOBS.

H. Res. 374: Mr. BALLENGER.

H. Res. 382: Mrs. COLLINS.

H. Res. 400: Mr. ACKERMAN, Mr. BEILENSON, Mr. CHAPMAN, Mr. CLAY, Mr. CLEMENT, Mr. DYMALLY, Mr. FASCELL, Mr. GINGRICH, Mr. HASTERT, Mr. HAYES of Louisiana, Mr. HOUGHTON, Mr. KLECZKA, Mr. LIPINSKI, Mr. OBERSTAR, Mr. OWENS of New York, Mr. PERKINS, Ms. SLAUGHTER of New York, Mr. SUNDQUIST, Mr. TORRES, Mr. VALENTINE, and Mr. WISE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

143. By the SPEAKER: Petition of the Association of Pacific Island Legislatures, Agana, Guam, relative to the payment of referral costs of FSM patients at outside medical institutions; to the Committee on Foreign Affairs.

144. Also, petition of Mr. David L. Trowbridge, Stanwood, WA; relative to the Supreme Court of the United States; to the Committee on the Judiciary.

145. Also, petition of the Association of Pacific Island Legislatures, Agana, Guam, relative to U.S. sovereignty over the 200 mile extended economic zone adjacent to the waters of the Northern Mariana Islands; to the Committee on Merchant Marine and Fisheries.

146. Also, petition of the Association of Pacific Island Legislatures, Agana, Guam, relative to the reinstatement of the eligibility of certain students for financial assistance in postsecondary educational institutions; jointly, to the Committees on Interior and Insular Affairs and Foreign Affairs.

147. Also, petition of the Association of Pacific Island Legislatures, Agana, Guam, relative to amending Public Law No. 99-658 to provide continuity of Federal programs for the next 15 years; jointly, to the Committees on Interior and Insular Affairs and Foreign Affairs.

148. Also, petition of the Association of Pacific Island Legislatures, Agana, Guam, relative to the continuation of Pell Grants to Micronesian students; jointly, to the Committees on Interior and Insular Affairs and Foreign Affairs.