

Government-authorized cable monopolies should not have life and death power over local stations.

When the must carry rules were struck down in the Quincy decision, the FCC chose not to appeal the case to the Supreme Court or to immediately promulgate the rules in constitutional fashion. That inaction was, I believe, a mistake. On September 20, 1985, eight other members of the Energy and Commerce Subcommittee on Telecommunications, Consumer Protection, and Finance and I wrote FCC Chairman Mark Fowler urging him to open rulemaking on new must carry rules. Although he acted reluctantly, I applaud his decision to do so.

Unfortunately, the potential for irreparable damage to local television stations, particularly the newer ones, is too great for us to await the FCC's months long rulemaking process that may conclude without the adoption of a new, constitutional rule. While I am convinced that a majority of the FCC Commissioners agree with Chairman Fowler that the elimination of cable's compulsory license is the answer, the FCC clearly cannot repeal the 1976 Copyright Act. For that reason, I fear that the FCC will decide, rather than adopt a rule, to recommend that the Congress amend the copyright law to repeal the compulsory license. This is no solution.

The bill I have introduced is, I believe, a preferable approach. It meets the constitutional objections of the appeals court to the old must carry rules by making carriage voluntary; it is an approach the FCC has clear authority to implement without any further delegation of authority by Congress. I urge the FCC to adopt a rule consistent with this legislation. However, I believe it is important for the Congress to move ahead with this legislation in the event that the FCC evades its responsibility in this area and attempts to shift the burden to the Congress.

Unlike the old rules, my bill would not require cable systems to carry any television broadcast station. Instead, it creates an incentive for them to do so and to not discriminate against local stations. Cable systems would have the option of carrying local stations' broadcasts and being entitled to utilize the compulsory license privilege or not carrying local stations and having to negotiate in the open market for the purchase of the right to carry station programming.

That section of the Copyright Act establishing cable's compulsory license specifies that it is the FCC's responsibility to determine which stations a cable system must carry. My bill merely specifies under what circumstances and by the carriage of which stations cable systems will be entitled to the compulsory license.

As I recognize that the old must carry rules did, on occasion, result in some unintended and anomalous problems for cable operators, I have also sought to address these. Local television stations are defined in my bill as those within a 50-mile radius of the cable system, thus eliminating the "significant viewing test" of the old must carry rules which sometimes required the carriage of stations 100 miles away. In addition, my bill exempts those cable systems

with 12 or fewer channels from the obligation to carry local stations as a prerequisite for use of the compulsory license. And it eliminates the potential duplication of national network signals.

So, my bill does not simply restore the status quo prior to the July 19, 1985, court decision. Must carry would be changed to a quid pro quo system in which the cable operator could not take advantage of free or inexpensive programming through compulsory license without assuming the obligation of carrying local stations' broadcasts, and the definition of what is a local station has been limited.

Because cable has declared itself to be in direct competition with local broadcasters, the concept of a level playing field is essential to prevent the unfair advantage that cable systems currently have available to them.

Although the FCC currently has the authority to adopt rules which would accomplish what my bill mandates, prompt action by the Congress is essential to ensure that both cable systems and local television licensees are treated fairly and responsibly regardless of the FCC's action or inaction.

I commend this legislation to my colleagues' attention and solicit their support.

POLICE TRAINING FOR GUATEMALA

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1985

Mrs. BOXER. Mr. Speaker, the following is testimony that I submitted for the recent hearing before the House Foreign Affairs Committee on the administration's proposal to provide \$54 million in counterterrorist aid to Central America. My testimony focused on Guatemala. I hope this testimony will help to clarify the inherent danger of this legislation, not only for Guatemala, but for Central America as a whole:

I would first like to thank the chairman and members of the committee for permitting me the opportunity to voice my concerns about H.R. 3463. In my statement I have limited myself to addressing the relationship of this bill to Guatemala, for I understand that some of my colleagues will be speaking about the other Central American countries involved.

Mr. Chairman, I have a personal interest in this legislation. In July of this year, as part of the Foreign Aid Authorization, the House accepted my amendment declaring that Guatemalan support for human rights groups, particularly the Group for Mutual Support, be part of the President's certification that Guatemala is making progress in human rights. My concern about the Group was kindled by the murder of one of its leaders, Hector Gomez, 2 weeks after the Group was denounced by Gen. Mejia Victores. That same week, the Group's vice president and two of her relatives were also murdered.

H.R. 3463 authorizes \$5 million in military aid to Guatemala, but does not subject the funds to the human rights certification language, including my amendment, care-

fully worked out in the foreign aid authorization. This means that the funds authorized by this bill, \$2 million for the Army and \$3 million for the police, could be used to repress not only the vulnerable human rights groups, but also the indigenous Indian population that has borne the brunt of past abuses. The funds can also be provided immediately, without waiting for the elected government to take power and make a formal request. I ask my colleagues on the committee, is this the proper message to be sending to Guatemala at this delicate stage?

Everyone in this room is familiar with the sad story of human rights in Guatemala. The figures speak for themselves: From 1980 through 1985, between 50,000 and 75,000 people were killed as a result of the rural pacification plan by the Army. The OAS Inter-American Commission on Human Rights noted that there were an average of 80 disappearances a month in 1984. As part of the counterinsurgency plan, 900,000 men and boys, mostly Indians, are forced to serve in unpaid civil defense patrols. In January of this year, America's Watch concluded that:

Torture, killings and disappearances continue at an extraordinary rate and millions of peasants remain under strict scrutiny and control of the government through the use of civil patrols and model villages. Guatemala remains, in short, a nation of prisoners.

Mr. Chairman, we are all familiar with stories about the abuses committed by the Army. What I would like to emphasize today is that our country has provided Guatemala with funds for police training in the past. A forthcoming staff study by the Arms Control and Foreign Policy Caucus documents that from 1957 to 1972 the United States, through AID, provided close to \$6 million for the training of 32,000 police personnel. In 1967, AID sent a consultant to Guatemala who later reported about the police training program that, "there did appear to be some organization in existence that bypassed the courts in impressing suspected guerrillas and supporters of the errors of their ways." Does this sound familiar?

The consultant concluded, "the use of extra-legal means suggest, of course, that the court system needs reforming, and this should be done without delay." I would suggest to the members of the committee that we should not make this mistake twice. Let us reform the courts first this time and then think about providing unrestricted military aid. I might also suggest that the committee obtain a 1971 AID document that was prepared by the Office of Public Safety evaluating the police training program. For some reason this document has remained classified to this day, almost 15 years after its release.

There is currently some hope for Guatemala, especially in light of the recent election that by all accounts was a fair one. Congress has approved an aid request—the first substantial request since 1977—with wide bipartisan support. Once we determine that the new government is in place and functioning and once we determine that the Government of Guatemala is indeed taking steps to improve its human

CA Guatemala

rights record, then Congress might reasonably consider additional military aid. To do so now would only send the wrong signals to the Guatemalan Government, the Guatemalan people, and the human rights community throughout the world.

THE NEED TO IMPROVE PEDIATRIC LUNG DISEASE RESEARCH AND CARE

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1985

Mr. WALGREN. Mr. Speaker, today I am introducing legislation designed to focus Federal attention on pediatric pulmonary research, training and services. This bill would create a program of assistance to centers specializing in pediatric pulmonary medicine for basic and clinical research, training, and treatment demonstrations. It would remove the pediatric pulmonary centers program from the current Maternal and Child Health Block Grant Program and authorize funding for them of \$12 million.

THE TOLL OF CHILDREN'S LUNG DISEASE

Of all causes of illness among children, most of the disabilities and deaths are the result of respiratory disease. One-third of the infants who die in the first year of life are victims of respiratory disease. Some experts say that sudden infant death syndrome, which account for 5,000 deaths a year, may be due to abnormalities in the control of breathing. Episodes of pulmonary disease cause more hospitalization, more time lost from school or play, and more disruption of family activity than illness involving any other organ. What parent has not coped with a frightening cough in a child?

Young infants may have numerous infections, such as pneumonia, bronchiolitis, whooping cough or croup. Some conditions, such as asthma and cystic fibrosis, become chronic, with periods of worsening and improvement. As medical science is able to save more and more premature babies, we can expect the statistics on lung problems to increase.

Beyond infancy, for children under age 17, there are 103 million cases of respiratory disease annually, about one and a half illnesses per child per year. This accounts for over half of all acute illness among children or 56 percent of the time lost by children because of illness.

Chronic respiratory diseases, like asthma, bring only disrupted living. About 18 percent of all children—12.2 million—suffer from chronic respiratory conditions. Pediatric asthma costs the country \$610 million annually.

There is growing evidence that premature birth, childhood respiratory infections, and exposure to pollutants in the child's environment may contribute to the development of adult lung disease; 73 million people—one-third of the U.S. population—have had some experience with chronic respiratory disease. Lung diseases account for more than 20 percent of all physician con-

tacts and account for more lost workdays than any other category of illness.

PEDIATRIC PULMONARY CENTERS

In the 1960's, Congress established a Pediatric Pulmonary Centers Program, with the goal of increasing the supply of trained pediatric lung specialists and providing a network of facilities to provide a full range of services for children. For various reasons—authorization changes over the years, ups and downs in funding—the original goals have not been fully realized. In 1981, pediatric pulmonary centers were put into the maternal and child health services block grant in the Omnibus Budget Reconciliation Act—a move I did not support. Under current law, most of the funds go to States, but the Secretary of Health and Human Services is authorized to use 10 to 15 percent of the total amount of the block grant for programs of regional or national significance. Pediatric pulmonary centers are one such program, but must compete with many other worthwhile needs. In addition, the existing centers have found funding in recent years to be uncertain and the funding process protracted. It is very difficult to develop a solid, reliable program with such "fits and starts" at the Federal level. Today there are eight centers tenuously hanging on, with a Federal commitment of \$2 million.

In the current tight budget climate, it is difficult to promote increased funding for anything. The President just vetoed the National Institutes of Health Legislation for the second time. But in health research and health care, we cannot afford to be "penny wise and pound foolish." What we do not spend in preventing disease, we spend in treatment of diseases—and more.

A network of comprehensive centers, specializing in the alleviation of children's lung disease, can attract top professionals, can bridge the gap between research and services, and can serve as models of care for the Nation. I hope this bill will become a focus of public discussion on the need to improve pediatric pulmonary research and care.

REALLY, MR. REGAN?

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1985

Mr. DOWNEY of New York. Mr. Speaker, I was indeed shocked by a statement made earlier this week by White House Chief of Staff Donald Regan indicating that most women wouldn't understand the issues at stake at the summit.

I don't know who Mr. Regan is talking about, but it certainly is not the women of my district or the women of Long Island. The women I know are profoundly concerned with and understand the peace process. Women are leaders in the many grassroots nuclear freeze organizations that have sprung up around this Nation and the world. Women are also leaders in organizations concerned about the human rights of people trapped behind the Iron Curtain. And my mail tells me that those who are not affiliated with particular organizations

are also deeply concerned that this world not be consumed by a nuclear holocaust. Women are interested in the substance of the summit just as men are.

If I know the women of Long Island and of this Nation I am certain they care much more about the details of the results of the summit talks than they care about the details of the First Lady's wardrobe.

SUPERFUND REVENUES AND FAIRNESS

HON. MICKY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1985

Mr. LELAND. Mr. Speaker, today I would like to address a proposal that would adversely impact an industry that is important to the economy of my home State of Texas, my hometown of Houston, and most importantly the national economy and our goal of energy self-sufficiency. I am referring to the impact of proposed amendments to the Superfund reauthorization bill on the petroleum and petrochemical refining industries—particularly the proposal raising the so-called chemical feedstock tax over 100 percent above the level approved by the Ways and Means Committee.

Currently, the petroleum and chemical industries pay 95 percent of all feedstock taxes, the principal financing mechanism for the Superfund Program to date. Increasing the current tax would hurt the ability of these industries, as well as those using their products, to compete in the international and domestic markets. At a time when we are running a record trade deficit, I feel we should not undertake a scheme giving foreign competition an unfair advantage over U.S. industries. And, by raising costs at home, feedstock taxes would encourage investors to locate their facilities—and the jobs that go with them—in a country where costs are lower. Our Nation cannot afford to lose more jobs.

The refining industry would be particularly hard hit by a rise in the feedstock tax. About 119, or one-third, of the 315 domestic refineries in operation in 1981 have ceased production. The remaining refineries are operating at only slightly more than three-fourths capacity.

Employment in the petroleum and chemical industries has been impacted heavily by reduced operations. Since 1984, employment in the petroleum refining industry has been reduced by more than 32,000 workers. With employees in this industry earning wages generally 61 percent higher than the national average, local economies have been hurt by the drop in refining-related employment.

If the current situation of lowered demand and refinery utilization prevails, refiners would not be able to offset the cost of increased Superfund feedstock taxes. For example, a 1-cent-per-barrel increase in the crude oil component of the feedstock tax would raise domestic refiners' cost by \$44 million per year, based on domestic refinery runs. A 7-cent increase would raise costs by more than \$300 million. The com-