tons and tons of coal that is low-sulfur coal, high-Btu coal, and what would inure to the children who are educated in the State of Utah is 5.6 billion acres; money, billions of dollars, excuse me, that would inure to them. Also, a lot of the coal would be exported that would help people in other areas.

But the President had a right to do that. However, when they talk about protection, that is a misnomer. There is very little protection in the antiquities law.

Since that time Congress wisely has determined. The park bill has gone in since that time. The National Environment Protection Act has gone in. The Wilderness Act, the FLPMA Act. All of these acts, Wild and Scenic River Act, do this.

We go back and we check what other Presidents have done, President Franklin Delano Roosevelt, President Kennedy, President Carter, but from time to time some extreme environmentalist says we have got to protect this, really not realizing it does not protect anything. What it really does is it takes away the protection of the management plans of BLM and Forest Service.

So we find ourselves in a position where the President protected nothing, he abused the power of the Presidency, he hurt the people of the West, and I cannot understand why he would do it. But he has the right; I would agree with that.

Now, I have introduced a bill, which is H.R. 1127, called the National Monument Fairness Act. What does it do? A lot of people, after he introduced the 1.7 million acres, Senators, Congressmen, came to me as chairman of that committee and said, ''Well, I don't want that to happen to my State. I want a law that takes it away so it can't happen,'' and they name their State.

I think the President should have the right to do some of these things in a small amount as the law brings it about, so I have introduced this with 50,000 acres. He cannot go into these millions and millions of acres for political purposes.

□ 1600

The nice thing about our President, he was fast to say that he did it for political reasons. If we look at the idea all the way through it, I have been subpoenaing papers from the White House and the Department of the Interior, and every one of them says that ''We are doing this for political reasons. How will this play with the environmental community? How will this play with the rich movie stars? How will this play with the celebrities?

When they finally decided to do it, they did not do it in the Oval Office, they did not do it in Utah, they went to the Grand Canyon, safely in Arizona. The nice thing about it there is one of the things I subpoenaed said, we do not want mainstream Utah there, we want the environmental community there. That is a great thing to say to our people.

Anyway, carrying that on, what does my bill do? The bill allows the President to do up to 50,000 acres, much as the law originally intended. Over that he would have to confer with the Governor and the legislature of the State, and as the Constitution gives the right of the lands of America to this House and the House over there, that is what they would have to do, is go through Congress.

I would hope people would realize that this is not an environmental bill at all. This is a bill on abuse of the President's power, which I think more and more people are coming to realize, whether they are Republicans or Democrats.

THE ECONOMIC DISASTER WAITING TO HAPPEN IN BRUSSELS

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

Mr. DICKS. Mr. Speaker, I rise today to call my colleagues' attention to the economic disaster that is waiting to happen in Brussels. At this time the European Commission Merger Task Force is meeting to discuss the impact of the merger between two American companies, Boeing and McDonnell Douglas. The taskforce has as its purview the judgment of whether the merger poses any adverse impacts on competitiveness in the world aircraft market.

But what is happening, Mr. Speaker, is that the European members representing governments who have directly subsidized the European aircraft consortium Airbus are using these discussions to extort trade concessions from Boeing in order to increase the market position of Airbus. This is truly an improper and unfair manipulation of the process.

Now that our own Federal Trade Commission has determined that there are no anticompetitiveness problems with the merger, it is time for the United States to stand firm against the European Community and demand a halt to this travesty.

Until 2-days ago, Mr. Speaker, the real intention of the Europeans was thinly veiled by their expression of deep concern over competitiveness. But on July 15, the EC's Minister of Competitiveness, Karel Van Miert, betrayed what I believe is the true motivation of the EC negotiators, to extract concessions out of Boeing through these merger talks that would directly assist Airbus.

Two days ago, on the Belgian radio, Mr. Van Miert made this statement following the breakdown of the negotiations with Boeing: ''We cannot give our consent unless Boeing makes very serious commitments in order to, let's say, also further guarantee the chances of Airbus in this market in the future.''

That, Mr. Speaker, is what this charade is all about, guaranteeing market opportunities for Airbus. We cannot, as a free trading Nation, allow this to stand. Certainly in light of this outrageous statement, I believe that the President, the State Department, and our Trade Representative must clearly and unequivocally express the dissatisfaction of the United States with the progress of these negotiations, in addition to our intention of taking retaliatory action if the EC proceeds in this wrongheaded direction.

To make things worse, today Commissioner Van Miert

noted with satisfaction the fact that the advisory committee grouping the experts of Member States unanimously shares the European Commission's analysis whereby the proposals made by Boeing are not of a kind to dispel the serious doubts expressed by the Commission regarding the risk that will weigh upon competition because of the proposed merger between Boeing and McDonnell Douglas. . .. The commission showed it remained serene, and Mr. Van Miert hopes to firmly recall that the Boeing-McDonnell issue was treated strictly within the framework of the Regulation on mergers and that the Commission analysis was based on tangible facts and figures and not just on a political motive of some kind.

I think Mr. Van Miert should go back and listen to his radio tape in Belgium.

The spokesman then explained that the Commission will take its final decision on 23 July. . . in order to leave the relevant services time to proceed to authentication of the documents comprising this issue.

I want to point out to my colleagues that Mr. Van Miert says that the

. . . European Commission decision in concentration matters is legally binding for the parties concerned and means, when it is a matter of veto, that the merged identity is illegal in law. The EC regulation on mergers moreover give the Commission instruments that are apt to dissuade those who do not respect such a decision. In particular, it has the power to impose fines up to 10 percent of the cumulated turnover of the parties, or daily penalties, as long as the infringement lasts.

So I want to point out to my colleagues, this is a very serious matter, one that could result in fines of up to $4.5 billion against the Boeing Co. and the seizure of Boeing aircraft overseas. I say to the President and Vice President, members of this administration, we in the Congress want to support you in whatever actions are necessary in order to explain to the Europeans that if they do this, the United States will retaliate, must retaliate, in order to make certain that this merger goes forward and that we not be blackmailed by the European Commission and Mr. Van Miert.

Mr. Speaker, I include for the RECORD an article on the current status of EC negotiations.

The article referred to is as follows:

CURRENT STATUS OF EC NEGOTIATIONS

Discussions between Boeing and the European Commission Merger Task Force have reached an impasse. Boeing has offered significant remedies (see Attachment A) to allay the Commission's concerns regarding the merger, but the Commission continues to demand more. A team of Boeing executives and lawyers met around the clock with the

Merger Task Force from July 11th through July 15th. On July 15th, Boeing appeared to have a potential agreement with the Merger Task Force, only to have the Merger Task Force retreat later that day on the issue of Boeing's contracts with American, Delta, and Continental. Following the Advisory Committee's meeting on July 16th, Boeing was advised that the Commission was reopening the divestiture issue.

Boeing is concerned that it will be unable to reach a successful conclusion to the merger review. Every time it appears that Boeing is near an agreement with the Commission, the Commission escalates its demands. At the present, the two open issues appear to be divestiture of Douglas Aircraft Company and modification of Boeing's existing contracts with American Airlines, Delta Air Lines and Continental Airlines.

Boeing has repeatedly stated to the Commission that it will not consider divesting Douglas Aircraft Company. Divestiture of Douglas Aircraft Company will mean its certain death and the loss of over 14,000 jobs.

The Commission's true objective on Boeing's airline contracts was revealed when, on July 15th, following the breakdown of negotiations, Karel Van Miert stated on Belgian radio: ''. . . we cannot give our consent unless Boeing makes very serious commitments in order to, let's say, also further guarantee the chances of Airbus in this market in the future.''

As reported in the Financial Times, the Wall Street Journal and the International Herald Tribune of July 17th, 1997, Mr. Chirac said on July 16th: ''We strongly support the Commission on its position on Boeing-McDonnell. It could be extremely dangerous for Europeans.''

Similarly, Mr. Rexrodt, Germany's economics minister is reported to have said that concessions offered by Boeing were ''clearly not enough''.

Boeing is now faced with the proverbial Hobson's choice of agreeing to divestiture and, effectively, kill Douglas Aircraft, capitulating to the Commission's demands that Boeing abandon its airline contracts or simply walking away from a merger which has received the unqualified endorsement of the Federal Trade Commission.

BOEING'S REMEDIES PROPOSALS

Douglas Aircraft Company

The Commission has repeatedly asserted that Boeing's share of the commercial aircraft market would jump from 60% to 84% upon the acquisition of Douglas Aircraft Company and that Boeing's position as a ''dominant'' player in the commercial aircraft market would be enhanced. Once again the Commission is manipulating facts to fit a predetermined result. To achieve the 84% market share figure, the Commission included all of Douglas Aircraft Company's installed base. This includes aircraft delivered up to 30–50 years ago! Douglas Aircraft Company's share of the commercial aircraft market in 1996 was 3.8%. Since the merger announcement in December, 1996, Douglas Aircraft Company has booked orders for a total of 7 aircraft, all of which were announced before the merger announcement and 5 of which are leased freighters.

The Commission has argued that Boeing may be able to leverage the Douglas Aircraft installed base into additional sales of Boeing aircraft. The Commission has not put forward any evidence to suggest that this would be the case and in fact, evidence suggests the contrary. If the Douglas installed base were so valuable, why is Douglas failing? If the Fokker installed base were valuable, why did one of the Airbus partners (Daimler Benz) sell Fokker's spares business and why didn't another airframe manufacturer surface as a potential buyer?

The Federal Trade Commission has thoroughly investigated the viability of McDonnell Douglas's commercial aircraft business and has concluded that it is not viable and that any attempt to divest the commercial aircraft business would further damage the business and not promote competition. Nevertheless, the Merger Task Force proposed that Boeing attempt to divest Douglas Aircraft Company. The Merger Task Force further proposed that if no buyer could be found for Douglas Aircraft Company Boeing would be required to shut down the commercial aircraft production lines of Douglas Aircraft and sell the spares business.

So great is the Commission's zeal to deny Boeing any access to Douglas Aircraft Company, it is overlooking potential enormous harm to the owners and operators of Douglas aircraft worldwide. Expert analysis submitted to the Merger Task Force shows that even an attempt at divestiture of Douglas Aircraft Company or its spares business could result in the loss of value of Douglas aircraft in service worldwide of 7–14 billion dollars. Evidence has also shown that the cost of customer support increases when such support is provided by someone other than an airframe manufacturer, and the quality of such support decreases.

Not only is the Commission ignoring the potential adverse impact of a divestiture on airlines, but it is ignoring EU precedent and jurisdiction and comity considerations as well. An order by the Merger Task Force requiring divestiture of United States assets in the context of a merger between two U.S. companies would be unprecedented in the history of EC antitrust review and would violate principles of jurisdiction and comity.

Boeing has repeatedly stated to the Merger Task Force that it would not attempt to divest any portion of the McDonnell Douglas commercial aircraft business because of the potential harm to world's airlines and the adverse impact such an attempt would have on the over 14,000 employees of Douglas Aircraft Company. Boeing has instead offered significant structural and procedural remedies (see Attachment A) that address the Commission's particular concerns regarding ''leveraging'' without having a devastating impact on Douglas Aircraft Company's customers, suppliers and employees.

Exclusive Agreements

From almost the very beginning of the Commission's merger review, the Airbus Member States and Karel Van Miert have asserted that the merger could not be approved unless Boeing terminated its ''exclusive'' agreements with American, Delta and Continental.

The agreements are between a United States airplane manufacturer and United States airlines and are unrelated to the merger. The three ''exclusive'' agreements essentially provide the customers significant price protection and order flexibility over a 20 year period in exchange for a sole supplier relationship with Boeing. Were the exclusivity clauses not present, Boeing would have required much larger firm orders from the airlines to compensate Boeing for its risk. The airlines are therefore receiving the benefits of very large orders without the financial risk.

The Federal Trade Commission has thoroughly reviewed the existing ''exclusive'' agreements and has found no basis to challenge them under U.S. law. While the Federal Trade Commission's July 1, 1997 decision evidences concerns regarding such agreements, the concerns relate only to the degree of foreclosure of the market that may result from future additional ''exclusive'' agreements.

The Commission does not have jurisdiction over the ''exclusive'' agreements in a merger review. It can acquire jurisdiction only if it attacks the agreements under the competition rules of Articles 85 and 86 of the EC Treaty. However, because of its desire to obtain concessions from Boeing regarding these agreements, the Commission has manufactured jurisdiction based upon unsubstantiated allegations by Jean Pierson of Airbus that the agreements were the result of a conspiracy between Boeing and McDonnell Douglas to use the merger and Boeing's resulting ''dominant'' position and access to McDonnell Douglas customers to force airlines to enter into such agreements. Thus, the Commission is seeking ''voluntary'' concessions as the price of merger approval instead of running the risk of losing a competition case under traditional antitrust rules.

Although Boeing's agreements with its three U.S. customers are not properly included in the Commission's merger review and are legal under U.S. law, Boeing is willing to make significant concessions to the European Commission regarding, such agreements in order to resolve the issue and obtain merger clearance.

As seen in Attachment A hereto, Boeing has offered a 10-year moratorium on such ''exclusive'' agreements except for those campaigns in which another aircraft manufacturer offers one first. Boeing has never gone one step further and offered to modify its existing agreements to shorten the duration of the ''exclusivity'' period to 13 years (the term of Air Bus' ''exclusive'' deal with US Airways) and to allow American, Delta and Continental to become launch customers for the A3XX. What the Commission asks Boeing to do instead is give up all of its contract rights and allow the airlines to keep all of theirs.

Spillover

Notwithstanding the existence of the 1992 Bilateral Agreement between the DU and U.S. relating to commercial aircraft subsidies, the Commission has repeatedly tried to extract concessions from Boeing in the area of government-funded research and development contracts. It has also insisted on extracting concessions from Boeing that would impair its ability to deal with its suppliers.

The Commission's articulated concern is as follows: by acquiring McDonnell Douglas, Boeing will become bigger and therefore more ''dominant''. In addition, the acquisition of McDonnell Douglas would increase Boeing's resources in the area of Dodd and NASA research and development contracts.

The Commission has demanded that Boeing hold its commercial and defense businesses separate. This would, of course, deprive the U.S. Government of the benefits of the application of commercial technology to defense programs. The Commission has also demanded that Boeing license its patents to Air Bus.

Boeing has attempted to address the Commission's concerns by offering certain remedies in the area of suppliers, reporting of government research and development contracts and patents, as set forth in Attachment A. To offer any further remedies would interfere with the 1992 Bilateral and would seriously impair Boeing's ability to conduct its business.

BOEING RESPONDS TO EUROPEAN COMMISSION RECOMMENDATION

SEATTLE, July 16—The Boeing Company today was informed that the Advisory Committee of the European Commission's Merger Task Force has recommended that the proposed merger between Boeing and McDonnell Douglas Corp. not proceed because remedies offered by Boeing were not sufficient.

In particular, Boeing and the Commission have not been able to resolve the issue of

combining McDonnell Douglas's commercial airplane business with that of The Boeing Company, and the issue of so-called ''sole-source supplier'' agreements that Boeing entered into at the request of its U.S. airlines customers.

''We are extremely disappointed because Boeing submitted to the Commission a series of significant remedies designed to address all of the Commission's concerns and to protect the interest of our airline customers, suppliers, and the more than 200,000 employees of Boeing and McDonnell Douglas,'' said Boeing Chairman and Chief Executive Officer Phil Condit.

In addition, Condit noted, ''The issues that the Commission has raised already were analyzed in an extensive review by the U.S. Federal Trade Commission, which approved the merger, without conditions, on July 1.''

''It is our hope,'' Condit added, ''that once our remedies are reviewed by the full Commission, prior to July 23, that the Commission will find in favor of the merger and in favor of free and fair competition.''

THE GUAM WAR RESTITUTION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, this is the last opportunity that I will have to speak on the issue of Guam's liberation before its 53d celebration on Monday, July 21, 1997, which will be the 53d anniversary of the liberation of Guam from the hands of the Japanese occupiers when the marines landed on the beaches with the help of the 77th Army.

What I would like to do is to tell a little bit about the story about Guam, and some legislation that I have introduced today to help rectify an egregious error, an egregious error that may be made about the experience of the people of Guam.

The people of Guam experienced something that is very unique in the American framework. It was the only American territory with civilians who lived on it that has been occupied by a foreign power since the War of 1812. During World War II the Aleutian Islands of Attu and Kiska were occupied by the Japanese, but prior to that the civilians on those islands were evacuated by the military.

In the case of Guam, what we had was approximately 20,000 native Guamanians, better known as Chamorus, who were at that time considered U.S. nationals. They were not aliens. They were non-U.S. citizens, but they were considered U.S. nationals. Of course, Guam was an American territory. They endured some 32 months of Japanese occupation.

The reason I tell this story is to celebrate not only the heroism of the American marines and soldiers and sailors who did so much to liberate the island from the hands of the Japanese, but also to draw attention to the experience of the people that I represent, the people of Guam, the experience of the elderly generation of Guam.

I myself, I am the youngest in my family, and every one of my siblings was born either during the Japanese occupation or during the 1930's. I think almost everybody from Guam, certainly of course who was born on Guam, has a very clear and direct connection and strong family history with respect to this dramatic experience of the Japanese occupation.

My purpose here is not to reopen wounds, but rather to heal the wounds of the people. The people of Guam will have a compelling case to make before their Federal Government, and of a Federal Government that seems unwilling to hear this story and unwilling to correct the injustices committed against the people of Guam in World War II.

I want to make it clear that from my chronicling of this, it is not meant to cast any doubts about the nature of the liberation, or to even cast aspersions about the nature of the Japanese people. We all know that World War II was a terrific world conflagration. But I do want to take the opportunity to explain the experience of this unique island and this unique group of people.

The central point, as I have indicated, is that Guam, only Guam, was the only American territory occupied in World War II; not the Philippines, which although it was an American territory at the time, was promised its independence long before the outbreak of World War II, and in fact became independent in 1946; and not the Aleutian Islands, as I have indicated, which was also occupied by Japanese soldiers, but whose inhabitants were evacuated by the military prior to the onset of hostilities.

From the invasion day of December 10, 1941, when the Japanese landed on Guam to what we celebrate on Guam as Liberation Day, July 21, 1944, Guam was the only American soil with American nationals occupied for 32 months.

It has now been 53 years since the liberation of Guam, and if anything, time has not meant that all is forgotten or forgiven, not until there is some measure of national recognition of what happened to our fellow Americans on Guam, and how the Federal Government failed to make them whole and right the wrongs of the occupation.

The occupation of Guam was especially brutal, for two reasons. First of all, the Japanese were occupying American territory with American nationals whose loyalty to the United States would not bend; and second, the Chamorus, the indigenous people of Guam, dared to defy the occupiers by assisting American sailors who hid and who evaded initial capture by the enemy by providing food and shelter to the escapees.

In the final months of the occupation, just before the marines landed in July 1944, the brutalities increased. Thousands of Chamorus were made to perform forced labor by building defenses and runways for the enemy. Others were put to labor in rice paddies. The war in the Pacific turned for the worse for the Japanese occupiers, and in the final weeks as the pre-invasion bombardment by American planes and ships signaled the beginning of the end for them, the atrocities likewise escalated.

Forty-six Chamorus in the southern village of Malesso were herded into caves and were summarily executed by the enemy throwing hand grenades into the caves and spraying the caves with rifle fire and machine gunfire. Miraculously, some of them survived by pulling the bodies of their fallen fellow villagers over themselves to protect themselves against the rain of shrapnel and bullets, and also to hide the fact that they were still alive.

Louisa Santos called on me in 1992. She was a survivor of this. She asked me never to let this country forget what happened on Guam, and to promise that I would do everything I could to tell her story, and to tell the story of the people of Guam. She survived the massacre in Malesso, bore the scars of that massacre and the shrapnel in her back and on her feet, and every time she walked, with every step, she was reminded of that nightmarish experience on Guam. I am sad to report that she died 3 years ago.

In the capital city of Agana another group of Chamorus were rounded up and one by one executed by beheading and mutilation by swords. Miraculously the story of one very brave woman, Beatrice Flores Emsley, who was 13 years old at the time, stood to bear witness as she survived an attempted beheading.

Mrs. Emsley, before she died 2 years ago, bore the long scar down the side of her neck where a sword struck her. She fainted after being struck and awoke 2 days later with maggots all over her neck, but thankful to be alive. Mrs. Emsley, of course, stood as the best spokesperson for the experience of the Chamoru people during World War II.

Thousands of Chamorus, every single one of them, not hundreds but thousands, were forced to march from their villages in northern and central Guam to internment camps in southern Guam before the weeks before liberation. Everyone marched, old people, old men and women, newborn babies, children and the sick, they were marched to internment camps in Manengon, the largest one of all, where they awaited their fate for the next few weeks, and many did not live to see the liberation.

Many did not live, but their brothers and sisters, and most importantly, their children and grandchildren, survived, and their fellow Chamorus survived, again to bear witness to these atrocities. In their final acts of retribution against the people of Guam the Japanese occupiers inflicted a violence against our people that cannot easily be forgotten.

The Catholic high school for young men in Guam, Father Duenas Memorial School in Tai, bears witness to the courage of one young priest who in the