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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. UPTON].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 26, 1996.

I hereby designate the Honorable FRED UPTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

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

H.R. 2969. An act to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested.

S. 1459. An act to provide for uniform management of livestock grazing on Federal land, and for other purposes.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER] for 5 minutes.

RECOGNIZING HISTORICAL ACCOMPLISHMENTS OF WOMEN

Mrs. SCHROEDER. Mr. Speaker, I am continuing to talk a bit about women in history since this is Women's History Month.

One of the things I have been doing this month as I talked to people is I carry around a little shoe. It is no bigger than that, and it is a shoe that someone gave to me that they bought in an antique store in China that was used to go on a woman's foot. When you think about it, China was one of the few countries where you were not even better off being rich if you were female, and maybe many of you remember the story of the three swans written about the three Chinese women who kept praying that when they came back they would not come back as a female.

But when you think about the binding of the foot, and I have not seen anyone that could look at that shoe and not shudder to think of the pain of what it felt like to have that foot bound, and then when you think about the fact that that practice did not stop until halfway through the century and there are still women who are older hobbling around that had had this done to them, you realize how far the world is behind on dealing with women and women's issues.

Mr. Speaker, when I talk about the binding of the foot, I think we bind something in this society, too. We have bound women's minds. Women's minds have been bound by our not knowing our real history, not knowing what really we contributed to this country, and therefore I think we have made women feel that they have no right to ask for anything or to ask to be treated equally in this country because the image is they did not do anything, why should they get anything? They came over here on cruise ships, sat around eating bonbons, getting their hair done, and have not done anything except waiting for people to win the battles for them.

Some of the exciting things that have happened while I am in office that have gone on to try to correct that image has been the Women in the Military Memorial that many, many women have come forward to put out there, and whether you look at the Revolutionary War, which had women serving in it, Molly Corbit being one that is buried at West Point and was the first woman to ever have gotten a full pension just like men did because George Washington insisted that was the only fair thing, and there were other women who were in the Revolutionary Army, too, that got the same thing, or whether you go right on through all the wars until the current Bosnian crisis, where we have women in the field in Bosnia; you see pictures of them coming across the screen today as the First Lady is over there talking to them with the troops.

You know, women have been like the lioness, I guess, in nature. They are perfectly willing to protect their country, to do whatever it takes, and any time, whether it was in winning the West, whether it was World War II, whether it is today in Bosnia, or whether it was way, way back in the Revolutionary War, they did that.

Mr. Speaker, how sad that we do not know their names and we do not know so many of the stories of their bravery. I cannot wait until the Women's Military Memorial is done because the stories they are collecting are unbelievable. They kind of fell off the table when the history books were written, stories of nurses that were downed in World War II in Albania and how long it took them to walk to the coast in the middle of winter to finally get out, I mean, very brave things that would make great movies, and let us hope some day we do make movies about

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women in some role other than what we usually see them in.

But we are not going to see movies about women in history in those roles until we recognize that women played those roles in history, and I think that is why this month is so critical.

So I hope more and more schoolchildren and more people everywhere dig into history, find the real story and let us get it out. That is never to diminish what men did. Of course, men did wonderful, wonderful things in help building this Republic, but to tell only half the story is really not fair.

So we have had his story, and this is the month to do her story, and I hope we get more people actively involved in looking at that and realizing the value of it.

When we tried too hard to get this front and center in 1976 during the Bicentennial, even one of my own newspapers would attack me for wasting the House's time for talking about brave American foremothers and what they have contributed. In fact, they even attacked me on the very front page. I hope we now have much more sense about that and that we could move forward and get the record set straight.

KEEP HEALTH CARE PROMISES TO VETERANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning business for 5 minutes.

Mr. HEFLEY. Mr. Speaker, today I rise to announce the introduction of H.R. 3142, a bill known as the Uniform Services Medicare Subvention Demonstration Project Act. This bill is intended to be a companion to Senator PHIL GRAMM'S bill, S. 1487.

Mr. Speaker, when we ask men and women to serve in our Nation's Armed Forces, we make them certain promises. One of the most important is the promise that, upon the retirement of those who serve 20 years or more, a grateful Nation will make health care available to them for the rest of their lives. Unfortunately, for many 65-and-over military retirees, this promise is being broken.

When the military's Civilian Health and Medical Program of the United States [CHAMPUS] was established in 1966, just 1 year after Medicare, 65-and-over military retirees were excluded from CHAMPUS because it was felt they could receive care on a space-available basis from local military hospitals and they would not require health care services from the private medical community. For many years, there were few problems and plenty of available space, but as military bases and their hospitals have closed, more and more retirees are finding it increasingly difficult to receive the care they were promised.

Mr. Speaker, on January 19, 1995, I introduced, along with Congressmen GEREN, BARTON, CONDIT, and SAM JOHNSON, H.R. 580, which is a bill to allow the reimbursement to the Department of Defense by the Department of Health and Human Services for care rendered to Medicare eligible retirees and their families in military treatment facilities. This is better known as Medicare subvention.

Over the course of the past year, H.R. 580 has received broad, bipartisan support and currently has 248 cosponsors. But despite the overwhelming support for this bill it does not look likely to be able to move it out of the Ways and Means Committee or the Commerce Committee. If this bill did not make it to the floor, the cost of $1–2 billion that CBO has attached to this bill will hurt its chances of passage in the House and the Senate.

As many of my colleagues who have cosponsored this bill realize, H.R. 580 shouldn't increase cost to the Federal Government at all. In fact, it may even save money. It would allow the same military retirees with the same health problems to use the same doctors, so it should cost no more to the Federal Treasury regardless of whether DOD or Medicare pays the bill. But, because it is a shift from discretionary spending to entitlement spending, the budget numbers reflect an increase in spending.

Mr. Speaker, the bill I introduced on Thursday, March 21, 1996, takes care of this problem. This bill will create a demonstration project of Medicare subvention to DOD to prove the budget neutral stance I, and the 248 cosponsors, have taken on H.R. 580. This new bill, H.R. 3142 attempts to correct the shortcoming of H.R. 580 while at the same time building upon its strengths. This bill should solve the problem we have had in the past with the large CBO pricetag by requiring that DOD maintains the current level of support that it is currently providing military retirees, and having Medicare pick up coverage of additional Medicare-eligible military retirees once DOD has reached its obligated level.

This demonstration will not increase cost to the taxpayer because it will ensure that DOD cannot shift costs to HCFA, and that the total Medicare cost to HCFA will not increase. In fact, this too should actually save money. The Retired Officers Association, in a letter of December 15, 1995, reports that:

> Using 1995 as a baseline, the eligible Medicare population will grow by 1.6 million beneficiaries by 2000. This will increase Medicare's cost by $7.7 billion if new beneficiaries rely on Medicare as their sole source of care. But, with subvention and DOD's 7 percent discount to the Health Care Financing Administration (HCFA), the aggregate cost increase can be reduced by $361 million over that same time frame. Because health care will be managed, further savings could be realized which could be passed on by DOD to Medicare through reduced discounts.

Mr. Speaker, this new legislation makes a good attempt to solve the problems brought on by the CBO cost estimate of Medicare subvention. As DOD's managed health care program, TRICARE, is implemented throughout the country, many military retirees within many of my colleagues' districts will be affected, so I urge my colleagues to support this bill and to become cosponsors.

GENETIC DISCOVERIES AND OUR HEALTH PRIVACY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, should an insurance company be able to deny children medical coverage because their mother died of an inherited heart defect that her children may or may not carry? That is the dilemma facing a California father who cannot get family medical coverage under his group plan as a result of his wife's death. And that is a dilemma crying out for congressional intervention.

Scientific knowledge of the secrets hidden deep inside our genes is advancing at an unbelievable rate. It seems that we learn of a new genetic discovery on a weekly basis. But, as researchers find the genetic mutations that cause specific diseases or that appear to cause a genetic predisposition to specific diseases, a host of ethical, legal, and social complications arise that will take our greatest efforts to resolve.

The human genome project is a 15-year, multinational research effort to read and understand the chemical formula that creates each of the 80,000 to 100,000 human genes. If spelled out using the first 4 letters of the 4 chemicals that make up DNA, that formula would fill one-thousand 1,000 page telephone books, representing 3 billion bits of information. Often, just a single letter out of place is enough to cause disease.

We cannot read this entire genetic script yet, but advances in science indicate that we will be able to soon. In fact, although the project is scheduled for completion in 2005, at its current pace, many experts believe it will be done before then. That means that we need to begin making some very difficult public-policy decisions, now, before those decisions are made by self-interested parties.

Senators MACK and HATFIELD introduced legislation in the Senate on this issue and I have submitted the companion bill, H.R. 2690, the Genetic Privacy and Nondiscrimination Act, in the House. This measure will establish guidelines concerning the disclosure and use of genetic information and protect the health privacy of the American people. Genetic information must not be used—misused—to deny access to health insurance.

This bill will not only safeguard health privacy and help preserve insurance coverage, it will also remove potential barriers to genetic testing.

Eliminating the concern about reprisals by insurance companies will facilitate more effective use of genetic tests as they are developed and, therefore, promote cures and treatments. This will sustain the global leadership of the biomedical research industry in the United States.

However, if you can lose your health insurance because your genes show that some day you might require that insurance, clinical trials will become impossible to conduct and new treatments and cures may not be developed. Consequently, it is important to have this protection, which will ultimately lead to improved health care for all Americans.

Congress is moving rapidly now on legislation to reform the American health insurance system. It is likely that a bill could pass the House this month and the Senate next month. A conference agreement between the House and Senate could put the bill on the President's desk well before this Congress adjourns. The House bill is H.R. 3070, the Health Coverage Availability and Affordability Act of 1996. Sponsored by Congressman MICHAEL BILIRAKIS, this measure is a well-thought-out piece of legislation, and I am proud to be a cosponsor.

The bill prohibits denying insurance coverage to an employee or beneficiary on the basis of health status, which is defined as an individual's ''medical condition, claims experience, receipt of health care, medical history, evidence of insurability, or disability.'' Fortunately, I was able to add two simple words to this list under health status—''genetic information.'' As medical science discovers what secrets our genes carry, the potential misuse of that information, whether through insurance or some other venue, becomes an ever-increasing possibility.

It is imperative that the strongest possible statutory protections exist against applying this information toward genetic discrimination. In the future, these discoveries of genetic information could lead to employment discrimination. That is why we need to conduct hearings on my bill and to pass the rest of this important legislation. Discoveries of genetic information could be the civil rights battle of the next century.

These two words make a good piece of legislation better, and I hope this language remains in the final health care bill. It is vital to ensure that all Americans, like those two little boys in California, do not have to go without health insurance because of a misspelling in a genetic script that they could not control and did not choose.

Mr. Speaker, I might point out that similar efforts have been made in some 20 States, including Florida, and they have either enacted or are studying laws that would limit the use of genetic information by insurance companies. According to the Council for Responsible Genetics, a nonprofit group that monitors social issues in biotechnology, a genetic underclass is being created by employers and insurers who use genetic tests to deny coverage or jobs.

THE 78TH INCREASE IN NATIONAL DEBT CEILING

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. SMITH] is recognized during morning business for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, day after tomorrow, on Thursday, this Congress is expected to pass its 78th increase in the debt ceiling of this country. Seventy-seven times, so far, we have increased the debt ceiling since the 1940's. We are now at $4.9 trillion of debt. A lot of people in this country, Mr. Speaker, do not really think that they are responsible for this excessive debt. What has happened in the last 40 years is Congress has lost control of spending.

Under section 1 of the Constitution, Congress is responsible for the purse strings. Congress is also responsible for how deep this country goes in debt. We have not only lost control of spending, but we have also lost control of how deep we go in debt, because in the last 7 months we have seen Secretary Rubin and the President of the United States find a new way to drive us deeper in debt without the consent of Congress. That way, of course, was raiding the trust funds that we have in this country.

Day after tomorrow, we are considering tying yet another diminishing of congressional power and tying that to the debt ceiling increase. That is the Presidential line-item veto, and I just want to mention that before I talk about this chart, the Presidential line-item veto.

I served under three Governors in the State of Michigan. In Michigan we have a line-item veto. In every case with every Governor, they traded what they wanted because they had the power of vetoing out what the legislature wanted in particular spending. You know, philosophically, when you have got a liberal Congress and a conservative President, then a line item veto might make sense in terms of trying to reduce spending. But actually what is going to happen with a conservative Congress that is trying to get to a balanced budget and reduce spending and a President that has found it to his political advantage to continue helping people with taxpayers' money; in other words, not reducing spending, not achieving a balanced budget; is that we end up spending more. We end up giving additional congressional authority away to the President.

Let me note, Mr. Speaker, this pie chart that represents the roughly $1.6 trillion expenditure of the Federal Government. If we start with the red triangle on this pie chart that represents about 18 percent of total Federal spending, that represents the 12 appropriation bills where Congress has control of the spending. In other words, if there is no bill passed by Congress, or if it is not signed by the President, then that reduced spending or no spending is what is going to happen.

Where the President has power is in the blue part of this pie chart that represents the welfare program spending and the other entitlement spending of this country. That represents now 50 percent of total Federal Government spending. So that there were some of us that thought it was reasonable to tie changes in the entitlement spending that is going to help us achieve a balanced budget, to tie that to yet another increase in the debt ceiling.

That now is not the plan in the bill that is going to be put before this body day after tomorrow, and I would suggest to you, Mr. Speaker, and through you to the American people, that we cannot balance the budget just by reducing the expenditures in the 12 appropriation bills where Congress now has full control. It just cannot be done.

I have studied this over the past several years. You cannot reduce that expenditure below about $200 billion this next year. It cannot possibly be done and still have a viable operation and system within this country.

That means that, if we are going to balance the budget, we have got to move into the welfare changes in the welfare program and entitlement programs. They are called entitlement programs, Mr. Speaker, because if you are at a certain level of poverty, you are eligible for food stamps. If you are a certain level of income and you have children, you are eligible for AFDC. If you are a certain age, you are entitled to other taxpayer helps in paying your medical costs. There is no money appropriated. It is in the law.

The only way that a majority in Congress can change that law is the consent of the President. I would ask my colleagues, Mr. Speaker, to study the proposal that we are being asked to pass day after tomorrow very carefully. It continues to move us in a direction where we are not going to be able to balance the budget.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12 of rule I, the House will stand in recess until 2 p.m.

Accordingly (at 12 o'clock and 53 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. UPTON] at 2 p.m.

PRAYER

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

How can we praise You, our God and our King,
How can we serve You with hands that we bring,
How can we love You with hearts that grow weak,
How can we cherish the gifts that we seek.

Yes we can praise You, for You lived us first,
Yes we can serve You, with faith be immersed,
Yes, we can love you, be deeds of good will,
Yes we can cherish Your peace to fulfill. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland [Mr. GILCHREST] come forward and lead the House in the Pledge of Allegiance.

Mr. GILCHREST led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RANK AND FILE OF AFL–CIO WILL CONTINUE TO REJECT THE OLD-STYLE LIBERAL POLICIES OF CLINTON ADMINISTRATION AND LIBERAL UNION BOSSES

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

Mr. BALLENGER. Mr. Speaker, I want to share with my colleagues news of the AFL–CIO's recent convention where the highest officials of the AFL–CIO, under newly elected union president John Sweeney, levied a $35 million tax increase on the rank and file men and women of our Nation's unions. This $35 million tax is being used to support an orchestrated, and highly political campaign to divide our Nation along class and income lines.

Needless to say, Mr. Speaker, the American people, especially the rank and file of our Nation's labor unions, will not allow Mr. Sweeney and the other liberal union bosses to turn back the clock on this Congress' pledge of fundamental change. We will continue our efforts to respond to the people of this great country. We will make the Federal Government smaller, more efficient and more user friendly. We will fight the bureaucrats here in Washington who refuse to let parents and families decide what should be taught in schools. And we will cut wasteful Federal spending so we can put more money back in to the pockets of working families.

Despite the rhetoric of the liberal, elite union leaders, I believe the working men and women of the AFL–CIO, will continue to reject the old-style liberal policies of Mr. Sweeney and the Clinton administration, and support of vision of a stronger, more prosperous America.

GOVERNMENT AND PRIVATE STUDIES, A LITTLE GOOFY?

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

Mr. TRAFICANT. Mr. Speaker, I thought the Federal Government was a little goofy when they studied bovine flatulence, but there have been a couple of private studies that got my attention. One was the dynamics of peeling adhesive tape. The private study found out that it is very difficult to peel off tape in just one piece.

The second one was the pigeon discrimination of paintings by Monet and Picasso. They determined that, really, pigeons do not discriminate. They may defecate, but no discrimination is involved.

Then there is the big one: the impact of wet underwear on thermoregulatory responses and thermal comfort in cold. What they determined was if you wear wet underwear in frigid weather, you freeze your buns off.

If we think this is a waste of money, check this out, Congress: The FDA has spent $200,000 for tea tasters, $200,000 for a tea-tasting commission.

Mr. Speaker, beam me up. I yield back the balance of all of this money, both private and public.

MAKING HEALTH CARE AFFORDABLE AND ACCESSIBLE

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

Mr. BILIRAKIS. Mr. Speaker, last Congress I introduced the only health reform legislation that truly had bipartisan support. The Rowland-Bilirakis bill focused on areas where there was widespread agreement about the need for reform. Unfortunately, this legislation never made it to the House floor.

I recently introduced the Health Coverage Availability and Affordability Act. This bill allows portability, thus permitting people to move from job to job without losing their health coverage.

The bill eliminates prohibitions on preexisting conditions so that individuals can change jobs and still have access to affordable health care. This simple change will dramatically improve the lives of millions of American families. Right now, 25 million Americans are denied health insurance coverage because of a preexisting condition.

Mr. Speaker, we have the best health care system in the world—but there is room for improvement. Our plan improves health care in this country by making it both accessible and, just as important, affordable. I would encourage my colleagues to join me in eliminating job-lock by supporting the Health Coverage Availability and Affordability Act.

TRIBUTE TO THE LATE HONORABLE EDMUND S. MUSKIE

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

Mr. LONGLEY. Mr. Speaker, it is my sad duty this afternoon to inform the House of the passing of Senator Edmund Muskie of Maine this morning at about 4 a.m.

Senator Muskie was 81 years of age, a graduate of Bates College and Cornell University Law School, a very distinguished public servant of the citizens of Maine and of the United States. He served three terms in the Maine House of Representatives in 1946 and 1948 and 1950, including a final term as the Democratic floor leader. In 1955, he was elected Governor, he served a second term, and he followed that with a career in the U.S. Senate that began in 1958.

In 1968, he was Democratic candidate for Vice President of the United States and built and earned a tremendous national reputation for his decency, his compassion and his moderation during that difficult time during the end of the Vietnam war. He also served as Secretary of State in the Cabinet of President Jimmy Carter from 1980 to 1981.

While there are many distinctions that we can discuss, not the least among them is the Senator's accomplishment in creating a second party, making Maine a two-party State, which is in the best interest of all of our citizens, but certainly as his legislative accomplishments on the national level are beyond peer, particularly in the area of environmental protection.

Senator Muskie was the author of many of the first pieces of legislation that this body passed back in the early 1960's dealing with the need to protect the quality of our air and our water. There are other issues that I could mention, but I think none more important than the fact that Senator Muskie was a kind and decent man who exercised and practiced respect for all of his constituents and all those with whom he had dealings. His demeanor is going to be missed. Certainly his integrity and his honesty are universally respected.

So we mourn his passing and we also express to his wife, Jane, and his five

children, Steven, Ellen, Melinda, Martha, and Edmund, Jr., our deep and sincere regret at his passing.

ON SENATOR EDMUND MUSKIE

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

Mr. MORAN. Mr. Speaker, on behalf of the Democratic minority, it is appropriate to take note of a distinguished Governor, U.S. Senator, Secretary of State, and Vice Presidential candidate. It is on Ed Muskie's shoulders that much of the intellectual foundation of our foreign policy rests in terms of the primary of human rights and the sustainable progress of economic development throughout the world. It was on Senator Muskie's watch and on his shoulders that these priorities were defined and promoted.

It is also appropriate to say that it was on his giant shoulders, that were so strong with integrity, that many of us lesser public servants have attempted to stand. Senator Muskie always stood tall and made us all proud to be public servants, and we deeply mourn his passing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken on Wednesday, March 27, 1996.

AUTHORIZING RUNNING OF 1996 SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 146) authorizing the 1996 Special Olympics Torch Relay to be run through the Capitol Grounds.

The Clerk read as follows:

H. CON. RES. 146

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF RUNNING OF SPECIAL OLYMPICS TORCH RELAY THROUGH CAPITOL GROUNDS.

On May 24, 1996, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, the 1996 Special Olympics Torch Relay may be run through the Capitol Grounds, as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games at Gallaudet University in the District of Columbia.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out section 1.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event authorized by section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Ohio [Mr. TRAFICANT] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Speaker, House Concurrent Resolution 146 would authorize the Special Olympics torch to be run on the Capitol Grounds on May 24, 1996, as part of the journey of this torch to the Special Olympics summer games at Gallaudet University here in the District of Columbia.

This is an annual event and one which this committee has supported several times through resolutions authorizing the use of the Capitol Grounds for this purpose. This year approximately 3,000 members of 60 local and Federal law enforcement agencies throughout the region will participate in this 26-mile relay run through the city in support of the Special Olympics.

This program gives handicapped children and adults the opportunity to participate in sporting events.

Because of laws prohibiting open flames on Capitol Grounds, and because of safety concerns about activities taking place thereon, this resolution is necessary to permit the relay to occur. The resolution authorizes the Capitol Police Board to take necessary action to insure the safety of the Capitol, and the Architect of the Capitol may set forth conditions on the participation of this event.

This is a very worthwhile endeavor and I strongly encourage my colleagues to support this measure.

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

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

Mr. Speaker, I want to thank the gentleman from Maryland [Mr. GILCHREST] for the fine job he has done with our subcommittee, and I wholeheartedly support House Concurrent Resolution 146 to authorize the use of the Capitol Grounds for this special event, the Special Olympics Torch Relay. This relay event is traditionally part of the opening ceremonies for the Special Olympics, which takes place at Gallaudet University here in the District. It is a fine annual event.

The games provide athletic competitive opportunities for over 2,200 Special Olympians in 17 respective events. The goal of the games is to help bring all mentally handicapped individuals into the large society under conditions whereby they are accepted and respected. Today more than 1 million children and adults with mental retardation participate in Special Olympics programs worldwide.

I want to thank the gentleman from Maryland [Mr. GILCHREST] for bringing the resolution to the floor and for the fine job he and his staff have done with our subcommittee, and I urge support on this very worthwhile cause.

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

Mr. GILCHREST. Mr. speaker, I yield myself such time as I may consume in order to thank the gentleman from Ohio [Mr. TRAFICANT] and the gentlewoman from the District of Columbia [Ms. NORTON] for their participation in this worthy event, and for this worthy resolution.

Mr. TRAFICANT. Mr. Speaker, I want to echo those remarks by the gentleman from Maryland.

Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from the District of Columbia [Ms. NORTON], who has done an outstanding job in our Congress.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me, and for his kind remarks.

Mr. Speaker, I want to thank the chairman of the committee, the gentleman from Maryland, Mr. GILCHREST, as well as the ranking member, the gentleman from Ohio, JIM TRAFICANT, for their leadership on House Concurrent Resolution 146, the Special Olympics torch relay bill.

This body rarely authorizes the use of the Capitol Grounds for staging special events. The 11th annual torch relay for the D.C. Special Olympics is a worthy exception. This event, organized by more than 650 Federal and local law enforcement agencies in the District, is a special part of the opening ceremony for the D.C. Special Olympics at Gallaudet University. This year I am pleased that Coolidge High School in my district is also providing playing fields for some of the events.

The law enforcement torch relay raises both funds and awareness for D.C. Special Olympics. More than 2,400 officers follow the lighted torch through the District. This outpouring is a fitting tribute to the D.C. Special Olympics, and to the 2,200 local Special Olympians in 17 events. I applaud the Downtown Jaycees who started the Special Olympics in 1969, Eunice Shriver, the founder, the law enforcement officers who will participate, and especially, this year's Special Olympians.

Mr. OBERSTAR. Mr. Speaker, I strongly support this resolution to allow the Special Olympics Torch Relay to be run through the Capitol Grounds. The District of Columbia Special Olympics will be held May 13–23, 1996. The Special Olympics torch will be run across Capitol Grounds as part of the opening ceremonies which take place at Gallaudet University. As in the past, local law enforcement officials will participate in carrying the torch to the opening ceremony.

The DC Special Olympics provides opportunity for approximately 2,200 local Special Olympians in 17 events. Worldwide, over 1 million mentally challenged adults and children

participate in the Special Olympics program. Through successful experiences and athletic competition, Special Olympians gain confidence, build a positive self image, and greatly enhance their ability to contribute to society.

I thank Mr. GILCHREST for introducing House Concurrent Resolution 146, and I commend him and Mr. TRAFICANT for their leadership on this issue. I wholeheartedly support this resolution and urge its adoption.

Mr. TRAFICANT. Mr. Speaker, I again join forces with the gentleman from Maryland [Mr. GILCHREST] to urge an ''aye'' vote, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 146.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR 1996 NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 147) authorizing the use of the Capitol Grounds for the 15th annual National Peace Officers' Memorial Service.

The Clerk read as follows:

H. CON. RES. 147

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

The National Fraternal Order of Police and its auxiliary shall be permitted to sponsor a public event, the fifteenth annual National Peace Officers' Memorial Service, on the Capitol grounds on May 15, 1996, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate, in order to honor the 155 law enforcement officers who died in the line of duty during 1995.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized to be conducted on the Capitol grounds under section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The National Fraternal Order of Police and its auxiliary shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the National Fraternal Order of Police and its auxiliary are authorized to erect upon the Capitol grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event authorized to be conducted on the Capitol grounds under section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Ohio [Mr. TRAFICANT] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Speaker, House Concurrent Resolution 147 would authorize the use of the Capitol Grounds for the 15th Annual Peace Officers' Memorial Service to be held on May 15, 1996. This year, as in past years, the U.S. Capitol Police will be the sponsoring law enforcement agency for this event. During the past year, 155 peace officers have lost their lives in the line of duty. This figure includes many of the dedicated Federal employees who lost their lives in the tragic bombing in Oklahoma City last April.

This year, it is expected that over 2,000 friends and family members of those who lost their lives last year will attend this event, and 15,000 peace officers will also participate.

This is a worthwhile endeavor, and I urge my colleagues to support this measure.

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

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

Mr. Speaker, I urge all to join me in supporting House Concurrent Resolution 147 which, as the gentleman from Maryland [Mr. GILCHREST] has stated, will authorize the use of the Capitol Grounds for the National Peace Officer's Memorial Service.

On May 15 of this year the Capitol Police will host law enforcement officials from around the Nation who will gather here to honor their fallen police officers. I would like to take this time to commend our Capitol Police. Many times they go unnoticed, and perhaps it is the lack of those headlines we do not read that are, maybe, the greatest testament to our own Capitol Police. I am proud of the Capitol Police's hosting this event. We should all support it.

In addition to the 155 officers killed in the line of duty in 1995, approximately, Mr. Speaker, 65,000 police officers are assaulted each year, with over 23,000 of our police officers sustaining injuries of some sort.

□ 1415

Everybody is tragically aware, as pointed out by the gentleman from Maryland [Mr. GILCHREST], of the unfortunate terrorist act in Oklahoma, but very few people realize that the target of those terrorists was our law enforcement personnel, as well as making a statement. It was a direct attack and assault on our law enforcement personnel.

I think it is absolutely fitting and proper that we join here and we allow the use of the Capitol Grounds, by an extension of the authority of Congress that vests that right within us and power within us, to our National Law Enforcement Officers Memorial Service. I believe that that purpose is most fitting.

I want to thank the gentleman from Maryland [Mr. GILCHREST] for the way he has dispatched his duties on this bill and others.

Mr. Speaker, with that, I have no further speakers, I urge an ''aye'' vote, and I yield back the balance of my time.

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

Mr. Speaker, I also want to thank the gentleman from Ohio [Mr. TRAFICANT] for his work on this resolution, for his work on the subcommittee. We have a truly bipartisan subcommittee that endeavors to do the work of the Nation, no matter how corny that might sound.

Mr. Speaker, as I mentioned in my opening statement, there will be over 15,000 police officers attending this memorial service. It is in dedication to the quiet courage of those law enforcement officers that have dedicated their lives to this great country. In that endeavor we pass this resolution.

Mr. OBERSTAR. Mr. Speaker, I join Mr. TRAFICANT and Mr. GILCHREST in supporting use of the Capitol Grounds for the 15th anniversary of the National Peace Officers' Memorial Service. May 15 is the day designated by President Kennedy as the day to honor all men and women who have dedicated and sacrificed their lives in order to protect our lives.

I commend Mr. TRAFICANT for introducing House Concurrent Resolution 147, and for being a staunch supporter of this program. As we all know, the Capitol Plaza is used for the candlelight memorial service, which is the culmination of a series of events honoring peace officers who have been killed in the line of duty. The 1996 service will be hosted by the Capitol Hill Police Department.

Tragically, during 1995, 155 law enforcement officers were killed while on duty. The average age of those officers was 37 years old and they had served the public for 9 years. Four of them were women. It is fitting and commendable that we support the efforts of the Capitol Police and the 675,000 law enforcement officials now serving in the United States.

Mr. Speaker, I strongly support House Concurrent Resolution 147, and I urge my colleagues to join me.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 147.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

THE 35TH ANNIVERSARY OF THE PEACE CORPS

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 158) to recognize the Peace Corps on the occasion of its 35th anniversary and the Americans who have served as Peace Corps volunteers.

The Clerk read as follows:

H.J. RES. 158

Whereas the Peace Corps has become a powerful symbol of America's commitment to expand hope, create opportunity, and encourage development at the grass roots level in the developing world;

Whereas more than 140,000 Americans have served as Peace Corps volunteers in more than 125 countries in Africa, Asia and the Pacific, Central Asia, Eastern and Central Europe, and the Western Hemisphere since 1961, and have strengthened the ties of friendship and understanding between the people of the United States and those of other countries;

Whereas Peace Corps volunteers have made significant and lasting contributions around the world in agriculture, business development, education, the environment, health, and youth development, and have improved the lives of individuals and communities around the world;

Whereas Peace Corps volunteers, enriched by their experiences overseas, have brought to their communities throughout the United States a deeper understanding of other cultures and traditions;

Whereas Peace Corps volunteers embody and represent many of America's most enduring values, such as service, commitment to the poor, and friendship among nations;

Whereas the Peace Corps continues to receive broad, bipartisan support in Congress and from the American people; and

Whereas March 1, 1996 will mark the 35th anniversary of the founding of the Peace Corps: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the achievements and contributions of the Peace Corps over the past 35 years be celebrated; that the dedication and sacrifice of Peace Corps volunteers be recognized and their continued contributions be acknowledged not only for their service in other countries but in their own communities; and that the President is requested to honor Peace Corps volunteers and reaffirm our Nation's commitment to international peace and understanding.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. Speaker, House Joint Resolution 158 recognizes the Peace Corps and its volunteers on its 35th anniversary year. Mr. FARR and the five other original cosponsors of this resolution are all former Peace Corps volunteers now serving their country here in the Congress. Their resolution recognizes the sacrifice and dedication of Peace Corps volunteers, both in their assigned countries and here at home after they return on the occasion of the Corps's 35th anniversary.

I will note that since the first volunteer stepped off the plane in 1961 at a little airport in Ghana, over 140,000 Americans have become Peace Corps veterans in the service of peace, understanding and development. Today, Peace Corps volunteers are older, more experienced and specialized but their mission is still the same: development and basic American values in the developing world at the grassroots level.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the full committee.

Mr. GILMAN. I thank the gentleman for yielding me the time.

Mr. Speaker, we all can agree on the bipartisan strength of the Peace Corps in the 104th Congress. Founded under President Kennedy and its first Director, Sargent Shriver, the Peace Corps grew through the 1960's and 1970's but really came to the crossroads in the 1980's. I want to make a special note for the longest serving Peace Corps Director, Ms. Loret Ruppe, whose energy, drive, and dedication set the Peace Corps' goal that we still support today: 10,000 volunteers by the year 2000. Loret is now struggling with cancer but her mission and her impact on the Corps is still felt today. As Loret used to say, ''Peace Corps volunteers are working today to help the African farmer and her husband * * *.''

Last month, we debated a highly controversial State Department bill on the House floor. I think that one provision of that bill we could all support was the funding levels for the Peace Corps. The House conferees and especially former Peace Corps Director, Senator PAUL COVERDELL of Georgia, joined together to ensure funding for the Peace Corps, even in these tough budgetary times. Under its new Director, Mark Geran, I think this Congress is expecting a lot from the Peace Corps in its next 35 years.

I recommend this resolution to the House and urge its support.

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

Mr. Speaker, I want to thank the gentleman from Nebraska [Mr. BEREUTER], the subcommittee chairman, and the gentleman from New York [Mr. GILMAN], the full committee chairman, for bringing this resolution before the House. It is actually cosponsored by six Members of the House who are former Peace Corps volunteers: MIKE WARD, JIM WALSH, TONY HALL, CHRIS SHAYS, TOM PETRI, and SAM FARR.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FARR] who has come all the way from his district to speak on this.

Mr. FARR of California. Mr. Speaker, I rise today as one of the six returned Peace Corps volunteers now serving in the House, and I rise in support of House Resolution 158, recognizing the Peace Corps' 35th anniversary.

Let me first take a minute to thank Chairman GILMAN and the Ranking Minority Member HAMILTON for bringing this measure to the floor. I also want to thank Mark Geran, who is the Director of the Peace Corps, who has been instrumental in the continuing success of the agency, as well as the other returned Peace Corps volunteers now serving in this country and serving in this Congress, my colleagues Representative TONY HALL of Ohio, Representative TOM PETRI, Representative MIKE WARD, Representative JIM WALSH, and Representative CHRIS SHAYS.

President Kennedy created this international service organization 35 years ago to promote international goodwill. During his powerful inaugural address, he challenged Americans with, ''Ask not what your country can do for you, ask what you can do for your country,'' and many of them, including myself at that time, responded to that call and joined the Peace Corps in the early 1960's. The creation of the Peace Corps was part of this vision of his.

Today, there are currently 7,000 Americans working as Peace Corps volunteers. The average age in 1961, when President Kennedy made his call, was 22 years of age. Today, in 1996, the average age is 29 years old. Over 500 volunteers are over the age of 50. The educational experience of volunteers has grown; more volunteers with graduate degrees than ever before.

Over 140,000 returned volunteers have served in the Peace Corps in more than 125 countries, in Africa, Asia, Eastern and Central Europe. They have also served in the South Pacific and in Latin America.

The Peace Corps was formally established by Executive order on March 1, 1961. Volunteers were sent to Ghana, Colombia, and Tanzania, and over 850 volunteers were in the field by the end of the first year.

Soon volunteers teaching in schools were joined by those working in agriculture, health and nutrition, forestry, and fisheries. In the 1980's, the Peace Corps was refined and developed new initiatives in response to the special needs of the developing world.

In Lesotho, in Mali, and Niger, Peace Corps began the Africa Food Systems Initiative to assist farmers in need of innovative ways to increase food production. In the Caribbean, the Peace Corps has developed initiatives to stimulate job-creating small enterprises.

The Peace Corps has undertaken a lot of new initiatives. The Peace Corps has plans to send volunteers to South Africa in response to a request for assistance from President Nelson Mandela. The Peace Corps has also resumed its presence in Haiti following

the successful presidential elections. Currently the Peace Corps is investigating the feasibility of sending volunteers to the Middle East and to Cambodia.

The agency plans on development of a Crisis corps to respond to natural disasters in developing countries. The story about that reached our office when volunteers were calling about the situation in Rwanda, saying that they had been there and served and spoke the language and knew the customs and the culture. They knew the history and the politics and they wanted to be able to go back. We did not have a facility in law to allow that, so we had to ask the State Department to make a special process for that, and that is what is now being developed into this Crisis Corps, so that indeed when we do have people that have the skills that are needed in countries with disasters, we can immediately get them there.

The purpose of the Peace Corps' mission is to promote world peace. Peace Corps volunteers have made significant and lasting contributions around the world in agriculture, business development, education, environmental health, and youth development, and they have improved the lives of thousands all over the world. The Peace Corps has become a powerful symbol of international humanitarianism.

The Peace Corps teaches volunteers the value of service and the value of commitment. The agency is an example of America's commitment to expanding hope, to creating opportunity and offering the volunteers an experience that they will remember for a lifetime.

At a time when funding for foreign assistance programs is under severe constraints, it is notable that the Peace Corps continues to enjoy strong support in this Congress and among the American people.

The agency is facing a strong future. In Friday's Washington Post it was quoted that the Peace Corps is the employer with the most job openings for graduates of the class of 1996. In fact, the demand for Peace Corps volunteers overseas far exceeds our ability to supply that demand, and I hope that in Congress we will appreciate that as we look at its budget next year and realize this is one area that is extremely cost effective. If we want to get a good bang for the buck, the Peace Corps is there and the countries want us to come.

The annual survey by Black Collegian magazine stated that the agency plans to recruit over 3,000 graduates. That is the third highest employer in the country. So while the Peace Corps is promoting international goodwill, it is key in benefiting our domestic economy as well.

Please join me and my colleagues in supporting this resolution to recognize the Peace Corps on the occasion of its 35th anniversary, and the contributions and achievements that its volunteers have brought home to America and are now achieving in countries all over the world.

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

Mr. FARR of California. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, I would say to the gentleman I have been on the Foreign Operations Subcommittee for 14 of the last 16 years, and the Peace Corps is one of the best things that we do in foreign relations, without any question. Even in the tough budgetary times in which we find ourselves, we have to maintain that commitment and increase it if we possibly can, and make certain that this good program, which after all is people-to-people, not government-to-government, people-to-people, continues and is strongly supported by the Congress.

Mr. FARR of California. Mr. Speaker, I appreciate the support on both sides of the aisle. I think this program is one that we can all be proud of, and in a time when people think that there is debate and rancor among the parties in Congress, I can tell that this is one area where we all agree that America has created a fantastic opportunity for its youth, for its people of all ages to be able to experience overseas living as minorities in another land.

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As a return volunteer, I reflect on my experience every day, and I appreciate the support Congress is giving it.

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

Mr. Speaker, it is amazing that there have only been 140,000 volunteers over the last 35 years, when you consider the profound impact that the Peace Corps has had in the lives of individuals and in fact in the progress of nations around the world. But the impact has also been felt in terms of the volunteers. We just heard from one. There are several others in this body.

The fact is that the leaders in government and in industry in America today in many ways share that common experience of having been Peace Corps volunteers. I hope that will continue to be the case, because not only do we share our national know-how and goodwill, but we benefit a great deal with that broadened experience.

I just want to say that we in the minority, as well as the gentleman from New York, Chairman GILMAN, expressed for the majority, applaud President Clinton's selection of Mark Gearan to be Director of the Peace Corps. We could not have had a better choice. We appreciate the fact that again we have a broad bipartisan support for this resolution.

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

Mr. FARR of California. Mr. Speaker, I rise today in support of House Joint Resolution 158 recognizing the Peace Corps on its 35th anniversary.

President John Kennedy created this international service organization 35 years ago to promote international goodwill. During his powerful inaugural speech the young President challenged Americans with, "Ask not what your country can do for you, ask what you can do for your country." The Peace Corps was part of this vision for how Americans could play a positive role in the developing world. In its 35 years, the Peace Corps has come to represent what is best about our country and our character as a people: our ability to forge a spirit of idealism with a commonsense approach to what works for people who need and want our help.

My other returned Peace Corps volunteer colleagues and I know the value of volunteer service and the significance of this fine agency. I had the benefit of serving in the Peace Corps in Colombia in the early 1960's. That experience has led me to serve my community in local, State, and Federal government. Peace Corps taught me the value of service, responsibility, and commitment.

Currently, there are nearly 7,000 Americans working as Peace Corps volunteers. They work at the grass-roots level in places far from their homes and families. Some volunteers do not see other Americans for months at a time. They are completely entrenched in their countries of service. They speak the language, eat their food, and share their culture. They put a face on America and its values around the world.

Volunteers serve in many different programs ranging from the traditional education and health programs to promoting new sustainable programs to benefit agriculture, the environment, and economic development.

Education remains Peace Corps' largest program. Over 40 percent of all volunteers teach English, mathematics, science, and business studies. They work in special education, vocational educations, and nonformal education activities for adults and at-risk youth. In addition to classroom teaching, volunteers work closely with local educators to share methodology, integrate relevant content and resource centers and teaching materials. In Cameroon, volunteers have helped develop a manual on teaching HIV/AIDS prevention in English-language classes. The manual has since been adopted for public use by the Ministry of Education.

Teaching and prevention of HIV/AIDS to citizens in high-risk groups has played a major part in the health services provided by volunteers. In Thailand, volunteers have conducted surveys to help the country update its HIV/AIDS education materials. Other health services performed by volunteers include providing primary health care services to many of the world's women and children including maternal and child health activities, nutrition, community health education, and water and sanitation projects.

Peace Corps is the leader in protecting the global environment. The focus of the environmental strategy is on community work, teaching conservation of national resources, and sustainable resource management. Much of the environmental work is in forestry management, reforestation, and watershed management. The fastest growing new project activity is environmental educations. Volunteers in Tanzania, home of the largest wildlife refuge are involved in projects ranging from codifying Tanzanian environmental law to ensure protection of exported birds to preparing a management plan for Ileje Forestry Reserve and teaching environmental education in the schools.

Food production remains to be a priority for many nations in Africa, Asia, Latin America,

and the former Soviet Union. Rapidly expanding populations, changes in climate, and a series of natural and man-made disasters have created serious food shortages. With most people in developing nations still practicing subsistence farming, there is a critical need to introduce and apply sustainable agricultural techniques to village farmers. In Guatemala, volunteers are teaching farmers how to increase their family incomes and produce animal protein for dietary intake through the integration of fish and small animal production.

The fastest growing program for volunteers is economic development especially in Eastern Europe. Volunteers promote local economic development through self-sustaining income and employment producing practices. Working with local community leaders, businesses, and trade associations, volunteers teach business management, commercial banking and related skills assisting local efforts to establish free market economies. In Poland, a volunteer has been instrumental in establishing 46 small businesses with no-interest loans from the local government with only a 6-percent default rate.

The Peace Corps has become a powerful symbol of international humanitarianism. It is a goal which hundreds of people strive toward each year. Not just young college graduates, but people of all ages. In fact, 9 percent of Peace Corps volunteers are over 50 years old.

The Peace Corps remains a popular calling; there is not one State in the country which has not sent a Peace Corps volunteer. In my State of California, over 20,000 people have volunteered to serve around the world.

The Peace Corps has become a powerful symbol of America's commitment to expand hope, create opportunity, and encourage development at the grassroots level in the developing world.

Volunteers embody and represent many of America's most enduring values, such as service, commitment to the poor, and friendship among nations. Returned volunteers, enriched by their experiences overseas, have brought to their communities throughout the United States a deeper understanding of other cultures and traditions.

At a time when funding for foreign assistance programs is under severe constraints, it is notable that the Peace Corps continues to enjoy strong support in the Congress and among the American people. That is a tribute to the thousands of Americans—young and old—who have served over the past 35 years, often under very difficult conditions. And it is a tribute to the visionary but simple idea behind the Peace Corps; that the world will be a more peaceful place if we understand one another better and if we can help those in need improve their own lives and that of their families and communities.

Join me in supporting House Joint Resolution 158, recognizing and honoring the Peace Corps' achievements and contributions and its volunteers over the past 35 years.

Mr. HALL of Ohio. Mr. Speaker, let me begin by thanking my colleague from California, Mr. FARR, for his work on this resolution, and his consistent efforts in the past to recognize and support the Peace Corps.

Since 1961, when President John F. Kennedy signed an Executive order establishing the Peace Corps, 140,000 men and women have represented America by volunteering in 125 countries around the world. I am proud to say that I am among that number.

For me, the Peace Corps represents the best that this Government has to offer. When we bring together dedicated, energetic people and arm them with tools to work in foreign communities as ambassadors of peace, things happen—people's lives improve—and we all benefit. Today, nearly 7,000 such dedicated individuals are serving as Peace Corps volunteers in 94 different countries. They are improving the environmental, agricultural, and business infrastructures in those nations. They are educating the children, caring for the sick, and teaching the poorest of the poor how to help themselves. But, most importantly, these volunteers are the face of America for people across the globe. They are people-to-people diplomats building a peaceful world from the ground up.

But, it's not easy. I know first-hand the challenges and difficulties that these Peace Corps volunteers face. I also know the tremendous rewards. My Peace Corps experience changed my life. When I graduated from college in 1964, I had dreams of playing pro football, making big money, and driving fast cars. Instead, I ended up teaching English and riding a bicycle through the jungles of Thailand.

During my first night in Thailand, I sat in a restaurant and watched a cat chase a rat across the floor and devour it. I thought, ''What am I doing here.'' But, as I got to know the people in the village, my whole outlook changed. I came home from Thailand with a better understanding of the world, with my priorities in order, and prepared for a life of public service.

No other institution does what the Peace Corps does. It serves the needy of the world in concrete, practical ways. It promotes world peace. And, every year, it brings 3,000 experienced, multicultural, and compassionate volunteers back home to America. During its long and distinguished history, the Peace Corps has enjoyed wide public approval and bipartisan support here in Congress. I certainly hope that that support continues as the 1997 appropriation process goes forward.

Today, as it celebrates its 35th anniversary, the Peace Corps deserves our highest recognition and I commend all of its past and current volunteers for 35 years of success.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the joint resolution, House Joint Resolution 158.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

DETERIORATION OF HUMAN RIGHTS IN CAMBODIA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 345), expressing concern about the deterioration of human rights in Cambodia, as amended.

The Clerk read as follows:

H. RES. 345

Whereas the Paris Peace Accords of 1991 and the successful national elections of 1993 ended two decades of civil war and genocide in Cambodia, demonstrated the commitment of the Cambodian people to democracy and stability, and established a national constitution guaranteeing fundamental human rights;

Whereas since 1991 the international community has contributed more than $3,000,000,000 to peacekeeping and national reconstruction in Cambodia and currently provides over 40 percent of the budget of the Cambodian Government;

Whereas recent events in Cambodia, including the arrest and exile of former Foreign Minister Prince Sirivudh, the expulsion of the former Finance Minister Sam Rainsy from the government coalition FUNCINPEC Party and the National Assembly, a grenade attack against the independent Buddhist Liberal Democratic Party of Cambodia, and mob attacks against pro-opposition newspapers, suggest that Cambodia is sliding back into a pattern of violence and repression;

Whereas rampant official corruption in the Cambodian Government has emerged as a major cause of public dissatisfaction, which in turn has resulted in the government crackdown against these outspoken opposition politicians and the press;

Whereas heroin traffic in and through Cambodia has become so widespread that Cambodia has been added to the Department of State's list of major narcotics trafficking countries;

Whereas the desire to cite Cambodia as a success story for United Nations peacekeeping and international cooperation has stifled the expression of concern about deteriorating human rights conditions in Cambodia; and

Whereas conditions in Cambodia have deteriorated since the House of Representatives passed House Bill 1642 on July 11, 1995, which grants Cambodia unconditional most favored trading status: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the Secretary of State to make human rights concerns among the primary objectives in bilateral relations with Cambodia;

(2) urges the Secretary of State to closely monitor preparations for upcoming Cambodian elections in 1997 and 1998 and attempt to secure the agreement of the Cambodian Government to full and unhindered participation of international observers for these elections;

(3) urges the Secretary of State to support the continuation of human rights monitoring in Cambodia by the United Nations, including monitoring through the office of the United Nations Center for Human Rights in Phnom Penh and monitoring by the Special Representative of the United Nations Secretary General for Human Rights in Cambodia;

(4) urges the Secretary of State to encourage Cambodia's other donors and trading partners to raise human rights concerns with Cambodia;

(5) supports efforts by the United States to provide assistance to Cambodia to broaden democratic civil society, to strengthen the rule of law and to ensure that future elections in Cambodia are free and fair; and

(6) urges that the United States raise human rights concerns at the June 1996 meeting of the Donor's Consultative Meeting for Cambodia and during consideration of projects in Cambodia to be financed by international financial institutions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

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

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

Mr. Speaker, it has been 2 years since Cambodia had its first democratic election that brought to power the current coalition government.

Over the past 4 years, the United States donated some $700 million to the efforts to help Cambodia rebuild its economy and become a democracy.

But some very serious problems remain.

Last year the Cambodian National Assembly passed a provision to the press law that will allow the Government under the vague rubric of national security and political stability virtually unfettered power to confiscate and close down newspapers and charge journalists with criminal offenses.

The government has requested prosecution and closure of several Cambodian newspapers, as well as the highly regarded english language weekly, the Phnom Penh Post.

In addition to these problems, there are the serious questions surrounding the unsolved killings of three journalists, and the expulsion and threatened expulsion of members of parliament who expressed views critical of the ruling coalition.

One trial ended with the conviction of Thun Bun Ly, the editor of Khmer Ideal on charges of disinformation for critical and satirical essays that the paper published.

The newspaper has been closed and Thun Bun Ly has been fined 10 million riel—$4,000—and sentenced to 2 years of imprisonment should he fail to pay in 2 months.

The Congress needs to closely watch the situation in Cambodia. The leaders of that nation need to permit the development of an independent judiciary, to allow for complete freedom of the press and independent political participation.

Another important issue is the drug trade. there are many reports coming out of the region pointing out that Cambodia's army and security apparatus is providing transportation and protection for the heroin trade.

I want to thank the chairman of the subcommittee, Mr. BEREUTER, and the ranking minority member, for their work on House Resolution 345.

House Resolution 345 expresses important American concerns and I wholeheartedly support its passage.

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

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

Mr. Speaker, the Democratic minority is going to support this resolution as amended. We do wish it was a little bit more balanced. It is true certainly that the human rights situation in Cambodia has deteriorated over the past year, but the resolution does not adequately recognize the difficulties that Cambodia faces.

Cambodia is not a police state. It is far more open and free than many of its neighbors. Unlike many of its neighbors, it has an active opposition press that does not hesitate to criticize the government and, in many ways, in an inflammatory language that we would be shocked at in this country.

While it is true that government troops have committed human rights violations, it is also true that the Cambodian Government and military have stepped up their efforts to ensure that these abuses are not repeated. The U.S. Government is in fact funding those efforts.

So I would urge my colleagues not to give up on Cambodia, given that country's tragic history over the past quarter century in which we played a significant role. We should not be surprised if it fails to fully live up to our ideals on human rights. Progress is being made.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of our Subcommittee on Asia and the Pacific.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I want to thank the chairman of the committee for yielding me this time and for his support.

Mr. Speaker, this Member introduced House Resolution 345 to put the Cambodian Government on notice that the House is increasingly concerned about the deterioration of democracy and human rights in that country. The resolution at the desk includes two minor technical corrections. the first corrects the date of upcoming elections; the second notes the fact that Cambodia has been added to the State Department's list of narcotics trafficking countries.

Mr. Speaker, Cambodia has made tremendous strides toward democracy since the killing fields of Pol Pot and the Vietnamese occupation; but serious problems remain. House Resolution 345, while commending the Cambodian people for their commitment to democracy and stability, expresses serious concern about human rights problems in that country. This Member is concerned that the desire by the administration and the international community to cite Cambodia as a success story for U.N. peacekeeping has stifled the expression of concern about the deterioration of democracy and human rights conditions in Cambodia.

On September 21, 1995, the Subcommittee on Asia and the Pacific held hearings on internal stability, democracy, and economic development in Cambodia. At this hearing, several well-informed private witnesses, including the International Republican Institute, described a serious deterioration of democracy and human rights in Cambodia during the last 12 months.

Few people have experienced as much suffering the last 30 years as the people of Cambodia. Cambodia was drawn into the Vietnam war. The country endured 3 years of tyrannical rule by the Khmer Rouge [KR], under which more than 1 million Cambodians perished. Cambodia was invaded by Vietnam in 1979 and then suffered another 12 years of civil war.

Cambodia's road back from this horror began with the October 1991 Paris Peace Accords, under the auspices of the United Nations. These accords led to remarkably successful national elections in May 1993, during which 90 percent of Cambodia's eligible voters braved threats from Pol Pot and his henchmen and voted to install a democratic parliamentary system of government. Cambodia's national unity coalition government, which resulted from these elections, demonstrates the desire of the Cambodian people for representative government and stability.

The 1993 elections, however, were only the first step toward democracy in Cambodia. The impediments remain formidable: the Khmer Rouge continues to fight a low intensity war against the Government; the former ruling party—the ex-communist Cambodian People's Party—has found it difficult to share power; the royalist party which won the elections has been charged with corruption; and, the Government seems to be drifting toward authoritarianism.

Not only are there questions about the depth and staying-power of the current democratic system in Cambodia, but the Government of Cambodia has taken some troubling actions. As a parliamentarian, and Member of Congress, I am very troubled by what appears to be an increasing tendency toward intolerance of dissent in the Cambodian National Assembly. The expulsion from the National Assembly of the outspoken Sam Rainsy, the arrest and exile of former Foreign Minister Prince Sirivudh, and the threatened expulsion of other legislators is of particular concern. Moreover, the arrest of some journalists and the enactment of a restrictive press law raise questions about the Cambodian Government's commitment to free speech and a free press.

Mr. Speaker, since the House acted to approve most-favored-nation trading status for Cambodia earlier this year, we certainly now need to balance that action with a straightforward message to Phnom Penh on human rights violations. That is exactly what House Resolution 345, as amended, does.

One positive sign, which could make a long-term contribution to democracy and human rights in Cambodia, is the strong network of local and international nongovernment organizations. This Member commends the Government for its continued welcoming of NGO's in that country and hopes this positive attitude will continue.

The resolution urges the administration to bring a larger effort to making

democracy and human rights concerns among our primary objectives in bilateral relations with Cambodia, calls for close monitoring of important upcoming elections, supports democratization efforts of United States assistance programs, and urges that the United States and other donors raise democracy and human rights at the June 1996 meeting of the Donor's Consultative Meeting for Cambodia.

Mr. Speaker, House Resolution 345 represents a balanced and constructive effort to advance democracy and human rights in Cambodia. This Member wants to thank the distinguished gentleman from New York and chairman of the House International Relations Committee, [Mr. GILMAN] and the distinguished Member from California and ranking member of the Subcommittee on Asia and the Pacific, [Mr. BERMAN] for their assistance and support for this resolution. This Member urges all his colleagues in this body to support House Resolution 345, as amended.

Mr. GILMAN. Mr. Speaker, I thank the distinguished chairman of our subcommittee, the gentleman from Nebraska [Mr. BEREUTER] for his supportive comments.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, House Resolution 345, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1445

ANNIVERSARY OF MASSACRE OF KURDS BY IRAQI GOVERNMENT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 379) expressing the sense of the House of Representatives concerning the eighth anniversary of the massacre of over 5,000 Kurds as a result of a gas bomb attack by the Iraqi Government.

The Clerk read as follows:

H. RES. 379

Whereas over four million Kurds live in Iraq, composing 20 percent of the population;

Whereas the Iraqi Government has continually taken violent actions against Kurds living in Iraq;

Whereas, on March 17, 1988, the Iraqi Government, by its own admission, used chemical weapons against Iraqi Kurd civilians in the Kurdish frontier village of Halabja, resulting in the death of over 5,000 innocent persons;

Whereas this terrible, inhumane act by the repressive Iraqi Government provoked international outrage;

Whereas the Iraqi Government continued its use of chemical weapons against a defenseless Kurdish population throughout 1988;

Whereas over 182,000 Iraqi Kurds were killed by the Iraqi Government during the Anfal campaigns in 1988;

Whereas it was not until the international response to Iraq's invasion of Kuwait in 1990 that the international community instituted measures to destroy Iraq's arsenal of weapons of mass destruction;

Whereas the Iraqi Government has laid over 20 million mines throughout the Kurdish countryside which continue to hamper efforts of rehabilitation of the displaced population;

Whereas United Nations Security Council Resolution 688 of April 1, 1991, demanded that Iraq cease repression of its citizens and called for an international relief program for the Iraqi civilian population and, in particular the Kurdish population;

Whereas, since the spring of 1991, the United States, Britain, and France have enforced by daily overflights a no-fly zone over Iraq north of the 36th parallel;

Whereas, in addition to the allied air umbrella, the United Nations carries out relief and security operations in Iraq, with emphasis on the Kurdish region;

Whereas, since 1991, the United States has provided approximately $1.2 billion to support humanitarian and protective activities, known as Operation Provide Comfort, on behalf of the Iraqi Kurds; and

Whereas there will never truly be peace for the Iraqi Kurds without justice being carried out against their Iraqi perpetrators: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the United States Administration should—

(1) mark the eighth anniversary of the death of over 5,000 Iraqi Kurds in the 1988 chemical attack by the Iraqi Government on Halabja by commemorating all those innocent men, women, and children who lost their lives;

(2) reaffirm the United States' commitment to protect and help the Kurdish people in Iraq, thus ensuring that the tragedy of Halabja will never be repeated;

(3) support efforts to promote a democratic alternative to the present regime in Iraq which will assure the Kurdish people the right to self-government through a federal system; and

(4) renew efforts to establish an international war crime tribunal to prosecute Iraqi leaders involved in crimes against humanity and war crimes.

The SPEAKER pro tempore (Mr. UPTON). Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

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

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, I rise in strong support of House Resolution 379, legislation introduced by our distinguished colleague the gentleman from Illinois [Mr. PORTER], which expresses the sense of Congress regarding the eighth anniversary on March 17, 1996, of the massacre of 5,000 Iraqi Kurds as a result of a gas bomb attack by the Iraqi Government.

The United States is well aware of the brutal actions of Saddam Hussein's regime against Iraqi minorities, particularly Iraqi Kurds, who are now protected in northern Iraq by Operation Provide Comfort. United States support for Operation Provide Comfort is substantial, through our participation in monitoring the no-fly zone over Iraq north of the 36th parallel, and through our approximately $1.2 billion in humanitarian and protective activities there to assist the Kurds in the north, in which we are also able to deter Saddam's aggression.

House Resolution 379 recalls the events of March 17, 1988, and calls upon the administration to: Commemorate the memories of those innocents who lost their lives in that tragic attack; reaffirm the United States commitment to protect and assist the Kurdish minority in Iraq, to ensure that the Halabja massacre does not happen again; support efforts to promote a democratic alternative to the present regime in Iraq which will assure the Kurds the right to self-government through a federal system; and renew efforts to establish an international war crimes tribunal to prosecute Iraqi leaders involved in crimes against humanity.

Mr. Speaker, the gentleman from Illinois [Mr. PORTER] is to be commended for his sponsorship of this resolution, and for his consistent leadership in fighting for human rights. Accordingly, I support the gentleman's resolution, and urge my colleagues to support it as well.

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

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

The minority applauds this resolution introduced by the gentleman from Illinois [Mr. PORTER] and appreciates the gentleman from New York [Mr. GILMAN], the chairman, bringing it to the floor. It is appropriate that we express our sense of outrage over the massacre of 5,000 Kurds by gas bomb attack. It is a timely reminder that we have to continue our vigilance and pressure against Iraq with and on behalf of the international community.

This resolution reaffirms our commitment to protect and to help the Kurdish people in Iraq. It supports efforts to promote a democratic alternative to the present regime in Iraq which will assure the Kurdish people the right to self-government through a federal system, and it calls on the administration to renew efforts to establish an international war crimes tribunal to prosecute Iraqi leaders involved in crimes against humanity and war crimes and their principal leader, in particular, Saddam Hussein.

So this is a good resolution, and we would urge its adoption.

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

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. PORTER], distinguished co-chairman of our human rights caucus, who has been a leader in our battle for human rights and has brought this

Kurdish problem to our attention for a number of years.

Mr. PORTER. Mr. Speaker, I thank the distinguished chairman for yielding time to me. I particularly thank him for his tremendous leadership in fighting for the rights of minorities all across the world.

He has been steadfast in his support for the Kurdish people, the largest ethnic group in the world not to have a country of their own, 25 million people divided between Turkey, Iraq, Iran and Syria. The gentleman from New York has been absolutely outstanding in his leadership, to draw our attention to their plight in several of these countries and to fight for their basic human rights.

Mr. Speaker, 8 years ago on March 17, 1988, Saddam Hussein's regime attacked the Kurdish town of Halabja using poison gas and nerve gas. Over 5,000 civilians, including women and children, perished in this attack. Following the attack, the Iraqi Government demonstrated just how terrible and inhumane it is by continuing its reign of terror against the Kurds.

Throughout 1988, over 182,000 Iraqi Kurds were killed by the Iraqi Government in vicious gas attacks. It was not until Iraq's invasion of Kuwait in 1990 that the international community stepped forward and took measures to destroy Iraq's arsenal of weapons of mass destruction.

Today the United States and the international community support efforts to protect the Iraqi Kurds. the United States has been instrumental in ensuring that humanitarian assistance reaches Kurds in Iraq and that they are protected from Iraqi Government attacks.

The plight of the Iraqi Kurds, however, remains precarious at best. Saddam Hussein continues to terrorize the Kurdish region through acts of sabotage and economic embargo. Additionally, over 20 million land mines laid by the Iraqi Government throughout the Kurdish countryside continually hamper relief efforts. Today there are posed on the edge of the Kurdish area 100,000 Iraqi troops threatening those areas.

Mr. Speaker, the Iraqi Government refuses to guarantee its citizens basic human rights and the right to live under the rule of law. The United Nations imposed sanctions as a result of Iraq's 1990 invasion of Kuwait. Saddam Hussein continuously refuses to comply with the U.N. Security Council resolutions.

As a result, the economy continues to deteriorate, but it is not Saddam Hussein who suffers the terrible cost of a debilitating economy, Mr. Speaker. Instead, those who bear the burden of a dictator's cruel and senseless policy are the innocent citizens who are refused the right to change their government and whose freedoms of expression and association are denied. Basic human rights only exist in the Kurdish-controlled areas in the north because of the protection of international forces.

Iraq must continue to be ostracized from the community of nations, Mr. Speaker, until its conduct begins to approach a respect for basic rights of each human being to live, to worship and to speak according to the dictates of his or her own conscience.

We must never ever forget those Iraqi Kurds who lost their lives as the result of the terrible, despicable acts of a repressive dictator. Mr. Speaker, the responsibility falls to us to ensure that their memory forever remains alive.

Mr. Speaker, past events make crystal clear that Saddam Hussein would attack the Kurds tomorrow if the United States did not protect them. Since 1991, Operation Provide Comfort has provided humanitarian assistance and protective activities on behalf of the Iraqi Kurds.

Without the support both morally and economically of the United States, I believe without the slightest doubt that many more innocent Kurdish men, women, and children would have lost their lives. The United States must continue to stand with those like the Iraqi Kurds who refuse to surrender their basic human rights to the present repressive and monstrous ways of dictators like Saddam Hussein.

Mr. Speaker, with the passage of this resolution today, Congress will go on record as commemorating the March 17, 1988 attack on the Iraqi Kurds and reaffirming strong United States support for the Kurdish people of Iraq. I strongly urge the adoption of this resolution.

Mr. Speaker, let me also comment upon a related matter. Recently our ally, Turkey, has chosen a new prime minister, Mesut Yilmaz. He has recently called for a new dialog with Greece that would intend to resolve many ongoing disputes and to bring Turkey and Greece into the kind of relation, or allies with one another, that would reflect well upon both countries and would lead to a lessening of tensions in the geographic region.

As part of that announcement, Prime Minister Yilmaz also said that he would like to open a border gate with Armenia, if he saw clear signs of progress toward a peace settlement between Armenia and Azerbaijan in their 5-year war over Nagorno-Karabakh.

He also said, Mr. Speaker, that regarding the repression of the Kurds in southern Turkey by the Turkish Government, that he would put upon the table a plan that would include granting the Kurds in Turkey cultural liberties such as the Kurdish language education that moderate Kurdish groups have long sought.

Mr. Speaker, he said also that the state of emergency would gradually be lifted in the southeast region and that measures would be taken to stimulate its economy which has suffered during the long conflict.

Mr. Speaker, he said that, and I quote, ''after having witnessed such terrible events in the past, after losing 15,000 people. I believe we have come to a common understanding that this problem can be solved only by peaceful means and not by military means.''

Mr. Speaker, this is extremely good news. This is what the United States and those of us in Congress concerned with the plight of the Kurds in Turkey have long sought. If the Turkish Government can follow through and the Turkish people can support their new prime minister in this endeavor, I believe that the lives of thousands and thousands of innocent people, part of the Kurdish minority as well as the lives of Turkish citizens will be spared.

I commend the new prime minister, Mr. Yilmaz, on taking this initiative. I know that it takes great political courage in Turkey to do so. We will promise that we will work together with the Turkish Government to achieve the settlement of differences with Greece, the opening of a positive relationship with Armenia and on the resolution of the terrible conflict in southeast Turkey that has claimed so many lives, made so many people homeless and refugees in their own country and had plagued the entire country for such a long, long time.

☐ 1500

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I want to commend the gentleman from Illinois [Mr. PORTER] first and foremost for this fine resolution and for his leadership on these issues. He has been tenacious over the years in raising the issue of the such maligned and troubled Kurds who have suffered so much, and I want to thank him for remembering, through this resolution, that horrible day when some 5,000 people were killed by poison gas.

I will never forget the picture of that mother clutching her young child, with the child's mouth gaping open. As a result of the gas, the impact of the gas, there was a look of absolute fright on both mother and baby; just one of the Kurds killed by Saddam Hussein, one of the many.

I also want to remind everyone that the regime of Saddam Hussein continues to kill, torture and illegally imprison members of the Kurdish minority in Iraq, as well as anyone else who displeases the regime. Relief workers who have gone in to help the Kurdish refugees have also been the victims of extrajudicial executions as well as disappearances.

Mr. Speaker, back in the early 1990's I was part of the Speaker's mission that went to the refugee camps on the border of Turkey and Iraq and met with many of the Kurds who were fleeing the repression. It was right in the aftermath of the Persian Gulf War, and the Republican Guard were in hot pursuit of this Kurdish minority. It was very compelling and encouraging for me to see how our military carried on ''Operation Provide Comfort.'' They came in, they organized, and they were able to provide the logistical support

for medicines and food to be dispersed, and thousands of Kurds were spared because of the humanitarian efforts of the United States military as part of ''Operation Provide Comfort''. After several months, the situation was stabilized, and the baton was passed to the nongovernmental organizations that then carried on the good work of providing this important relief.

Mr. Speaker, as my good friend and colleague, the gentleman from Illinois [Mr. PORTER], pointed out, the Kurds do suffer much in Turkey as well. We have had hearings, on the subject including one just this morning. The gentleman from Virginia [Mr. MORAN] was there, the gentleman from New York [Mr. GILMAN], the gentleman from Illinois [Mr. HYDE] and other members of our committee and subcommittee, and we focused on one of these areas, the proposed sale of Cobras to Turkey. As the chair of the Subcommittee on International Operations & Human Rights I believe that it would be outrageous to send Cobras to Turkey after the military might of the Turkish regime has been used in an ethnic cleansing effort against the Kurds, again another sad chapter in the kind of cruelty that these people have had to endure.

What is pointed out in this resolution, the massacre of the 5,000, is but one rather large and very terrible event in a series of tragedies that have been visited upon the suffering Kurdish minorities. So this is an important resolution, and I urge its passage.

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

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

Mr. Speaker, let me just say I am encouraged by what the gentleman from Illinois [Mr. PORTER] shared with us in terms of the new leadership in Turkey. That is major progress, to consider opening up the supply lines, economic and humanitarian supply lines, to Armenia if we can make progress in terms of the conflict with Azerbaijan. Certainly, starting to hear the relationship with Greece is a step in the right direction. Some of us would like to see a recognition of the Armenian genocide, which has been a problem in terms of improved relations with Turkey. But perhaps with new leadership we will continue to move forward.

This resolution, however, is entirely in order, and we strongly support it.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, House Resolution 379.

The question was taken.

Mr. PORTER. Mr. Speaker, on that demand the yeas and nays.

The yeas and nays were ordered.

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

EMANCIPATION OF IRANIAN BAHA'I COMMUNITY

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 102), concerning the emancipation of the Iranian Baha'i community.

The Clerk read as follows:

H. CON. RES. 102

Whereas in 1982, 1984, 1988, 1990, 1992, and 1994 the Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas the Congress has deplored the Government of Iran's religious persecution of the Baha'i community in such resolutions and in numerous other appeals, and has condemned Iran's execution of more than 200 Baha'is and the imprisonment of thousands of others solely on account of their religious beliefs;

Whereas the Government of Iran continues to deny individual Baha'is access to higher education and government employment and denies recognition and religious rights to the Baha'i community, according to the policy set forth in a confidential Iranian Government document which has revealed by the United Nations Commission on Human Rights in 1993;

Whereas all Baha'i community properties in Iran have been confiscated by the government and Iranian Baha'is are not permitted to elect their leaders, organize as a community, operate religious schools or conduct other religious community activities guaranteed by the Universal Declaration of Human Rights; and

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian Government document that constitutes a blueprint for the destruction of the Baha'i community and reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and other international agreements guaranteeing the civil and political rights of its citizens;

(2) condemns the repressive anti-Baha'i policies and actions of the Government of Iran, including the denial of legal recognition to the Baha'i community and the basic rights to organize, elect its leaders, educate its youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Baha'is continue to suffer from severely repressive and discriminatory government actions, solely on account of their religion;

(4) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants of human rights, including the freedom of thought, conscience, and religion, and equal protection of the law; and

(5) calls upon the President to continue—

(A) to assert the United States Government's concern regarding Iran's violations of the rights of its citizens, including members of the Baha'i community, along with expressions of its concern regarding the Iranian Government's support for international terrorism and its efforts to acquire weapons of mass destruction;

(B) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant factor in the development of the United States Government's relations with the Government of Iran;

(C) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights; and

(D) to encourage other governments to continue to appeal to the Government of Iran, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. MORAN] will each be recognized for 20 minutes.

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

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

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 102, concerning the emancipation of the Iranian Baha'i community and would like to urge all house Members to support this timely, important measure. I congratulate the Gentleman from Illinois [Mr. PORTER] for again championing this important cause by introducing this measure. This resolution is the latest in a series of resolutions concerning the continuing repression of the Baha'i community, and other religious minorities in Iran that have been adopted by the Congress since 1982.

It is truly a sad irony that since its founding the Baha'i religion, which itself poses no threat to secular authority anywhere, has been singled out for such harsh repression in Iran and other parts of the Middle East. I salute those who have courageously maintained their faith in the face of repression and who have too often paid the supreme price for their belief.

The closing years of this century have been marred by a resurgence of the brutality and horrors that have shaped much of its history. What we witness today in such places as Iran serves as a stark reminder that the struggle for human rights is constant. While we can learn from our unfortunate history and our past mistakes, we can never desist from our defense of international human rights standards. Men and governments always seem to have the tragic capability of repeating the barbarisms of the past in new and unforeseen ways despite all of the institutions created in the course of this bloody century to prevent mankind from tearing itself apart.

This resolution allows us to once again express our outrage and revulsion with regard to the brutal and systematic denial of one of the most basic of human freedoms—freedom of conscience—which has been denied by the Mullahs of Iran.

Each time we consider these resolutions it seems that there has been a new twist added to the outrages Iranian authorities have perpetrated against their own citizens. Last month, we received distressing reports from Iran about the conviction and sentencing to death of an Iranian Baha'i for apostasy. Not only does this have sinister implications for the long-suffering Baha'i community of Iran, but for other religious minorities in that country as well.

Iran's brutal treatment of the Baha'i and other religious minorities has also been the subject of concern within the United Nations Commission on Human Rights. The Commission's Special Rapporteur on Religious Intolerance has singled out the case of the Baha'i in Iran as an egregious example of interference with the right to freedom of conscience and of worship. The UN's Special Rapporteur calls upon the Iranian authorities to ease restrictions upon adherents to the Baha'i faith.

The United States has spoken out consistently and repeatedly on Iran's continued brutal repression of the Baha'i. In its latest Human Rights Report, the State Department includes Iran among the few countries that are the very worst abusers of the rights of their own citizens in the world. The treatment of the Iranian Baha'i community epitomizes the character of the Iranian regime—its intolerance and its brutality.

We owe it to the victims of this repressive regime to continue to raise this issue in international human rights forums, and to press those governments that conduct commerce and diplomatic relations with the Government of Iran to use their influence and speak out against these outrages. Resolutions of the Congress, such as the one we now consider, representing the clear voice of the American people, are invaluable tools for our diplomats in bodies such as the U.N. Human Rights Commission, which is now meeting in Geneva. I hope my colleagues will join with me in supporting House Concurrent Resolution 102.

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

Mr. Speaker, this resolution makes an important statement, that the Congress continues to hold the Government of Iran responsible for upholding the rights of all of its nationals, including members of the Baha'i community.

Concern about Iran continues to rise to the surface of our foreign policy horizon. Much of the focus has been on trade, on Iran's role in terrorism, its efforts to subvert governments in the Middle East, in North Africa, and its nuclear dealings with Russia and China.

This resolution helps in keeping our focus on Iran's dismal record on human rights. Among the many other issues we have with that Government, Iran's denial of religious rights, the abuse of its citizens and violations of internationally recognized human rights are of deepest concern to this Congress. We make that message clear by passing this resolution.

Our last resolution, which was adopted unanimously 2 years ago, was reiterated by the United Nations and the German Bundestag and the European Parliament condemning Iran's persecution of Baha'is. In some limited instances, Iran has responded to this pressure. There in some evidence that the persecution of individual Baha'is in Iran is less severe today than it was several years ago. But let there be no doubt. The Baha'i community is still an oppressed minority and is denied rights to organize, elect leaders, conduct religious schools and other religious activities.

Their religion is really all about achieving a peaceful world brotherhood. It is not something we would consider to be threatening in this country, but it is a reflection of Iran's intent that it is threatening to them.

We must continue to work to end this discrimination against the Baha'is and all who are denied basic civil rights, and so we would urge adoption of this resolution as one more appropriate step toward that goal.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I again thank the chairman for yielding this time to me and would again commend him for his strong support of Baha'is. Throughout his service in the Congress he has made the protection of the minorities one of his highest priorities, and he has continuously strongly supported the Baha'i minority in Iran, not only with votes, but by speaking out repeatedly on the floor of the House and wherever he has gone about the plight of the Baha'is at the hands of the revolutionary government of Iran, and I commend him for his leadership.

Mr. Speaker, House Concurrent Resolution 102, the Baha'i Community Emancipation Resolution, condemns the Government of Iran for denying the 300,000 people of the Baha'i Iranian community their basic human rights. Since the fundamentalist Islamic regime took power in 1979, hundreds of Baha'is the largest religious minority in Iran, have been executed, and thousands have been imprisoned solely because of their religion. Because the regime does not recognize the Baha'i faith, calling it a conspiracy and a heresy, tens of thousands of Baha'is are today deprived of jobs, housing, schools, and other social services. Furthermore, it is common practice for Baha'is to be denied pensions and food ration cards purely because of their religious affiliation.

Mr. Speaker, the Baha'i religion is founded upon the nine dominant religions of the world, including, of course, Islam, and draws on the teachings of all of them as the basis of its faith. There are organized Baha'i assemblies in more than 100,000 localities in over 342 countries and territories.

□ 1515

Intolerance, Mr. Speaker, is the trail of the backward, the ignorant, and the insecure. In Iran, intolerance of Baha'is, people who threaten no one and who accede to legitimate, civil authority wherever they reside, defines not the Baha'is, but the Iranian fundamentalists.

In 1993, an official Government document obtained in Iran confirmed for the first time that the ongoing persecution of the Baha'i community has been a calculated policy written and approved by Iran's highest ranking officials. This document reveals that the Iranian policy is to repress Baha'is at every opportunity while maintaining official deniability for such actions. While the document states that Baha'is is will not be expelled or arrested without reason, it makes evident that the Iranian Government's intent is to isolate, persecute, and ultimately destroy the Baha'is.

In the mid 1980's, diplomatic pressure and negative publicity forced the Iranian leadership to lessen the severity of their grievous official campaign against Baha'is. There is strong evidence that congressional resolutions, together with appeals by other nations and the United Nations, helped to persuade Iranian officials to moderate their actions against the Baha'i community.

There are disturbing signals, however, that the repression of Baha'is has increased during this past year. We cannot be sure how many Baha'is are jailed at any moment. Apparently, there is a new trend by the Iranian authorities to carry out an increasing number of short-term arrests in various parts of the country. Baha'is are rotated through the prison system for varying lengths of confinement making it impossible to know who will be incarcerated when and for how long. Tragically, the situation has very recently taken a turn for the worse. Mr. Speaker, just last month a Baha'i was found guilty of apostasy by the Revolutionary Court of Yazd and was sentenced to death. His crime? He was accused of changing his religion from Islam to the Baha'i faith. The Iranian Supreme Court, in an unusual move, set aside the verdict and sent the case back to a lower court for review. If this man is executed, he will be the first Baha'i executed since 1992.

Mr. Speaker, Iran must continue to be ostracized from the community of nations until its conduct can begin to approach a respect for the basic rights of each human being to live, worship, and speak according to the dictates of his or her own conscience. Since 1982,

the Congress has adopted six resolutions expressing its concern for persecuted Baha'is in Iran, and condemning the repressive anti-Baha'i policies and actions of the Iranian Government. In 1994, the resolution was adopted by a recorded voted of 414 to 0. Mr. Speaker, with the passage of this resolution today, Congress will once again go on record in support of the basic rights of Baha'is and other religious minorities in Iran. I strongly urge the adoption of this resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supportive remarks.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH], the distinguished chairman of our Subcommittee on International Operations and Human Rights of the Committee on International Relations.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 102. I think it is a very good resolution and I want to commend the gentleman from Illinois [Mr. PORTER] for his leadership on behalf of the Baha'is and on behalf of human rights.

Mr. Speaker, the issue of persecution of the Baha'is is unfortunately not a new one in the House. Congress has passed a half-dozen resolutions condemning the vicious persecution of the Baha'is at the hands of the regime in Tehran, but the persecution continues.

Mr. Speaker, there is little I can add to the resolution and to the excellent comments that have been made so far. The Baha'is clearly are a peace-loving community, members of a religion that had its origin in Iran but that has adherents all over the world, including here in the United States. The extremist regime in Iran considers the Baha'i religion to be a heresy, a group apostasy, so it persecutes them with even more severity than it does Christians, Jews, or other Muslims.

Mr. Speaker, I particularly want to call to the Congress' attention the fact that there are at least four members of the Baha'i faith that now are at risk of death in Iran. The gentleman from Illinois [Mr. PORTER] mentioned one whose sentence has been remanded back to a lower court for review, and we hope this resolution sends a clear, unmistakable message that religious intolerance will not be tolerated by civilized countries, and that it will bring more scrutiny and more condemnation on the regime run by Rafsanjani.

I think it is very important that we speak, as we have, as Democrats, Republicans, as conservatives, moderates, and liberals, that we believe that the Baha'is have a right not just to exist, but to express themselves, to practice their religion as they see fit.

We support the United Nations Universal Declaration on Human Rights, the religious intolerance acts that have been passed by the United Nations. Every year the Human Rights Convention in Geneva looks at religious persecution and speaks out on it. My hope is that they will say to Tehran, ''No more,'' that cooler heads will prevail, and those who are being persecuted simply because they want to practice their faith as they see fit will no longer find themselves being tortured, incarcerated, and, even worse, put to death. I commend the gentleman from Illinois [Mr. PORTER] for his excellent resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Ohio [Mr. NEY].

(Mr. NEY asked and was given permission to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, I just wanted to make a couple of statements on this resolution. First, I commend the gentleman from Illinois [Mr. PORTER] for bringing this forth to the floor of this House, and also commend the House for continuing to keep the pressure on this issue. I think the previous speakers have pointed out why we need to do that.

Also, Mr. Speaker, I just wanted to state that I myself lived in Iran, in a southern city called Shiraz. I was there during the revolution in 1978 of the Shaw of Iran. People would talk over the years about prejudice. Prejudice can exist in any country toward a people or toward a religion. There may have been some internal prejudice in 1978 and prior toward the Baha'i religion, but I want to tell the Members, Baha'is were not pulled out into the street and executed.

This regime, let us make no bones about it, goes beyond the thoughts of prejudice toward the Baha'i, and they have executed people, they have forced families to purchase the bullets that their loved ones were executed with.

This is a brutal regime in Iran that has carried out assassinations toward members of the resistance in Europe recently. This is a regime that promotes terrorism around the world. As we know, even in Bosnia, as we speak this year they were active there and around the world to persecute people. I believe that the world needs to be constantly made aware and to promote and push the point of what is being done to the peaceful Baha'i people.

I just want to again stress that if we do not keep up this type of pressure, it will be forgotten. This has helped in the past, and I want to commend the Members for what they are doing today, on behalf of the Baha'i people.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio for his supportive remarks.

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

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 102.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of the four measures just considered.

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

There was no objection.

WAIVING CERTAIN ENROLLMENT REQUIREMENTS OF TWO BILLS OF THE 104TH CONGRESS

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the joint resolution (H.J. Res. 168) waiving certain enrollment requirements with respect to two bills of the 104th Congress, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 168

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of sections 106 and 107 of title 1, United States Code, are waived with respect to the printing (on parchment or otherwise) of the enrollment of H.R. 3019 and the enrollment of H.R. 3136, each of the One Hundred Fourth Congress. The enrollment of either such bill shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

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

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. UPTON). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House,

the following Members will be recognized for 5 minutes each.

RECOGNIZING THE HEROISM OF LT. JOSEPH P. TADE AND HIS FELLOW OFFICERS

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

Mr. JONES. Mr. Speaker, we live in a world where crime rates are rising daily, and where acts of violence against innocent people are escalating, at an alarming rate. It is rare when we hear of citizens who go above and beyond the call of duty to help their fellow man.

Mr. Speaker, at this time, I would like to give special recognition to one of those individuals, Lt. Joseph P. Tade, of the Elizabeth City, NC Police Department.

Lieutenant Tade embodies the qualities of honor, tenacity, and dedication. He has recently received three national awards for acts of courage and valor in the line of duty. The American Police Hall of Fame, has awarded Lieutenant Tade two separate Silver Stars for Bravery and the Legion of Honor Medal.

The Incidents, for which Lieutenant Tade earned his medals say much about his bravery and character.

On October 12, 1980, then-Patrolman Tade and his partner, intervened when an armed man attempted to flee the scene of a robbery, at a local grocery store. The suspect, opened fire on an innocent bystander and on the officers. After unsuccessfully attempting to convince the gunman to surrender, the officers pursued the suspect as he fled in his car. The chase ended when the officers cut off the suspect's can and the suspect took his own life.

Lieutenant Tade earned his second Silver Star when a routine traffic stop pin 1984 turned into a high speed chase that reached 95 miles per hour. When the chase appeared to have stopped, one of the three suspects aimed his gun at Tade and his partner, and then opened fire. Fearing for he and his partner's lives, Tade returned fire, striking the gunman twice. The suspects were apprehended a short time later and the gunman survived his wounds.

Lieutenant Tade's actions, in April of 1995, earned him The Legion of Honor Medal. While attempting to separate a local male and female involved in a violent altercation, Tade was severely cut by the female who had suddenly produced a razor blade. Although bleeding profusely—from a two inch long wound—he was still able to disarm the youth and take her into custody. Despite the many stitches required, Lieutenant Tade recovered and suffered no permanent damage.

Mr. Speaker, Lieutenant Tade is by no means alone in deserving our recognition. Every day and night, in this country and abroad, hundreds of thousands of Federal, State and local law enforcement officers, risk their lives to maintain peace, uphold justice, rid our neighborhoods of violent criminals, and keep our children and families safe. Words alone seem inadequate, but I would like to express to Lieutenant Tade, and his fellow officers throughout American, a sincere ''Thank you'', for your dedication to your fellow citizens.

Mr. Speaker, I ask unanimous consent that the entire summary of Lieutenant Tade's courage, be included in the RECORD.

Mr. Speaker, in a world where crime rates are rising daily, where acts of violence against innocent people are escalating at an alarming rate, it is rare when we hear of citizens who go above and beyond the call of duty to help their fellow man. Mr. Speaker, at this time I would like to give special recognition to one of those individuals, Lt. Joseph P. Tade, of the Elizabeth City Police Department in Elizabeth City, NC.

Lieutenant Tade embodies the qualities of honor, tenacity, and dedication. He has recently received three national awards for acts of bravery and heroism in the line of duty. The American Police Hall of Fame has awarded Lieutenant Tade two separate Silver Stars for bravery and the Legion of Honor Medal.

The incidents for which Lieutenant Tade earned his medals say much about his bravery and character. On October 12, 1980, then-Patrolman Tade and his partner intervened when an armed man attempted to flee the scene of a robbery of a local grocery store. The suspect fired multiple shots at a bystander and the officers. Fearing for the lives of everyone in the area, the officers returned fire, including two warning shots in the air and shots by Tade aimed at the suspect's tires. After attempting to convince the gunman to surrender, the officers pursued the suspect as he fled in his car. The chase ended when the officers cut off the suspect's car and the suspect took his own life.

Lieutenant Tade earned his second Silver Star when a routine traffic stop in 1984 turned into a high speed chase that reached speeds of 95 miles per hour. At night and on patrol with a police cadet, Tade once again demonstrated bravery and courage in the face of danger. When the truck they were chasing appeared to have stopped, and the officers had exited their vehicle, one of the three suspects fired multiple shots at Tade and his partner from the truck. Once again, fearing for he and his partner's lives, Tade returned fire, striking the gunman twice. The driver of the vehicle suddenly pulled away and another chase ensued. After evading several road blocks, the suspects were apprehended and the gunman survived his wounds.

Lieutenant Tade's actions in April 1995 earned him The Legion of Honor Medal. While he and his partner, Capt. W.O. Leary, were attempting to separate a local male and female involved in a violent altercation, Tade was severely cut by the female who had suddenly produced a razor blade. Bleeding profusely from a 2-inch cut on the hand, he was still able to disarm the youth and take her into custody. Lieutenant Tade required 10 stitches and luckily suffered no permanent damage.

These are certainly not Tade's only awards. In 1980, he was named Outstanding Young Law Enforcement Officer of the Year by the Elizabeth City Jaycees. Throughout his career, Tade has received commendations from the Drug Enforcement Administration, the North Carolina State Bureau of Investigations, the North Carolina Division of Alcohol Law Enforcement, the U.S. Attorney's Office, the Currituck County Sheriff's Office, the Edenton Police Department, in addition to countless interdepartmental commendations.

Lieutenant Tade, a 20-year veteran, has a long and distinguished career with the Elizabeth City Police Department. He joined the department in 1976 and served as a cadet until 1978, when he was sworn-in full time. He immediately became involved in criminal investigations, as the department had no full-time investigators. In 1987, Tade was promoted to the rank of sergeant and became one of the department's first two full-time investigators. In 1989, Tade was promoted to the rank of lieutenant. In 1992, Tade was appointed as commander of the newly formed northeast regional drug task force. In 1995, Tade was appointed supervisor of a new division within the department. The neighborhood interdiction team, where he continues to serve today. This team is a community policing and street drug enforcement group working mainly in high crime areas of the city.

Over the course of his highly successful career, Lieutenant Tade has been involved in over 2,500 local, State and Federal drug arrests alone, reaching to such places as New York City, NY, and Allentown, PA. These arrests have resulted in record seizures of illicit drugs and currency, well in excess of $1.5 million. In addition, Tade has completed over 1300 hours of advanced law enforcement training.

Lieutenant Tade, a resident of Elizabeth City since the age of 10, currently lives with his wife Janet and their 3 daughters, Summer, Jessica, and Jordan.

Mr. Speaker, Lieutenant Tade is by no means alone in deserving our recognition. Every day and night, in this country and abroad, hundreds of thousands of Federal, State, and local law enforcement officers risk their lives to maintain peace, uphold justice, rid our streets, our neighborhoods and our businesses of violent criminals, and keep our children and families safe. To Lieutenant Tade and his fellow officers, I say ''thank you.''

□ 1530

INADVISABILITY OF REQUIRING TWO-THIRDS MAJORITY TO PASS TAX LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 60 minutes as the designee of the minority leader.

Mr. SKAGGS. Mr. Speaker, I appreciate having the opportunity to address the House this afternoon. The topic of this special order is the proposed amendment to the Constitution to require two-thirds majorities in the House and the Senate to adopt any legislation concerning increases in tax rates or tax base.

As the Speaker may be aware, the leadership of the majority party has announced its intention to bring this

matter up for debate and vote in the House on April 15, the Monday that the House is scheduled to return from 2 weeks of spring recess. In my opinion, scheduling the debate on this matter at that time, preceded as it will have been by no effective committee consideration or markup, constitutes an act of relatively modest political theater but relatively irresponsible constitutional legislation. But it is merely the last chapter in an ongoing novel of regrettable proportions during this, the 104th Congress, in which the majority party consistently has seen fit to treat the Constitution as if it were really just a rough draft.

Mr. Speaker, let me give my colleagues some idea of the recent history of the consideration of amendments to the Constitution. In the last 20 years preceding this, the 104th Congress, the House voted on constitutional amendments a total of nine times in 20 years. The average per Congress was one constitutional amendment, the maximum was two, frequently there were none. This amendment that will be coming up on April 15 will be the 4th time in this 104th Congress that the leadership has brought forth an amendment to the Constitution, and thus my characterization, I think appropriately, that this Congress is really treating the Constitution of the United States as if it were just a working document in draft form which we can toy with at our whimsy.

Mr. Speaker, we have already had amendments debated and voted on in the House concerning the flag of the United States, concerning term limits, concerning a balanced budget, and now this two-thirds tax proposal, and I think most Members are aware we will probably have even a fifth proposed amendment to the Constitution offered up some time later this year having to do with the first amendment's protection against the establishment of religion and protecting the free exercise thereof.

Mr. Speaker, this particular amendment that will be coming before us a couple of weeks has not only serious, serious, and I believe absolutely unworkable practical problems attached to it, but the process by which it will come to the floor of the House for debate is absolutely extraordinary. We would suppose, Mr. Speaker, that when we undertake the most serious legislative responsibility that we can have as Members of this great body, that is, considering an amendment to the Constitution, that we would go to some pains to make sure that a proposed amendment had been fully and carefully examined by those institutions within the House structure that are designated as having the expertise and the responsibility to conduct such an examination and vet it. In our case, that is the House Judiciary Committee, and in particular, the Subcommittee on Constitutional Law.

Unfortunately, in this instance, I presume because the chairmen of both that subcommittee and full committee actually have very grave reservations about this particular proposal and are disinclined to mark it up and report it to the House, the leadership is co-opting them, preempting that very, very important responsibility that the Judiciary Committee has to really go over proposed amendments to the Constitution as carefully as we possibly can to consider both the intended and unintended consequences.

Mr. Speaker, we are giving the back of our hand, as it were, to that normal order and process in the House for considering an amendment to the Constitution and just bringing this to the floor in an essentially unexamined and unreflected-upon state.

Interestingly, I think in part because of that cavalier approach to a very, very serious responsibility, it has been reported that the chairman of the House Ways and Means Committee, the tax-writing committee of the Congress, has also very serious misgivings about this proposal because of one of its many impractical consequences, namely if we were to adopt this two-thirds vote requirement for any tax bills in the Constitution, we would basically be embracing—for all practical purposes—the current state of the tax law for an indefinite period of time.

Mr. Speaker, if you look over recent history in enacting tax laws, almost all of which, if they are at all comprehensive, involves some increases as well as decreases and changes, very, very few will have be seen to have been passed by the two-thirds majority of both the House and the Senate that would be required under this proposed amendment to the Constitution. Since the chairman of the House Ways and Means Committee is reported to be a strong proponent of major tax reform, a fan of one of many alternatives that have been offered up for wholesale change in the Tax Code, he well realizes if this were in the Constitution, or ability to make that kind of change would be greatly constrained, if not made almost impossible.

One of the things that we, I think, should keep first in mind in considering this is not just the failure of the leadership here to follow regular order and process, as ought to apply to a proposal of this seriousness, but the content of the proposal, as well. It follows obviously that any time we require a super majority to enact legislation, in this case tax legislation, the corollary of that is to give a minority within the body, the House or the Senate, effective control of the issue. That contradicts head on the fundamental principle of majority rule that Madison identified during the debate in the Constitutional Convention as the first principle of this democracy of ours.

Now, it may seem a trivial observation to suggest that a super-majority requirement necessarily cedes control of the issue to a minority. Here in the House, that minority would represent something just over one-third of the people of the country, certainly a significant number. But under this constitutional amendment, effective control of the tax-writing responsibilities of the Congress would be given over to one-third plus 1 of the other body, the U.S. Senate, and it surprised me.

Mr. Speaker, I sat down a few minutes ago and just calculated that percentage of the population of the United States represented by the one-third plus 1 of the Senate that comes from the smallest States in the Union. Under this proposal, to give control over tax legislation to one-third plus 1 of the Senate, that is the same thing as saying that we would give power over this issue to less than 10 percent of the people of this country, because 34 Senators represent, combined from the smallest States, less than 10 percent of our entire population.

Now, it seems to me we should think long and hard about a proposal that would have that kind of incredibly distorting effect on who is in a position to determine the future course of this country in an area as critical as tax legislation.

Mr. Speaker, I have several other points to make with regard to the merits and the substance of this proposal, but I wanted at this time to recognize and yield some time to the distinguished gentleman from Virginia [Mr. MORAN], who has been very active in this Congress and in earlier Congresses in these areas having to do with the fundamental constitutional arrangements of the Republic, and I yield at this time such time as he may wish to consume.

Mr. MORAN. Mr. Speaker, I thank my distinguished colleague and good friend from Colorado for yielding me time.

Mr. Speaker, this amendment that we are discussing, House Joint Resolution 159, that would require a two-thirds vote to raise Federal taxes, may seem to be a simple, reasonable idea, but it invites dangerous consequences for our democracy that will weaken the power of the Federal Government to respond to national problems. Since the resolution includes any changes that would broaden the tax base, it will also effectively block passage of any fundamental overhaul of our entire tax system, be it the majority leader's call for a new flat tax or the interest of the chairman of the Ways and Means Committee in the national sales tax, or anything in between, including the most moderate and responsible alterations. Finally, this resolution will prove unworkable, as the House leadership has already discovered with its celebrated—but now ignored—rule change requiring a three-fifths vote on tax legislation.

This resolution, as my colleague from Colorado has explained, violates the spirit of majority rule and will take us back to the problems our Founding Fathers experienced under the Articles of Confederation. Article 9 of the Articles of Confederation required the vote of 9 of the 13 States to

ascertain the sums and expenses necessary for the States to raise revenue. In 1787, at the Constitutional Convention, our Founding Fathers recognized that this was an insurmountable defect and sought to establish a national government that can impose and enforce laws and collect revenues through a simple majority rule.

Mr. Speaker, my distinguished colleague has discussed the constitutional aspects of this resolution, but I would like to focus on how unworkable this resolution will prove to be based on our experience with the much-celebrated change in the House rules that requires a three-fifths vote for any tax increase. That was enacted on the first day of Republican control of the House in January, 1995. As specified in that modified clause 5(c) of rule 21 of our congressional code, the House of Representatives' code, no bill, joint resolution, amendment, or conference report carrying a Federal income tax rate increase shall be considered as passed or agreed to unless so determined by a vote of not less than three-fifths of the Members voting.

This rule was broken just as soon as we voted on the Contract With America, introduced and approved by the Republican majority of the Congress, but to approve it, we had to violate the rule. On April 5, I came to this well and raised a point or order on a provision in the Contract With America tax relief act that repealed section 1(h) of the Internal Revenue Code affecting the maximum rate for long-term capital gains. While the intent of the provision was to lower the capital gains rate, it actually increased the tax rate on the sale of small business stocks from 14 percent under current law to 19.8 percent.

At the time, the Speaker's chair ruled that this tax increase was not subject to the three-fifths rule, but in a June 12 letter from House Parliamentarian Charles Johnson, it appears that this ruling was made in error and the original point of order should have in fact been sustained. Since the Parliamentarian has confirmed my original challenge, the House leadership has found it necessary to waive the three-fifths vote requirement in at least two instances, the Balanced Budget Act of 1995 and the Medicare Preservation Act, in order to pass its legislative agenda and to raise taxes.

Mr. Speaker, neither measure received a three-fifths majority vote. Neither of those pieces of legislation could have passed this body if we had been good to the rule that was passed on the first day of the session of this congressional term. Back in January, we passed a law and we have had to ignore that law in order to pass the legislation that was in the Contract With America.

□ 1545

Under the original House version of the Balanced Budget Act, the House leadership found it necessary to waive the three-fifths rule. The Committee on Rules had to do that by a simple majority vote in order to impose this tax increase, a 50-percent tax penalty on Medicare plus medical savings accounts withdrawals for any purpose other than Medicare and the part B income contingent premium. Also the repeal of the 5-year income averaging rule on lump sum pension distributions, the increase in the phaseout rate for the earned income tax credit, the new rates that are applied to expatriates, and the new tax imposed on gambling income of Indian tribes. All of these tax increases should have triggered the three-fifths vote required for approval.

Now we want to increase this three-fifths vote to two-thirds? In other words, increase the hypocrisy of this body to pass one law, and then ignore it when we want to pass another? If the new majority has problems honoring its pledge not to increase the tax rate and abide by its own rules, they make even more problematic if we were to do a proposed constitutional amendment as is proposed by this joint resolution.

Under this expanded requirement, Congress could not have passed last year's expansion of the health deduction for the self-employed. In that legislation we closed some tax loopholes dealing with minority broadcasting benefits to pay for the bill's revenue lost.

When you are in a pay-as-you-go basis, you have to increase taxes in some are in order to reduce them in others. So when we eliminated the tax loopholes, increasing taxes on minority broadcasters, again, that violated the rule, because closing the loophole is also broadening the tax base.

According to the material submitted into the CONGRESSIONAL RECORD by Congressman JOE BARTON on January 4, 1995, there have been five major tax increases enacted into law since 1980. The Tax Equity and Fiscal Responsibility Act of 1982, the House vote was 226 to 207; the Omnibus Budget Reconciliation Act of 1987, the vote was 237 to 181; the Omnibus Budget Reconciliation Act of 1989, the vote was 272 to 182; the Omnibus Budget Reconciliation Act of 1990, the vote was 228 to 200; and Omnibus Budget Reconciliation Act of 1993, that vote was only 218 to 216.

Only one of these measures, the Budget Reconciliation Act of 1989, could have passed the House with a two-thirds margin. In reality, the five measures that were brought up by Congressman BARTON included both tax increases and spending cuts. Had these measures not been passed with bipartisan support and signed into law by President Reagan and President Bush, the deficit would be far, far worse than it is today.

The one exception to deficit reduction that passed on a party line vote, the Landmark Omnibus Budget Reconciliation Act of 1993, has been credited with reducing the deficit 3 years in a row, and possibly an unprecedented fourth year if current economic trends continue.

I find it a little ironic for all the objections the Republicans have expressed for the tax increases, and the Clinton tax increase in particular in 1993, they have yet to repeal a single one of those tax increase in 1993. Not one of the so-called notorious 1993 tax increases has been repealed in any measure sent by this Congress to the White House.

What Representative BARTON does not mention in the CONGRESSIONAL RECORD is that Ronald Reagan would have encountered problems enacting most of his agenda if there was a constitutional amendment requiring a two-thirds vote.

Mr. Speaker, I have many other points I want to raise to buttress the argument that this does not make any sense to propose a two-thirds constitutional requirement, but at this point let me pass the baton on to my colleague from Colorado for a while to further buttress our argument.

Mr. SKAGGS. I would just like to engage the gentleman for a moment in a further discussion of the short history that we have—I was going to say enjoyed, but at least experienced under the so-called three-fifths rule which was adopted at the start of this Congress as a rule of the House governing the required majority; that is, three-fifths, whenever, we are considering anything that is construed as having a tax increase.

Now, first the proponents said it would apply to any increase, and then they said only to income tax increases, and then only to certain types of income tax increases. My sense is that the correct interpretation of this rule of the House remains the subject of a great deal of debate and confusion and inquiry. The saving grace, if you will, is that the majority has show that it is quite willing to waive the application of that rule as a matter of course whenever it is inconvenient to have to deal with the new rule that they adopted.

Mr. MORAN. I guess that is what they mean by regulatory flexibility.

Mr. SKAGGS. Well, whatever it may be, now we can waive a House rule, as the gentleman pointed out, by simple majority vote when we bring a matter to the full House for debate. But if we have got this in the Constitution, what then?

Mr. MORAN. Well, you ask a very good question, Mr. SKAGGS. I do not know why we are here trying to save them from themselves, which is what we are doing, but the reality is that virtually no tax reform measures could have been enacted if we had not hypocritically ignored, overruled, that three-fifths requirement. But as you say, if it is a constitutional amendment, we do not have that flexibility. The Committee on Rules just decides, well, this is an inconvenient law and so

let us just ignore it. If it is part of the Constitution, it cannot be ignored. That means that we could never again reform our Tax Code, because to do so you have to raise revenue in order to cut it in other places. So we would be putting ourselves into an untenable position.

Mr. SKAGGS. I think we need to expound on this point a little bit more. Nobody here is interested in raising taxes per se. This is not about taxes, it is about the Constitution of the United States and having a workable system of government. The examples which you cited, which I think it is important for us to be mindful of, have to do with all manner of different reform proposals. Certainly any of the tax simplification or tax reform proposals that this Congress has adopted in the last 20 years or that are pending before us in various forms now, have almost invariably involved some change in the tax base or change in the rate in order to effect reductions or reforms somewhere else, have they not?

Mr. MORAN. Not only have they this year, that is absolutely true, and that is why the Committee on Rules acknowledged that when it waived the three-fifths rule. So it would not apply to any of the tax legislation that has come before us this year. But also if you look back, it applied to all of President Reagan's and President Bush's proposals. None of them would have been enacted if this constitutional amendment were in effect.

So President Reagan could not have accomplished the 1981 tax cut, the 1986 tax cut, or any of the others in between. President Bush could not have accomplished the 1990 tax cut. We never could have come close to the reduction in deficit that we have experienced as a result of the 1993 Omnibus Budget Reconciliation Act. So it is hard to imagine where we would be if this constitutional amendment had been put into place, say, back in the 1970's or 1980's.

Mr. SKAGGS. Well, as I mentioned a few minutes ago, and it may be worth just going through the list of those States whose Senators, if they happen to decide to coalesce in opposition because small States might be affected in some way or other, States that could effectively block any future tax legislation if this were in the Constitution, because if you add up the Senators from Vermont, Delaware, Montana, Wyoming, North Dakota, South Dakota, Alaska, Rhode Island, New Hampshire, Nevada, Maine, Hawaii, Idaho, Utah, Nebraska, New Mexico, and West Virginia, that is more than one-third of the Senate, represents about 9 percent of the population of the country, and that group of Senators would be in a position to call the shots.

Now, I do not know whether that comports with the gentleman's sense of adherence to the fundamental principles of this democratic, small ''r,'' republican, but it certainly offends mine.

Mr. MORAN. I agree it would offend mine, too. We would hasten to add all of those States are very ably served by their Senators. Here we are not talking about personalities, we are talking about the Constitution. We are trying to go back to the original tenets of that Constitution. They tried something that was not majority rule in the Articles of Confederation. You needed 9 out of the 13 States to pass any revenue-raising provision. They found it was unworkable. The country was not functioning. So they had to go back and correct it and install majority rule.

Now, when you think about it, as you so ably explain, 10 percent of America's population could prevent any kind of tax increase. No matter how needed it is to keep this Government functioning, whether we are in a war, whether we are in a depression, whatever the situation, 10 percent of America's population can block any attempt to put our country on a sound fiscal footing.

I think that is the most compelling argument, and then in addition to the experience we have already had with the violation of the three-fifths rule. But the other point that you so well made, Mr. SKAGGS, is that the Constitution is not a rough draft. The Constitution has served this country very well for two centuries. To go mucking around with it with a piece of legislation that we know is going to be violated the first time that we have to act responsibly as a body, I cannot imagine that we would have any cosponsors of such legislation, never mind a long list of cosponsors.

So I would hope they would all reconsider, look at both recent and long-term history of this country, check out our Constitution, give it a little more respect, and recognize that this is not in the national interest.

Mr. SKAGGS. I thank the gentleman for his comments. One of the things that is most odd about this particular proposal, and I mentioned a few minutes ago, is not just the substance and the, I think, unexamined consequences of the substance, but the manner by which it is going to be brought to the House on April 15.

We have been joined by our distinguished colleague from Massachusetts, a member of the Committee on the Judiciary. I wonder if he might enlighten us a bit more about what the process that has been followed or not followed in this case looks like?

Mr. FRANK of Massachusetts. Well, I thank the gentleman from Colorado for taking the initiative on this special order and for yielding to me. But ''enlightenment'' is hardly the right word, because the Republican leadership is determined that this will not be the product of an enlightenment, but rather of the dark ages, because one of the things they do not want is for anyone to really have a chance to think about this proposal.

I am the senior minority member on the Subcommittee on the Constitution of the Committee on the Judiciary. We had a hearing on this a couple of weeks ago. The amendment was presented and the sponsors of the amendment were there, and in the course of their presentation they mentioned that this would be on the floor on April 15.

Now, I guess, showing my inability to adapt to the new majority, I was a little puzzled, because, this was a week or so ago, no committee vote was scheduled, no subcommittee vote was scheduled. Ordinarily with legislation, we find that the process of first debating it in subcommittee and making some changes, and then going to full committee and making some changes, that is how you refine legislation. That is how you answer questions. None of us in my experience is bright enough to simply sit down and have a piece of legislation spring from our forehead like, was it Athena from the forehead of Zeus, or whoever sprang from whatever. Ordinarily you want some questions and conversation. I was a little surprised that this bill was going to go right from hearing to the floor of the House. I asked why, and I realize what the answer is.

This legislation, this constitutional proposal, is so flawed, it does not command a majority within the subcommittee in the Judiciary that has jurisdiction, because there are significant, influential, respected Republicans who do not want to vote for it. It does not have a majority in the committee, so they plan to bypass the subcommittee and bypass the committee and bring it to the floor.

But then a glitch developed, because as we discussed this, even at the hearing, it became clear that, for instance, you could not under this constitutional amendment raise a tariff. I know Pat Buchanan has not been getting much respect from the Republicans, and as the poor man's totals fall in the primaries they whack him again. But to pass a constitutional amendment to make it virtually impossible to raise tariffs, that seems to me one more indignity they would heap upon Mr. Buchanan, but apparently that is what this amendment would do, because under this amendment you could not raise tariffs. He talked about raising tariffs. Indeed, we have legislatively ceded to the President the right to raise tariffs, as we all know, in particular cases. You can raise a tariff in the case of dumping. It is a countervailing tariff. You might raise a tariff in a particular case by denying somebody most-favored-nation treatment, et cetera.

Well, we cannot delegate to the President by more than we have ourselves. If it takes us two-thirds to raise a tariff, it would obviously take two-thirds to pass a bill that would delegate to the President the right to raise a tariff. So our ability to defend ourselves in trade by higher tariffs, that would also take two-thirds.

In addition, it was pointed out and conceded by the sponsors of the amendment, that going to a flat tax would take two-thirds. So now they are not

only going after Buchanan, they are going after Steve Forbes. This amendment is the revenge of the congressional Republicans and their upstart candidates.

□ 1600

Because going to a flat tax means you increase the base. And the language of the amendment clearly says, if you increase the tax base, if you tax more items, if you take away an exemption for mortgage interest, if you take away an exemption for charitable deductions, that requires two-thirds. In fact, one of the sponsors, our former colleague, the junior Senator from Arizona, said, well, do not pass this constitutional amendment until we get to a flat tax. Another one said, no, we do not agree with that. So there was a certain amount of confusion about this.

This is the vehicle they are talking about taking right from this intellectual chaos to the floor of the House. Then apparently another noncommittee intervened because it is going to be a nonjudiciary bill. But the chairman of the Committee on Ways and Means, who is a thoughtful individual, the gentleman from Texas, apparently looked at this and said, wait a minute, you cannot require us to take two-thirds to go to a flat tax. He wants to go to a consumption tax. I think there is a lot to be said for the approach of the gentleman from Texas, but it would take two-thirds to do that. He says, you cannot do this to tariffs.

So apparently we are now having a conference between the Committee on Ways and Means and the Committee on the Judiciary except not with the committees. We are going from a nonmarkup in the Committee on the Judiciary to a nonmarkup in the Committee on Ways and Means, on as significant a piece of legislation as we can have, an amendment to the Constitution, something which has happened 27, 28 times in our 200-plus years. That is being now privately discussed by some very able people, but they are privately discussing it. It is a shambles of a way to legislate.

It will come to the floor without any committee consideration, with uncertainty. Does this affect the flat tax; does it affect the tariff? What it shows is this is a search for a political gimmick. No one could think we would seriously legislate in this way.

Let me add one other flaw that occurs to me on this. That is, the amendment would, of course, allow you to reduce taxes by a majority, but it would take two-thirds to raise them. But I think in effect this would also make it harder for future Congresses to cut taxes. Because if you are in a situation where you say, you know, things are looking very good now, and we are in a sort of a surplus situation, we can afford to cut taxes now because we can always raise them back again if later on we need them, people will be reluctant to do that. Because if it takes two-thirds to raise the taxes later on, then it may not be prudent to reduce them temporarily.

The whole notion which we may reach of a temporary tax reduction, you will have to say, wait a minute, if we temporarily reduce them, we will need two-thirds to put them back up again. That seems to me to be a grave error. This is not only substantially a grave mistake, procedurally it is a complete and total botch.

Mr. SKAGGS. I appreciate the gentleman's insights into the way we will be confronted with this on April 15, assuming the leadership sticks to its intentions.

Mr. FRANK of Massachusetts. Sticking to their guns, they are very good at that. They stuck to their assault weapons last Friday. So I assume they will stick to their guns. They are very good at sticking to their gun owners.

Mr. SKAGGS. The gentleman has served on the Committee on the Judiciary how many terms?

Mr. FRANK of Massachusetts. This is my eighth term.

Mr. SKAGGS. Has there ever been a case before this Congress when the Committee on the Judiciary completely failed to mark up a constitutional amendment?

Mr. FRANK of Massachusetts. I do not remember one. I was told that when the equal rights amendment came before us, I do remember it came before us under a suspension of the rules. It was my impression that it had gone through the committee. It had certainly gone through the amendment previously.

I do not remember a constitutional amendment coming up that never went through the committee. You have to say, in defense of the Republican leadership, the bill to combat terrorism went through the Judiciary Committee, but after it went through the committee because the right wing in this Congress did not like it, it got totally changed before it came to the floor anyway. Similarly with the immigration bill, the Committee on the Judiciary voted out the immigration bill, but some people in the right wing did not like it so they changed it around. You people on judiciary, we are just being considerate. What is the point of you wasting your time engaging in a model U.N. here, having all these debates. We are going to do whatever we want on the floor anyhow.

But we are going to suffer in this case because with regard to tariffs, with regard to a flat tax, there are serious questions here. Apparently these serious questions are going to be resolved not through some open debate in committee with the press involved but through private conversations between Members of the Committee on the Judiciary, sponsors of the bill and members of the Committee on Ways and Means, a totally undemocratic procedure.

Mr. SKAGGS. Let me ask either the gentleman from Massachusetts or Virginia, one of the things that has been a regular topic of debate around here the last few months has been questions of corporate welfare, closing corporate tax loopholes. Will we be able to deal with that kind of proposal?

Mr. FRANK of Massachusetts. The gentleman has a perfectly appropriate question. Let me say, I do want to say to my friend from Colorado, it just struck me, when he mentioned we are from Virginia and Massachusetts, we represented the people who voted on the original Constitution. Colorado was not around to get involved in the original one, so the Republicans are being very generous by letting you in. But I think the Philadelphia convention had a little better set of procedures than the current group.

Any effort to close loopholes, any effort to diminish tax preferences that wealthy people now have, any effort to say, for instance, that the tax code encourages people to go overseas more than they should, the effort we had earlier to close the tax loophole on people who want to renounce their citizenship but retain their money, all of those would require two-thirds. As hard as it has been to deal with any of that loophole closing or excessive corporate luxury that we have done so far, going from a majority to two-thirds would make it infinitely harder.

Mr. SKAGGS. Does the gentleman from Virginia have thoughts on that topic?

Mr. MORAN. Just to underscore the point that the gentleman from Massachusetts [Mr. FRANK] made, we have had so many proposals that would have required an offset in the revenue code to do the right thing. In most cases people recommend ways to reduce taxes because that is what the public seems to prefer, obviously. But there have been several other measures that have been suggested by the Republican majority, such as phasing out much of the benefits of the earned income tax credit.

That was about $32 billion, a major component of the tax reduction and budget resolution proposal that the majority suggested. Yet that never could have even been on the table because it in effect is an income tax increase and in fact would have required a two-thirds vote, which never would have passed.

Mr. Speaker, obviously the situation where people renounce their citizenship so they can avoid taxes due, that would have amounted to $3.6 billion. That would never be on the table because obviously that is an income tax increase and obviously in conflict with this legislation. But we can go through virtually every significant tax proposal that has been made by both sides of this aisle and in some way violates the two-thirds income tax increase restrictions. What the measures that we mentioned earlier, the five major tax bills that have been enacted since 1980, every single one of them but one—actually one of them passed with two-thirds

of the vote, but none of the others would have passed—every single one of them would have been in violation of this two-thirds requirement.

Mr. Speaker, I mentioned to Mr. FRANK and Mr. SKAGGS earlier, sometimes we wonder why we need save them from themselves, but the point of this is that we all have an obligation to protect the Constitution.

We all have really an obligation to do some reading on the history of the Constitution to understand that this very issue was debated at length by the Founding Fathers when they realized that the requirement to have 9 out of the 13 original States, at that time they were not all States, they were commonwealths and the like, but to have 9 of the 13 States proved totally unworkable. The U.S. Government was not functioning, and so they went back to majority rule. They had their turn at that time to put in a constitutional provision making it more difficult to raise taxes. They deliberately chose after extensive debate not to do that. And for us now to treat the Constitution, as the gentleman from Colorado [Mr. SKAGGS] described as some kind of rough working draft, I think does a great disservice to the American people and to the future of this Nation.

Mr. Speaker, I know we have the most compelling arguments on our side. I cannot imagine why they would bring up this kind of legislation without debate. We are going to go on vacation for the next 2 weeks. That is why the gentleman from Colorado is bringing this up because we are not even going to have time to debate it. Yet they would bring it up and attempt to pass a constitutional amendment creating a totally unworkable situation.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for his participation.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will continue to yield, we ought to emphasize, he may have already done this, when the gentleman from Virginia talks about the prior tax bills, many of those tax bills were listed as tax reductions and in gross they were. That is, several of them meant that the Government collected less taxes when we were through than when we started. Despite the fact that they were, several of them, listed as tax reductions, none of them would have been allowed without a two-thirds vote because tax reductions never in my experience are bills that only reduce. They reduce overall, but they offset the reductions by increasing in some areas.

Unless we believe that we have as equitable a Tax Code as we are ever going to get and that the balance of taxes should never be changed, then we should be against this amendment. This amendment means that any effort to shift the balance, any effort to say that there are some elements that are not doing a fair amount and there are others that are, we would have to take two-thirds to deal with that.

Mr. Speaker, what it shows is also a fundamental understanding, I believe, on the part of many in the majority that their ideological agenda is unpopular with the American people. That is what is at stake here. Increasingly we are being given proposals that limit what the majority can do. If we are in fact confident that the majority is on our side, then we do not try to limit them. But what we have are people who have found out, I think, that, while the general public disagreed with a lot of what the Government was doing, there is on the part of the public an unwillingness to dismantle the Federal Government as much as people on the other side think.

They were, as we know, surprised that, when they shut down the Government as a deliberate tactic on several occasions earlier this year, the public was upset. Many Republicans said nobody will care. Well, they were wrong. The American people cared deeply about their Government because their Government is doing things that on the whole they have asked it to do. They understand, therefore, that they are not going to win this increasingly on a majority situation. So what they are trying to do is fix the game, require two-thirds so that on those occasions when a majority disagrees with them and wants to do more in health care and environmental protection and in law enforcement than they want to do, they will not have to appeal to a majority. They will have this minority veto that they can inflict. That is what is at stake.

Mr. MORAN. Mr. Speaker, I would just like to make a point, too. When we look at the historical record and what is forcing this issue, I cannot really find anything other than purely appeasing those in our economy who simply do not like to pay taxes and that some Members would pander to and put their interests ahead of the national interest.

But the reality is that, if we look back at taxes as a percent of gross domestic product, in 1981, during the Reagan administration, they were 20.2 percent. In 1982, they were 19.8 percent, almost 20 percent, but they have stayed under 20 percent now since for the last 26 years. It is remarkable how consistent they have been.

Mr. Speaker, what needs to be done, it would seem to me, is to make that level of tax revenue fair, to make it such that it will stimulate our economy, to make it such that its priorities are representative of the American people's priorities. But to take away our ability to make those tough decisions, to exercise the judgment that we were elected to make just does not seem to be in the national interest or the interest of this body.

Mr. SKAGGS. Mr. Speaker, let me just say in concluding, I think there are a couple of things we can be sure of or at least we ought to allow to humble us. One is our inability to predict the future. Why in the world we would want to deprive our successors in the body of their ability to deal in the future with one of the most complicated and nuanced subjects that we ever face around here, namely the tax code, deprive them of their ability or make them basically the captive of 34 Senators and their inability to deal with that subject is beyond me.

In effect, we are saying to those that are going to come after us in this Congress, we do not care what the particular circumstances may be that you are going to face in 10 to 20 years. We simply do not trust the majority of you to exercise your judgment to carry out the will of the then-majority of American citizens. Our expectation is that you are going to be incompetent to do that, that you have got to have two-thirds.

□ 1615

Mr. Speaker, that seems to me to be a very arrogant and presumptuous act for us to take. It also, as the gentleman from Virginia has pointed out, ignores our history, and one of the things that is for me most profound about the honor of serving here is our job as carrying the legacy of the brilliant people who drafted the Constitution and set up our system of Government and who did so because the supermajority requirements of the Articles of Confederation were wholly dysfunctional. They recognized that, for this Republic to survive, the fundamental principle of free Government absolutely had to be majority rule and that to cede that responsibility to the minority was a prescription for failure, which we ought to keep in mind as we deal with this amendment.

The gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Yes, I think that is exactly what is at stake here, but I think we have to give it some specific content.

The current Republican majority in Congress won the 1994 election, and they won it, they got more votes than we got. I think they won in part because of dissatisfaction with what the Government was doing. Many of them misunderstood that to mean opposition to the Government in general. It is possible to be critical of waste and excess and sloppiness and not believe the Government should get of the business.

And they have increasingly learned that now the public is far more supportive of environmental policies than many of the Republicans, not all, but many of the Republicans, understand. The public likes the notion of the Federal Government helping with college educations, helping with law enforcement, helping with medical care, and they have a dilemma. They have the dilemma of having a very ideological agenda which says, in the words of the majority leader, the Government is dumb and the markets are smart, and at a time when people are not so sure that the markets are fair, how do you prevent the public from having the Government play a more active role than they want ideologically?

That is their dilemma because the public is getting away from them and

not supporting these cutbacks, and it reminds me of my favorite musical, the musical ''Fiorello,'' and when he wins, and he was not supposed to win, the bosses are walking around very grumpily, and there is one set of lines in the song where they say, ''How did we know the people would go to the polls and elect a fanatic?'' And the other one says, ''The people can do what they want to, but I got a feeling it ain't democratic.''

Mr. Speaker, I think that is a dilemma that our friends have over there. They are afraid that what the people want to do to them ''ain't'' democratic and, therefore, they are going to restrict the ability of a majority of the American people, acting through their legislators, to decide 5 years from now, 10 years from now, 20 years from now that they would like the Government to play more of a role in this or that area, or that they would like the tax code to be fairer. They would like wealthier people to pay a higher percentage.

If we were to decide, for instance, that the Social Security payroll tax, which is a very regressive tax, unfairly burdens a lot of working people, and we want to alleviate that by changing the mix, we could not do that. If we wanted to say that wealthy people ought to pay more of their income toward the Social Security tax instead of having it cut off, we would need two-thirds, and what we have are people who, I would give them credit for perception, they understand that their very right-wing, ideological agenda is increasingly unpopular with a lot of people, and, therefore, while they still have something of a majority, they are going to try and change the rules so that that majority will not be able to work its will.

Mr. MORAN. Two words might be applicable here, and that is hypocrisy and cynicism. Certainly it is the height of hypocrisy to pass a rule at the beginning of a game, as we did on the very first legislative day of this session of Congress back in January 1995, when we passed a rule saying that three-fifths' vote would be required any time you raise taxes, and then every time that we have had a tax bill, the Committee on Rules has had to waive that exemption. Talk about hypocrisy; to get credit for passing a law, and then every time that it would apply, to waive it.

But then cynicism, and I think the term cynicism applies here because we do not have that ability to waive it if it becomes a constitutional amendment. But the Members on the other side have got to be thoughtful enough to know that this would be unworkable if it became a constitutional amendment. And so what is driving it?

Well, one would have to believe that it is a certain element of cynicism, knowing perhaps that they are not likely to be in office when it applies to subsequent Congresses or believing that better minds will prevail, that the Senate will kill it or that the American people in their State constitutional conventions will kill it, but somebody else will do the responsible thing, allowing them to do the cynical thing to get votes by voting for this constitutional amendment, believing and hoping that it will never become law.

Mr. FRANK of Massachusetts. Mr. Speaker, that is very reassuring because that gives us two chances to kill it: one with better minds; and, two, with the Senate as apparently an alternative line of defense there.

Mr. SKAGGS. Let me suggest that we take the words of James Madison as a benediction to this particular discussion, and just quoting from the last part of Federalist Paper No. 58, Madison on this very point wrote as follows:

''It has been said,'' this is referring to the debates in the Constitutional Convention about wanting more than a simple majority for certain kinds of legislation, quote, ''it has been said that more than a majority ought to have been required in particular cases for a decision.'' That some advantages might have resulted from such a precaution cannot be denied. It might have been an additional shield to some particular interests and another obstacle, generally, to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed or active measures to be pushed, the fundamental principle of free government would be reversed. It would no longer be the majority that would rule. The power would be transferred to the minority.

I do not think we should do that.

PROTECTING OUR ENVIRONMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized for 60 minutes as the designee of the majority leader.

Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized for 60 minutes as the designee of the majority leader.

Mr. NORWOOD. Mr. Speaker, the Federal Government has a vital role to play in protecting our environment. If we are to preserve and build on the tremendous gains we have made in the last two decades in cleaning up our land, air, and water, we must have Federal guidelines enforced by an active and revitalized Environmental Protection Agency working in close cooperation with our States and local governments.

Now that I have shattered your opinion of conservative Republican views on the environment, we can get down to nuts and bolts of how we accomplish the goals on which I think we all agree—for we are all environmentalists.

Thirty years ago many of our rivers were horribly polluted, our air quality in parts of the country was so bad that people with even minor health problems were confined to their homes, and soil and building contamination was to an extent that our children showed elevated levels of lead poisoning in nationwide blood tests. These problems led Republican President Richard Nixon to create the Environmental Protection Agency to clean up the country.

We have done a good job in getting started—but we still have a long way to go, and we can do better. That's what this new Congress should be about.

In the three decades since the creation of our environmental laws, we have seen what began as strong measures to protect our natural resources turn into a tidal wave of regulations and lawsuits that stifle our economy, usurp local and State autonomy, and infringe on the constitutional rights of property owners, while accomplishing very little in the way of real protection or cleanup.

This is generally what happens with every Federal agency or endeavor, given enough time. Because when we create laws and agencies to address a nationwide problem, we at the same time create a new industry comprised of Government bureaucrats; private sector consultants, experts, and contractors; specialized trial attorneys; and consumer activist groups.

All these groups have a powerful vested interest in seeing that the original nationwide problem is not only not solved, but continues to be an ever-growing problem, expanding their industry, careers, and incomes into perpetuity.

With groups like Ralph Nader's Citizen Action, the Energy Research Foundation, Greenpeace, and the like, we have created a cottage industry raising millions of dollars a year, that would be put out of business if we ever really solved our environmental problems.

The trial attorneys that have become emeshed in our cleanup efforts are costing us $900 million a year—money that could be used on actually cleaning up waste sites, but is instead siphoned away without a single shovelful of waste being touched in return.

The principles behind environmental legislation are good—the problem is how they are enforced and carried out. But to even suggest reform or change in the status quo is to invite the wrath of these special interests, and that is where we find ourselves today in searching for better ways to clean up our environment.

There is probably no better example of this than the ongoing effort to reform the Superfund Clean-Up Program. This program came into existence in 1980 with the noble goal of identifying and cleaning up the worse cases of site pollution and contamination in the country, called National Priorities List Sites, or NPL's. In addition, secondary pollution sites were identified as ''brownfield sites'' that also badly

needed cleaning up, but were not as critical to overall public health as the NPL sites.

A small amount of the funds to accomplish this mammoth task come from the taxpayer, and most comes from a special tax on industries and products that tend to create pollution. We take in around $1.5 billion a year from this combination of taxes on oil and chemicals, and the overall corporate environmental tax. In addition, individual companies that played an original role in creating one of these NPL sites pay as large a portion of the total clean-up costs as can be extracted. There are 1,300 NPL sites in the country, and another 450,000 brownfield sites.

How are we doing in achieving this mission? Ninety-one sites have been cleaned up in the 16 years the Superfund has been in existence; 91 out of 1,300.

The average cleanup has taken 12 to 15 years to complete, and cost more than $30 million a site.

Of those 12 to 15 years spent on each site, 10 years are spent in the courts, in negotiations, and on bureaucratic studies and redtape. It takes only 2 years to actually get the job done.

Of the $30 million spent on each site, half of the money goes to trial lawyers and Federal bureaucrats. Of the $25 billion spent since 1980, that's nearly $12 billion going to trial attorneys, salaries at the EPA, and studies on how to clean up instead of just getting the job done—for that we were only left around $13 billion.

So while we spend our Superfund money and time on courts, bureaucrats, studies, and lawyers, 10 million children under the age of 12 continue to live within 4 miles of a waste site—breathing the air, and drinking the water. At today's pace, these children will be in their midtwenties before the sites are cleaned.

That's why we introduced the Reform of Superfund Act, or H.R. 2500 this past year to reform the way we clean up these sites. So far, we have held 17 congressional hearings, heard testimony from 159 witnesses on ways to improve and speed up the process, and have conducted over 50 bipartisan meetings on the effort.

In return for these efforts, we are attacked by the special interests whose cash-flow would be cut if we succeed. The Ralph Nader faction under the guise of Citizen Action has mounted an all-out campaign to stop the efforts. Why? One of their main backers is the Trial Lawyers Association, which would stand to lose millions if the Superfund were used to clean up pollution instead of paying lawyers.

There is no better example of this than in my own district. The area surrounding the now-closed Southern Wood Piedmont Plant in Augusta has been under study and court action for years now. Yet the Hyde Park neighborhood most affected by the arsenic contamination remains just as it was before the efforts began. The children in the neighborhood continue to play on their public school playgrounds next to arsenic-contaminated drainage ditches. But the court costs have run in the millions in the on-going litigation, and EPA experts and consultants have justified their salaried positions at taxpayer expense by the dozens of studies undertaken as the project drags on, year after year. We don't need to talk about it any longer, we need to clean it up.

Our need to revitalize our efforts to protect the environment are certainly not limited to just Superfund. Should Washington bureaucrats be allowed to tell you the same water treatment regulations that apply to Anchorage, AK, should also apply to Augusta, GA? What works most effectively to return clean water to our waterways in one geographic location may not be as effective from an environmental or cost standpoint in another, yet we continue with the Federal concept of one size fits all, to the detriment of our environment.

Do we follow the latest special-interest fad to pass new restrictions on chlorine levels in municipal water supplies based on suspect findings by EPA researchers? This is exactly the direction we are heading, and that is not good science.

We cannot base massive expenditures of Federal money based on a researcher's ''best guess'' about a possibility of a risk—we have too many real environmental threats that we have put off dealing with for years. And if we do allow environmental scare tactics push us into ''bad science'' decisions on chlorine reductions, we greatly increase the risk of fecal coliform bacterial infections in both humans and wildlife as a result. That is a known factor, and a guaranteed result.

There are a pair of bald eagles that nest on an island in the Savannah River across from my house. I love those eagles, am very personally protective of them, and feel that our laws need to do the same.

But what about the cotton farmer that has a pair of nesting eagles on his farm? The farmer has lived on his land all his life. He feeds his family by growing cotton. But then the bureaucrats tell him that he can keep his land, but he can't grow cotton because the pesticides to keep away the boll weevil may interfere with the eagles' nesting.

That farmer knows his land. He knows about the nesting eagles. His neighbor that grows cotton was just put out of business because he too had nesting eagles. The farmer kills the eagles so the bureaucrats can't stop him from growing cotton and feeding his family. He buries the eagles, no one ever knows, and we all lose a valuable and irreplaceable natural resource. Shouldn't we have regulations that protect the eagles and the homo sapiens—the man and his family?

We all want environmental policy where Americans will be healthier, safer, and cleaner. We all want to protect our natural resources and wildlife. But we must start doing it better, with an eye on concrete results.

That means cleaning up every one of the Superfund sites in the country, saving as much money as we can based on good science.

The regulators must be accountable and responsible for their actions. The regulations must be changed to embrace State and local control, and take into effect not just the letter of the law, but the intent.

My friend Sam Booher in Augusta, one of the most knowledgeable and dedicated environmentalists in the country, knows far more about what is needed to protect our natural resources in East Central Georgia than any bureaucrat in Washington, and we need to start letting people like Sam have a larger voice in this fight.

What we attempt to do by cutting funding for the EPA is get the Washington bureaucrats' attention. We want fewer Federal agents that, in the words of Thomas Jefferson, ''swarm across our land to eat our sustenance.'' We want our tax dollars used to cleanup our environment, not pay the 1,000 lawyers that work for the EPA, not pay the bureaucrats to do one redundant study after another. We want our environment cleaned up now.

And what do we get for trying to add common sense to our environmental laws, for trying to use our fewer and fewer Federal dollars more wisely? We are attacked by the President and his liberal allies in Congress for their political gain. We are attacked by the trial lawyers for their monetary gain. We are attacked by the bureaucrats to save their jobs. And we are attacked by Ralph Nader for if we succeed he loses most of his funding.

We need to increase our Federal efforts to preserve and protect our environment, but it must be done more wisely and effectively. Our enemy is not industry, farmers, the EPA, or even regulations themselves—it is the Washington bureaucracy that continues to expand from our efforts to save our natural resources, while our children continue to live with pollution, and real protection takes a back seat to funding special interests.

□ 1630

Mr. Speaker, I have never run for political office before, and I am a freshman and new to this field. As most people who are willing to come to Washington and serve, each of us have priorities. I was very interested and am interested and will stay interested in us balancing our budget. It is not hard to understand why. I would like for my children and my grandchildren to live the American dream, and move into the 21st century, have a decent job, and be able to keep enough of their own income so they can be responsible for themselves, and so they can live in an America that is better than my America when I grew up. That is our responsibility. I am very interested in that.

I want to make sure my children and grandchildren do not have to go to war. There is only one way to keep that from happening, and that is to have a very, very strong defense. That is our best bet to keep our children out of war.

Following that, it only makes sense, one could only conclude that if you are interested in the 21st century for your children economically, so they can have a good job, have a good standard of living, you could not possibly not be interested in them having clean water. You could not possibly not be interested in them having clean air. What good will it do for them to have a good job and pay only reasonable taxes if they cannot drink their water or breathe their air?

Mr. Speaker, I know that there is a lot that has been said about this Republican Congress in terms of the environment, but I believe that if we can get past those who wish to reach political gain, those who wish to make money out of this argument, we can in this Congress pass environmental laws that will clean up this country and keep it cleaned up, as opposed to continuing to sink millions and millions and millions of dollars into bureaucratic redtape and into the pockets of our trial lawyers.

Mr. Speaker, I appreciate having the opportunity this afternoon to get this off my chest.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, on March 28.

Mr. SHADEGG, for 5 minutes each day, on March 27, 28, and 29.

Mr. BURTON of Indiana, for 5 minutes each day, on March 27, 28, and 29.

Mr. MICA, for 5 minutes each day, on March 27 and 28.

Mr. CANADY of Florida, for 5 minutes, on March 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SKAGGS) and to include extraneous matter:)

Mr. OBEY.

Mr. KILDEE.

Mr. KENNEDY of Massachusetts.

Mrs. MEEK of Florida.

Mr. HALL of Ohio.

Mr. MANTON.

Mr. FAZIO of California.

(The following Members (at the request of Mr. JONES) and to include extraneous matter:)

Mrs. MYRICK.

Mr. MANZULLO.

Mr. COMBEST.

Mr. GILMAN.

Mrs. JOHNSON of Connecticut.

Mr. GALLEGLY.

(The following Members (at the request of Mr. NORWOOD) and to include extraneous matter:)

Ms. WATERS.

Mrs. MINK of Hawaii.

Mr. GALLEGLY.

Ms. SLAUGHTER.

Mr. LIGHTFOOT.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1459. An act to provide for uniform management of livestock grazing on Federal land, and for other purposes; to the Committee on Natural Resources and the Committee on Agriculture.

ADJOURNMENT

Mr. NORWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 27, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2293. A letter from the Chairperson, National Council on Disability, transmitting the Council's annual report volume 16, fiscal year 1995, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Economic and Educational Opportunities.

2294. A letter from the Administrator, General Services Administration, transmitting GSA's investigation of the costs of operating privately owned vehicles based on calendar year 1995 data, pursuant to 5 U.S.C. 5707(b)(1); to the Committee on Government Reform and Oversight.

2295. A letter from the Chairman, National Endowment for the Humanities, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2296. A letter from the Director, Office of Management and Budget, transmitting a report entitled ''Agency Compliance with Title II of the Unfunded Mandates Reform Act of 1995,'' pursuant to 2 U.S.C. 1538; to the Committee on Government Reform and Oversight.

2297. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Central Gulf of Mexico, sale 157, scheduled to be held in April 1996, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

2298. A letter from the Secretary of Transportation, transmitting the Department's evaluation of oil tanker routing, pursuant to Public Law 101–380, section 4111(c) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

2299. A letter from the Administrator, Environmental Protection Agency, transmitting the 1994 national water quality inventory report, pursuant to 33 U.S.C. 1315(b)(2); to the Committee on Transportation and Infrastructure.

2300. A letter from the Assistant Attorney General of the United States, transmitting a report entitled ''Child Victimizers: Violent Offenders and Their Victims,'' pursuant to Public Law 103–322, section 320928(h) (108 Stat. 2133); jointly, to the Committees on the Judiciary and Economic and Educational Opportunities.

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. SHUSTER (for himself, Mr. OBERSTAR, Mr. DUNCAN, MR. LIPINSKI, Ms. MOLINARI, and Mr. WISE):

H.R. 3159. A bill to amend title 49, United States Code, to authorized appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ARCHER (for himself, Mr. BLILEY, Mr. GOODLING, Mr. HYDE, Mr. THOMAS, Mr. BILIRAKIS, Mr. FAWELL, Mr. MCCOLLUM, and Mr. HASTERT):

H.R. 3160. A bill to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, to reform medical liability, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Economic and Educational Opportunities, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. GIBBONS, and Mrs. KENNELLY):

H.R. 3161. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 3162. A bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of a National Infrastructure Development Corporation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself and Mrs. SMITH of Washington):

H.R. 3163. A bill to provide that Oregon may not tax compensation paid to a resident of Washington for services as a Federal employee at a Federal hydroelectric facility located on the Columbia River; to the Committee on the Judiciary.

By Mr. HASTINGS of Washington:

H.R. 3164. A bill to exempt defense nuclear facilities from the Metric System Conversion Act of 1975; to the Committee on Science.

By Mrs. JOHNSON of Connecticut:

H.R. 3165. A bill to amend title 23, United States Code, to make funds available for surface transportation projects on roads functionally classified as local or rural minor collectors, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NEY:

H.J. Res. 168. Joint resolution waiving certain enrollment requirements with respect to two bills of the 104th Congress; to the Committee on House Oversight.

By Mr. FUNDERBURK (for himself, Mr. SMITH of New Jersey, Mr. SCARBOROUGH, Mr. GRAHAM, Mr. HILLEARY, Mr. JONES, Mr. COX, Mr. FOLEY, Mr. GUTKNECHT, Mrs. CHENOWETH, Mr. UNDERWOOD, Mr. SALMON, Ms. PELOSI, Mr. BONO, Mr. BURTON of Indiana, Mr. SOLOMON, Ms. BROWN of Florida, Mr. HASTINGS of Washington, Mr. BAKER of California, Mr. POMBO, Mr. COOLEY, Mr. EHRLICH, Mr. COBLE, Mrs. CUBIN, Mr. ISTOOK, Mr. BREWSTER, Mr. BUYER, and Mr. ROHRABACHER):

H. Con. Res. 154. Concurrent resolution to congratulate the Republic of China on Taiwan on the occasion of its first Presidential democratic election; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. ZIMMER and Mr. ROSE.

H.R. 1073: Mr. TORRES, Mr. PETRI, and Mr. ENSIGN.

H.R. 1074: Mr. TORRES, Mr. PETRI, and Mr. ENSIGN.

H.R. 1202: Mr. SHAW.

H.R. 1713: Mr. BARR.

H.R. 1916: Mr. BRYANT of Texas and Mr. BLILEY.

H.R. 2086: Mr. BLUTE.

H.R. 2270: Mr. HYDE.

H.R. 2400: Mr. DAVIS, Mr. DUNCAN, Mr. WILSON, Mr. LIVINGSTON, and Mr. CRAMER.

H.R. 2510: Mr. MCHALE.

H.R. 2578: Mr. MCHALE.

H.R. 2579: Mr. SKAGGS, Mr. GUNDERSON, Mr. MONTGOMERY, and Mr. HEFLEY.

H.R. 2585: Mr. MILLER of California and Ms. JACKSON-LEE.

H.R. 2636: Mr. KING.

H.R. 2856: Mr. VOLKMER.

H.R. 2919: Mr. HOUGHTON and Mr. DOYLE.

H.R. 2925: Mr. STEARNS, Mrs. MYRICK, and Mr. NEY.

H.R. 3002: Mr. BREWSTER, Mr. KING, and Mr. BARRETT of Nebraska.

H.R. 3103: Mr. FORBES, Mr. HORN, Ms. MOLINARI, Mr. PORTMAN, Mr. NEY, Mr. HOBSON, Mr. SHAYS, Mr. HOKE, Mrs. KELLY, Mr. LONGLEY, Mr. MCHUGH, Mr. BOEHLERT, Mr. ENGLISH of Pennsylvania, Mr. GREENWOOD, Mr. GILCHREST, and Mrs. FOWLER.

H.R. 3106: Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GENE GREEN of Texas, and Ms. NORTON.

H.R. 3119: Mr. GENE GREEN of Texas and Mr. KILDEE.

H.R. 3148: Mr. TORRICELLI.

H.J. Res. 158: Mr. SABO.

PETITIONS ETC.

Under clause 1 of rule XXII,

68. The SPEAKER presented a petition of the Council of the District of Columbia, relative to Council Resolution 11–235, ''Transfer of Jurisdiction over a Portion of Parcel 174/15 and Lot 802 in Square 4325, S.O. 85–182, Resolution of 1996''; which was referred to the Committee on Government Reform and Oversight.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3103

OFFERED BY: MR. GUNDERSON

AMENDMENT NO. 1. At the end of the bill add the following new title (and conform the table of contents accordingly):

TITLE V—PROMOTING ACCESS AND AVAILABILITY OF HEALTH COVERAGE IN RURAL AREAS

Subtitle A—Medicare Program

SECTION 501. MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.

(a) MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.—Section 1820 of the Social Security Act (42 U.S.C. 1395i–4) is amended to read as follows:

''MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM

''SEC. 1820. (a) ESTABLISHMENT.—Any State that submits an application in accordance with subsection (b) may establish a medicare rural hospital flexibility program described in subsection (c).

''(b) APPLICATION.—A State may establish a medicare rural hospital flexibility program described in subsection (c) if the State submits to the Secretary at such time and in such form as the Secretary may require an application containing—

''(1) assurances that the State—

''(A) has developed, or is in the process of developing, a State rural health care plan that—

''(i) provides for the creation of one or more rural health networks (as defined in subsection (d)) in the State,

''(ii) promotes regionalization of rural health services in the State, and

''(iii) improves access to hospital and other health services for rural residents of the State;

''(B) has developed the rural health care plan described in subparagraph (A) in consultation with the hospital association of the State, rural hospitals located in the State, and the State Office of Rural Health (or, in the case of a State in the process of developing such plan, that assures the Secretary that the State will consult with its State hospital association, rural hospitals located in the State, and the State Office of Rural Health in developing such plan);

''(2) assurances that the State has designated (consistent with the rural health care plan described in paragraph (1)(A)), or is in the process of so designating, rural nonprofit or public hospitals or facilities located in the State as critical access hospitals; and

''(3) such other information and assurances as the Secretary may require.

''(c) MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM DESCRIBED.—

''(1) IN GENERAL.—A State that has submitted an application in accordance with subsection (b), may establish a medicare rural hospital flexibility program that provides that—

''(A) the State shall develop at least one rural health network (as defined in subsection (d)) in the State; and

''(B) at least one facility in the State shall be designated as a critical access hospital in accordance with paragraph (2).

''(2) STATE DESIGNATION OF FACILITIES.—

''(A) IN GENERAL.—A State may designate one or more facilities as a critical access hospital in accordance with subparagraph (B).

''(B) CRITERIA FOR DESIGNATION AS CRITICAL ACCESS HOSPITAL.—A State may designate a facility as a critical access hospital if the facility—

''(i) is located in a county (or equivalent unit of local government) in a rural area (as defined in section 1886(d)(2)(D)) that—

''(I) is located more than a 35-mile drive from a hospital, or another facility described in this subsection, or

''(II) is certified by the State as being a necessary provider of health care services to residents in the area;

''(ii) makes available 24-hour emergency care services that a State determines are necessary for ensuring access to emergency care services in each area served by a critical access hospital;

''(iii) provides not more than 6 acute care inpatient beds (meeting such standards as the Secretary may establish) for providing inpatient care for a period not to exceed 72 hours (unless a longer period is required because transfer to a hospital is precluded because of inclement weather or other emergency conditions), except that a peer review organization or equivalent entity may, on request, waive the 72-hour restriction on a case-by-case basis;

''(iv) meets such staffing requirements as would apply under section 1861(e) to a hospital located in a rural area, except that—

''(I) the facility need not meet hospital standards relating to the number of hours during a day, or days during a week, in which the facility must be open and fully staffed, except insofar as the facility is required to make available emergency care services as determined under clause (ii) and must have nursing services available on a 24-hour basis, but need not otherwise staff the facility except when an inpatient is present,

''(II) the facility may provide any services otherwise required to be provided by a full-time, on-site dietitian, pharmacist, laboratory technician, medical technologist, and radiological technologist on a part-time, off-site basis under arrangements as defined in section 1861(w)(1), and

''(III) the inpatient care described in clause (iii) may be provided by a physician's assistant, nurse practitioner, or clinical nurse specialist subject to the oversight of a physician who need not be present in the facility; and

''(v) meets the requirements of subparagraph (I) of paragraph (2) of section 1861(aa).

''(d) RURAL HEALTH NETWORK DEFINED.—

''(1) IN GENERAL.—For purposes of this section, the term 'rural health network' means, with respect to a State, an organization consisting of—

''(A) at least 1 facility that the State has designated or plans to designate as a critical access hospital, and

''(B) at least 1 hospital that furnishes acute care services.

''(2) AGREEMENTS.—

''(A) IN GENERAL.—Each critical access hospital that is a member of a rural health network shall have an agreement with respect to each item described in subparagraph (B) with at least 1 hospital that is a member of the network.

''(B) ITEMS DESCRIBED.—The items described in this subparagraph are the following:

''(i) Patient referral and transfer.

''(ii) The development and use of communications systems including (where feasible)—

''(I) telemetry systems, and

''(II) systems for electronic sharing of patient data.

''(iii) The provision of emergency and nonemergency transportation among the facility and the hospital.

''(C) CREDENTIALING AND QUALITY ASSURANCE.—Each critical access hospital that is a

member of a rural health network shall have an agreement with respect to credentialing and quality assurance with at least 1—

''(i) hospital that is a member of the network;

''(ii) peer review organization or equivalent entity; or

''(iii) other appropriate and qualified entity identified in the State rural health care plan.

''(e) CERTIFICATION BY THE SECRETARY.—The Secretary shall certify a facility as a critical access hospital if the facility—

''(1) is located in a State that has established a medicare rural hospital flexibility program in accordance with subsection (c);

''(2) is designated as a critical access hospital by the State in which it is located; and

''(3) meets such other criteria as the Secretary may require.

''(f) PERMITTING MAINTENANCE OF SWING BEDS.—Nothing in this section shall be construed to prohibit a State from designating or the Secretary from certifying a facility as a critical access hospital solely because, at the time the facility applies to the State for designation as a critical access hospital, there is in effect an agreement between the facility and the Secretary under section 1883 under which the facility's inpatient hospital facilities are used for the furnishing of extended care services, except that the number of beds used for the furnishing of such services may not exceed 12 beds (minus the number of inpatient beds used for providing inpatient care in the facility pursuant to subsection (c)(2)(B)(iii)). For purposes of the previous sentence, the number of beds of the facility used for the furnishing of extended care services shall not include any beds of a unit of the facility that is licensed as a distinct-part skilled nursing facility at the time the facility applies to the State for designation as a critical access hospital.

''(g) WAIVER OF CONFLICTING PART A PROVISIONS.—The Secretary is authorized to waive such provisions of this part and part C as are necessary to conduct the program established under this section.''.

(b) PART A AMENDMENTS RELATING TO RURAL PRIMARY CARE HOSPITALS AND CRITICAL ACCESS HOSPITALS.—

(1) DEFINITIONS.—Section 1861(mm) of such Act (42 U.S.C. 1395x(mm)) is amended to read as follows:

''Critical Access Hospital; Critical Access Hospital Services

''(mm)(1) The term 'critical access hospital' means a facility certified by the Secretary as a critical access hospital under section 1820(e).

''(2) The term 'inpatient critical access hospital services' means items and services, furnished to an inpatient of a critical access hospital by such facility, that would be inpatient hospital services if furnished to an inpatient of a hospital by a hospital.''.

(2) COVERAGE AND PAYMENT.—(A) Section 1812(a)(1) of such Act (42 U.S.C. 1395d(a)(1)) is amended by striking ''or inpatient rural primary care hospital services'' and inserting ''or inpatient critical access hospital services''.

(B) Sections 1813(a) and section 1813(b)(3)(A) of such Act (42 U.S.C. 1395e(a), 1395e(b)(3)(A)) are each amended by striking ''inpatient rural primary care hospital services'' each place it appears, and inserting ''inpatient critical access hospital services''.

(C) Section 1813(b)(3)(B) of such Act (42 U.S.C. 1395e(b)(3)(B)) is amended by striking ''inpatient rural primary care hospital services'' and inserting ''inpatient critical access hospital services''.

(D) Section 1814 of such Act (42 U.S.C. 1395f) is amended—

(i) in subsection (a)(8) by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''; and

(ii) in subsection (b), by striking ''other than a rural primary care hospital providing inpatient rural primary care hospital services,'' and inserting ''other than a critical access hospital providing inpatient critical access hospital services,''; and

(iii) by amending subsection (l) to read as follows:

''(l) PAYMENT FOR INPATIENT CRITICAL ACCESS HOSPITAL SERVICES.—The amount of payment under this part for inpatient critical access hospital services is the reasonable costs of the critical access hospital in providing such services.''.

(3) TREATMENT OF CRITICAL ACCESS HOSPITALS AS PROVIDERS OF SERVICES.—(A) Section 1861(u) of such Act (42 U.S.C. 1395x(u)) is amended by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(B) The first sentence of section 1864(a) (42 U.S.C. 1395aa(a)) is amended by striking ''a rural primary care hospital'' and inserting ''a critical access hospital''.

(4) CONFORMING AMENDMENTS.—(A) Section 1128A(b)(1) of such Act (42 U.S.C. 1320a–7a(b)(1)) is amended by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''.

(B) Section 1128B(c) of such Act (42 U.S.C. 1320a–7b(c)) is amended by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(C) Section 1134 of such Act (42 U.S.C. 1320b–4) is amended by striking ''rural primary care hospitals'' each place it appears and inserting ''critical access hospitals''.

(D) Section 1138(a)(1) of such Act (42 U.S.C. 1320b–8(a)(1)) is amended—

(i) in the matter preceding subparagraph (A), by striking ''rural primary care hospital'' and inserting ''critical access hospital''; and

(ii) in the matter preceding clause (i) of subparagraph (A), by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(E) Section 1816(c)(2)(C) of such Act (42 U.S.C. 1395h(c)(2)(C)) is amended by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(F) Section 1833 of such Act (42 U.S.C. 1395l) is amended—

(i) in subsection (h)(5)(A)(iii), by striking ''rural primary care hospital'' and inserting ''critical access hospital'';

(ii) in subsection (i)(1)(A), by striking ''rural primary care hospital'' and inserting ''critical access hospital'';

(iii) in subsection (i)(3)(A), by striking ''rural primary care hospital services'' and inserting ''critical access hospital services'';

(iv) in subsection (l)(5)(A), by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''; and

(v) in subsection (l)(5)(B), by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''.

(G) Section 1835(c) of such Act (42 U.S.C. 1395n(c)) is amended by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''.

(H) Section 1842(b)(6)(A)(ii) of such Act (42 U.S.C. 1395u(b)(6)(A)(ii)) is amended by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(I) Section 1861 of such Act (42 U.S.C. 1395x) is amended—

(i) in subsection (a)—

(I) in paragraph (1), by striking ''inpatient rural primary care hospital services'' and inserting ''inpatient critical access hospital services''; and

(II) in paragraph (2), by striking ''rural primary care hospital'' and inserting ''critical access hospital'';

(ii) in the last sentence of subsection (e), by striking ''rural primary care hospital'' and inserting ''critical access hospital'';

(iii) in subsection (v)(1)(S)(ii)(III), by striking ''rural primary care hospital'' and inserting ''critical access hospital'';

(iv) in subsection (w)(1), by striking ''rural primary care hospital'' and inserting ''critical access hospital''; and

(v) in subsection (w)(2), by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''.

(J) Section 1862(a)(14) of such Act (42 U.S.C. 1395y(a)(14)) is amended by striking ''rural primary care hospital'' each place it appears and inserting ''critical access hospital''.

(K) Section 1866(a)(1) of such Act (42 U.S.C 1395cc(a)(1)) is amended—

(i) in subparagraph (F)(ii), by striking ''rural primary care hospitals'' and inserting ''critical access hospitals'';

(ii) in subparagraph (H), in the matter preceding clause (i), by striking ''rural primary care hospitals'' and ''rural primary care hospital services'' and inserting ''critical access hospitals'' and ''critical access hospital services'', respectively;

(iii) in subparagraph (I), in the matter preceding clause (i), by striking ''rural primary care hospital'' and inserting ''critical access hospital''; and

(iv) in subparagraph (N)—

(I) in the matter preceding clause (i), by striking ''rural primary care hospitals'' and inserting ''critical access hospitals'', and

(II) in clause (i), by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(L) Section 1866(a)(3) of such Act (42 U.S.C. 1395cc(a)(3)) is amended—

(i) by striking ''rural primary care hospital'' each place it appears in subparagraphs (A) and (B) and inserting ''critical access hospital''; and

(ii) in subparagraph (C)(ii)(II), by striking ''rural primary care hospitals'' each place it appears and inserting ''critical access hospitals''.

(M) Section 1867(e)(5) of such Act (42 U.S.C. 1395dd(e)(5)) is amended by striking ''rural primary care hospital'' and inserting ''critical access hospital''.

(c) PAYMENT CONTINUED TO DESIGNATED EACHS.—Section 1886(d)(5)(D) of such Act (42 U.S.C. 1395ww(d)(5)(D)) is amended—

(1) in clause (iii)(III), by inserting ''as in effect on September 30, 1995'' before the period at the end; and

(2) in clause (v)—

(A) by inserting ''as in effect on September 30, 1995'' after ''1820 (i)(1)''; and

(B) by striking ''1820(g)'' and inserting ''1820(e)''.

(d) PART B AMENDMENTS RELATING TO CRITICAL ACCESS HOSPITALS.—

(1) COVERAGE.—(A) Section 1861(mm) of such Act (42 U.S.C. 1395x(mm)) as amended by subsection (d)(1), is amended by adding at the end the following new paragraph:

''(3) The term 'outpatient critical access hospital services' means medical and other health services furnished by a critical access hospital on an outpatient basis.''.

(B) Section 1832(a)(2)(H) of such Act (42 U.S.C. 1395k(a)(2)(H)) is amended by striking ''rural primary care hospital services'' and inserting ''critical access hospital services''.

(2) PAYMENT.—(A) Section 1833(a) of such Act (42 U.S.C. 1395l(a)) is amended in paragraph (6), by striking ''outpatient rural primary care hospital services'' and inserting ''outpatient critical access hospital services''.

(B) Section 1834(g) of such Act (42 U.S.C. 1395m(g)) is amended to read as follows:

''(g) PAYMENT FOR OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.—The amount of payment under this part for outpatient critical access hospital services is the reasonable costs of the critical access hospital in providing such services.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after October 1, 1996.

SEC. 502. ESTABLISHMENT OF RURAL EMERGENCY ACCESS CARE HOSPITALS.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Rural Emergency Access Care Hospital; Rural Emergency Access Care Hospital Services

''(oo)(1) The term 'rural emergency access care hospital' means, for a fiscal year, a facility with respect to which the Secretary finds the following:

''(A) The facility is located in a rural area (as defined in section 1886(d)(2)(D)).

''(B) The facility was a hospital under this title at any time during the 5-year period that ends on the date of the enactment of this subsection.

''(C) The facility is in danger of closing due to low inpatient utilization rates and operating losses, and the closure of the facility would limit the access to emergency services of individuals residing in the facility's service area.

''(D) The facility has entered into (or plans to enter into) an agreement with a hospital with a participation agreement in effect under section 1866(a), and under such agreement the hospital shall accept patients transferred to the hospital from the facility and receive data from and transmit data to the facility.

''(E) There is a practitioner who is qualified to provide advanced cardiac life support services (as determined by the State in which the facility is located) on-site at the facility on a 24-hour basis.

''(F) A physician is available on-call to provide emergency medical services on a 24-hour basis.

''(G) The facility meets such staffing requirements as would apply under section 1861(e) to a hospital located in a rural area, except that—

''(i) the facility need not meet hospital standards relating to the number of hours during a day, or days during a week, in which the facility must be open, except insofar as the facility is required to provide emergency care on a 24-hour basis under subparagraphs (E) and (F); and

''(ii) the facility may provide any services otherwise required to be provided by a full-time, on-site dietitian, pharmacist, laboratory technician, medical technologist, or radiological technologist on a part-time, off-site basis.

''(H) The facility meets the requirements applicable to clinics and facilities under subparagraphs (C) through (J) of paragraph (2) of section 1861(aa) and of clauses (ii) and (iv) of the second sentence of such paragraph (or, in the case of the requirements of subparagraph (E), (F), or (J) of such paragraph, would meet the requirements if any reference in such subparagraph to a 'nurse practitioner' or to 'nurse practitioners' were deemed to be a reference to a 'nurse practitioner or nurse' or to 'nurse practitioners or nurses'); except that in determining whether a facility meets the requirements of this subparagraph, subparagraphs (E) and (F) of that paragraph shall be applied as if any reference to a 'physician' is a reference to a physician as defined in section 1861(r)(1).

''(2) The term 'rural emergency access care hospital services' means the following services provided by a rural emergency access care hospital and furnished to an individual over a continuous period not to exceed 24 hours (except that such services may be furnished over a longer period in the case of an individual who is unable to leave the hospital because of inclement weather):

''(A) An appropriate medical screening examination (as described in section 1867(a)).

''(B) Necessary stabilizing examination and treatment services for an emergency medical condition and labor (as described in section 1867(b)).''.

(b) REQUIRING RURAL EMERGENCY ACCESS CARE HOSPITALS TO MEET HOSPITAL ANTI-DUMPING REQUIREMENTS.—Section 1867(e)(5) of such Act (42 U.S.C. 1395dd(e)(5)) is amended by striking ''1861(mm)(1))'' and inserting ''1861(mm)(1)) and a rural emergency access care hospital (as defined in section 1861(oo)(1))''.

(c) COVERAGE AND PAYMENT FOR SERVICES.—

(1) COVERAGE.—Section 1832(a)(2) of such Act (42 U.S.C. 1395k(a)(2)) is amended—

(A) by striking ''and'' at the end of subparagraph (I);

(B) by striking the period at the end of subparagraph (J) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(K) rural emergency access care hospital services (as defined in section 1861(oo)(2)).''.

(2) PAYMENT BASED ON PAYMENT FOR OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.—

(A) IN GENERAL.—Section 1833(a)(6) of such Act (42 U.S.C. 1395l(a)(6)), as amended by section 501(f)(2), is amended by striking ''services,'' and inserting ''services and rural emergency access care hospital services,''.

(B) PAYMENT METHODOLOGY DESCRIBED.—Section 1834(g) of such Act (42 U.S.C. 1395m(g)), as amended by section 501(f)(2)(B), is amended—

(i) in the heading, by striking ''SERVICES'' and inserting ''SERVICES AND RURAL EMERGENCY ACCESS CARE HOSPITAL SERVICES''; and

(ii) by adding at the end the following new sentence: ''The amount of payment for rural emergency access care hospital services provided during a year shall be determined using the applicable method provided under this subsection for determining payment for outpatient rural primary care hospital services during the year.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning on or after October 1, 1996.

SEC. 503. CLASSIFICATION OF RURAL REFERRAL CENTERS.

(a) PROHIBITING DENIAL OF REQUEST FOR RECLASSIFICATION ON BASIS OF COMPARABILITY OF WAGES.—

(1) IN GENERAL.—Section 1886(d)(10)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(10)(D)) is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (ii) the following new clause:

''(iii) Under the guidelines published by the Secretary under clause (i), in the case of a hospital which is classified by the Secretary as a rural referral center under paragraph (5)(C), the Board may not reject the application of the hospital under this paragraph on the basis of any comparison between the average hourly wage of the hospital and the average hourly wage of hospitals in the area in which it is located.''.

(2) EFFECTIVE DATE.—Notwithstanding section 1886(d)(10)(C)(ii) of the Social Security Act, a hospital may submit an application to the Medicare Geographic Classification Review Board during the 30-day period beginning on the date of the enactment of this Act requesting a change in its classification for purposes of determining the area wage index applicable to the hospital under section 1886(d)(3)(D) of such Act for fiscal year 1997, if the hospital would be eligible for such a change in its classification under the standards described in section 1886(d)(10)(D) of such Act (as amended by paragraph (1)) but for its failure to meet the deadline for applications under section 1886(d)(10)(C)(ii) of such Act.

(b) CONTINUING TREATMENT OF PREVIOUSLY DESIGNATED CENTERS.—Any hospital classified as a rural referral center by the Secretary of Health and Human Services under section 1886(d)(5)(C) of the Social Security Act for fiscal year 1994 shall be classified as such a rural referral center for fiscal year 1997 and each subsequent fiscal year.

Subtitle B—Small Rural Hospital Antitrust Fairness

SEC. 511. ANTITRUST EXEMPTION.

The antitrust laws shall not apply with respect to—

(1) the merger of, or the attempt to merge, 2 or more hospitals,

(2) a contract entered into solely by 2 or more hospitals to allocate hospital services, or

(3) the attempt by only 2 or more hospitals to enter into a contract to allocate hospital services,

if each of such hospitals satisfies all of the requirements of section 512 at the time such hospitals engage in the conduct described in paragraph (1), (2), or (3), as the case may be.

SEC. 512. REQUIREMENTS.

The requirements referred to in section 511 are as follows:

(1) The hospital is located outside of a city, or in a city that has less than 150,000 inhabitants, as determined in accordance with the most recent data available from the Bureau of the Census.

(2) In the most recently concluded calendar year, the hospital received more than 40 percent of its gross revenue from payments made under Federal programs.

(3) There is in effect with respect to the hospital a certificate issued by the Health Care Financing Administration specifying that such Administration has determined that Federal expenditures would be reduced, consumer costs would not increase, and access to health care services would not be reduced, if the hospital and the other hospitals that requested such certificate merge, or allocate the hospital services specified in such request, as the case may be.

SEC. 513. DEFINITION.

For purposes of this title, the term ''antitrust laws'' has the meaning given such term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies with respect to unfair methods of competition.

Subtitle C—Miscellaneous Provisions

SEC. 521. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 137 as section 138 and by inserting after section 136 the following new section:

''SEC. 137. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS.

''(a) GENERAL RULE.—Gross income shall not include any qualified loan repayment.

''(b) QUALIFIED LOAN REPAYMENT.—For purposes of this section, the term 'qualified loan repayment' means any payment made on behalf of the taxpayer by the National

Health Service Corps Loan Repayment Program under section 338B(g) of the Public Health Service Act.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 338B(g) of the Public Health Service Act is amended by striking ''Federal, State, or local'' and inserting ''State or local''.

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 137 and inserting the following:

''Sec. 137. National Health Service Corps loan repayments.

''Sec. 138. Cross references to other Acts.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made under section 338B(g) of the Public Health Service Act after the date of the enactment of this Act.

SEC. 522. TELEMEDICINE SERVICES.

The Secretary of Health and Human Services shall establish a methodology for making payments under part B of the medicare program for telemedicine services furnished on an emergency basis to individuals residing in an area designated as a health professional shortage area (under section 332(a) of the Public Health Service Act).

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OFFERED BY: MR. HYDE

AMENDMENT NO. 2. Strike title III and insert the following:

TITLE III—SMALL BUSINESS REGULATORY FAIRNESS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Small Business Regulatory Enforcement Fairness Act of 1996''.

SEC. 302. FINDINGS.

Congress finds that—

(1) a vibrant and growing small business sector is critical to creating jobs in a dynamic economy;

(2) small businesses bear a disproportionate share of regulatory costs and burdens;

(3) fundamental changes that are needed in the regulatory and enforcement culture of Federal agencies to make agencies more responsive to small business can be made without compromising the statutory missions of the agencies;

(4) three of the top recommendations of the 1995 White House Conference on Small Business involve reforms to the way government regulations are developed and enforced, and reductions in government paperwork requirements;

(5) the requirements of chapter 6 of title 5, United States Code, have too often been ignored by government agencies, resulting in greater regulatory burdens on small entities than necessitated by statute; and

(6) small entities should be given the opportunity to seek judicial review of agency actions required by chapter 6 of title 5, United States Code.

SEC. 303. PURPOSES.

The purposes of this title are—

(1) to implement certain recommendations of the 1995 White House Conference on Small Business regarding the development and enforcement of Federal regulations;

(2) to provide for judicial review of chapter 6 of title 5, United States Code;

(3) to encourage the effective participation of small businesses in the Federal regulatory process;

(4) to simplify the language of Federal regulations affecting small businesses;

(5) to develop more accessible sources of information on regulatory and reporting requirements for small businesses;

(6) to create a more cooperative regulatory environment among agencies and small businesses that is less punitive and more solution-oriented; and

(7) to make Federal regulators more accountable for their enforcement actions by providing small entities with a meaningful opportunity for redress of excessive enforcement activities.

Subtitle A—Regulatory Compliance Simplification

SECTION 311. DEFINITIONS.

For purposes of this subtitle—

(1) the terms ''rule'' and ''small entity'' have the same meanings as in section 601 of title 5, United States Code;

(2) the term ''agency'' has the same meaning as in section 551 of title 5, United States Code; and

(3) the term ''small entity compliance guide'' means a document designated as such by an agency.

SEC. 312. COMPLIANCE GUIDES.

(a) COMPLIANCE GUIDE.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 604 of title 5, United States Code, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides''. The guides shall explain the actions a small entity is required to take to comply with a rule or group of rules. The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities, and may cooperate with associations of small entities to develop and distribute such guides.

(b) COMPREHENSIVE SOURCE OF INFORMATION.—Agencies shall cooperate to make available to small entities through comprehensive sources of information, the small entity compliance guides and all other available information on statutory and regulatory requirements affecting small entities.

(c) LIMITATION ON JUDICIAL REVIEW.—An agency's small entity compliance guide shall not be subject to judicial review, except that in any civil or administrative action against a small entity for a violation occurring after the effective date of this section, the content of the small entity compliance guide may be considered as evidence of the reasonableness or appropriateness of any proposed fines, penalties or damages.

SEC. 313. INFORMAL SMALL ENTITY GUIDANCE.

(a) GENERAL.—Whenever appropriate in the interest of administering statutes and regulations within the jurisdiction of an agency which regulates small entities, it shall be the practice of the agency to answer inquiries by small entities concerning information on, and advice about, compliance with such statutes and regulations, interpreting and applying the law to specific sets of facts supplied by the small entity. In any civil or administrative action against a small entity, guidance given by an agency applying the law to facts provided by the small entity may be considered as evidence of the reasonableness or appropriateness of any proposed fines, penalties or damages sought against such small entity.

(b) PROGRAM.—Each agency regulating the activities of small entities shall establish a program for responding to such inquiries no later than 1 year after enactment of this section, utilizing existing functions and personnel of the agency to the extent practicable.

(c) REPORTING.—Each agency regulating the activities of small business shall report to the Committee on Small Business and Committee on Governmental Affairs of the Senate and the Committee on Small Business and Committee on the Judiciary of the House of Representatives no later than 2 years after the date of the enactment of this section on the scope of the agency's program, the number of small entities using the program, and the achievements of the program to assist small entity compliance with agency regulations.

SEC. 314. SERVICES OF SMALL BUSINESS DEVELOPMENT CENTERS.

(a) Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (O), by striking ''and'' at the end;

(2) in subparagraph (P), by striking the period at the end and inserting a semicolon; and

(3) by inserting after subparagraph (P) the following new subparagraphs:

''(Q) providing information to small business concerns regarding compliance with regulatory requirements; and

''(R) developing informational publications, establishing resource centers of reference materials, and distributing compliance guides published under section 312(a) of the Small Business Regulatory Enforcement Fairness Act of 1996.''.

(b) Nothing in this Act in any way affects or limits the ability of other technical assistance or extension programs to perform or continue to perform services related to compliance assistance.

SEC. 315. COOPERATION ON GUIDANCE.

Agencies may, to the extent resources are available and where appropriate, in cooperation with the states, develop guides that fully integrate requirements of both Federal and state regulations where regulations within an agency's area of interest at the Federal and state levels impact small entities. Where regulations vary among the states, separate guides may be created for separate states in cooperation with State agencies.

SEC. 316. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on the expiration of 90 days after the date of enactment of this subtitle.

Subtitle B—Regulatory Enforcement Reforms

SECTION 321. DEFINITIONS.

For purposes of this subtitle—

(1) the terms ''rule'' and ''small entity'' have the same meanings as in section 601 of title 5, United States Code;

(2) the term ''agency'' has the same meaning as in section 551 of title 5, United States Code; and

(3) the term ''small entity compliance guide'' means a document designated as such by an agency.

SEC. 322. SMALL BUSINESS AND AGRICULTURE ENFORCEMENT OMBUDSMAN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 30 as section 31; and

(2) by inserting after section 29 the following new section:

''SEC. 30. OVERSIGHT OF REGULATORY ENFORCEMENT.

''(a) DEFINITIONS.—For purposes of this section, the term—

''(1) ''Board'' means a Regional Small Business Regulatory Fairness Board established under subsection (c); and

''(2) ''Ombudsman'' means the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under subsection (b).

''(b) SBA ENFORCEMENT OMBUDSMAN.—

''(1) Not later than 180 days after the date of enactment of this section, the Administrator shall designate a Small Business and

Agriculture Regulatory Enforcement Ombudsman, who shall report directly to the Administrator, utilizing personnel of the Small Business Administration to the extent practicable. Other agencies shall assist the Ombudsman and take actions as necessary to ensure compliance with the requirements of this section. Nothing in this section is intended to replace or diminish the activities of any Ombudsman or similar office in any other agency.

''(2) The Ombudsman shall—

''(A) work with each agency with regulatory authority over small businesses to ensure that small business concerns that receive or are subject to an audit, on-site inspection, compliance assistance effort, or other enforcement related communication or contact by agency personnel are provided with a means to comment on the enforcement activity conducted by such personnel;

''(B) establish means to receive comments from small business concerns regarding actions by agency employees conducting compliance or enforcement activities with respect to the small business concern, means to refer comments to the Inspector General of the affected agency in the appropriate circumstances, and otherwise seek to maintain the identity of the person and small business concern making such comments on a confidential basis to the same extent as employee identities are protected under section 7 of the Inspector General Act of 1978 (5 U.S.C.App.);

''(C) based on substantiated comments received from small business concerns and the Boards, annually report to Congress and affected agencies evaluating the enforcement activities of agency personnel including a rating of the responsiveness to small business of the various regional and program offices of each agency;

''(D) coordinate and report annually on the activities, findings and recommendations of the Boards to the Administrator and to the heads of affected agencies; and

''(E) provide the affected agency with an opportunity to comment on draft reports prepared under subparagraph (C), and include a section of the final report in which the affected agency may make such comments as are not addressed by the Ombudsman in revisions to the draft.

''(c) REGIONAL SMALL BUSINESS REGULATORY FAIRNESS BOARDS.—

''(1) Not later than 180 days after the date of enactment of this section, the Administrator shall establish a Small Business Regulatory Fairness Board in each regional office of the Small Business Administration.

''(2) Each Board established under paragraph (1) shall—

''(A) meet at least annually to advise the Ombudsman on matters of concern to small businesses relating to the enforcement activities of agencies;

''(B) report to the Ombudsman on substantiated instances of excessive enforcement actions of agencies against small business concerns including any findings or recommendations of the Board as to agency enforcement policy or practice; and

''(C) prior to publication, provide comment on the annual report of the Ombudsman prepared under subsection (b).

''(3) Each Board shall consist of five members, who are owners, operators, or officers of small business concerns, appointed by the Administrator, after receiving the recommendations of the chair and ranking minority member of the Committees on Small Business of the House of Representatives and the Senate. Not more than three of the Board members shall be of the same political party. No member shall be an officer or employee of the Federal Government, in either the executive branch or the Congress.

''(4) Members of the Board shall serve at the pleasure of the Administrator for terms of three years or less.

''(5) The Administrator shall select a chair from among the members of the Board who shall serve at the pleasure of the Administrator for not more than 1 year as chair.

''(6) A majority of the members of the Board shall constitute a quorum for the conduct of business, but a lesser number may hold hearings.

''(d) POWERS OF THE BOARDS.

''(1) The Board may hold such hearings and collect such information as appropriate for carrying out this section.

''(2) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(3) The Board may accept donations of services necessary to conduct its business, provided that the donations and their sources are disclosed by the Board.

''(4) Members of the Board shall serve without compensation, provided that, members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.''.

SEC. 323. RIGHTS OF SMALL ENTITIES IN ENFORCEMENT ACTIONS.

(a) IN GENERAL.—Each agency regulating the activities of small entities shall establish a policy or program within 1 year of enactment of this section to provide for the reduction, and under appropriate circumstances for the waiver, of civil penalties for violations of a statutory or regulatory requirement by a small entity. Under appropriate circumstances, an agency may consider ability to pay in determining penalty assessments on small entities.

(b) CONDITIONS AND EXCLUSIONS.—Subject to the requirements or limitations of other statutes, policies or programs established under this section shall contain conditions or exclusions which may include, but shall not be limited to—

(1) requiring the small entity to correct the violation within a reasonable correction period;

(2) limiting the applicability to violations discovered through participation by the small entity in a compliance assistance or audit program operated or supported by the agency or a state;

(3) excluding small entities that have been subject to multiple enforcement actions by the agency;

(4) excluding violations involving willful or criminal conduct;

(5) excluding violations that pose serious health, safety or environmental threats; and

(6) requiring a good faith effort to comply with the law.

(c) REPORTING.—Agencies shall report to the Committee on Small Business and Committee on Governmental Affairs of the Senate and the Committee on Small Business and Committee on Judiciary of the House of Representatives no later than 2 years after the date of enactment of this section on the scope of their program or policy, the number of enforcement actions against small entities that qualified or failed to qualify for the program or policy, and the total amount of penalty reductions and waivers.

SEC. 324. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect on the expiration of 90 days after the date of enactment of this subtitle.

Subtitle C—Equal Access to Justice Act Amendments

SECTION 331. ADMINISTRATIVE PROCEEDINGS.

(a) Section 504(a) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(4) If, in an adversary adjudication brought by an agency, the demand by the agency is substantially in excess of the decision of the adjudicative officer and is unreasonable when compared with such decision, under the facts and circumstances of the case, the adjudicative officer shall award to the party the fees and other expenses related to defending against the excessive demand, unless the party has committed a willful violation of law or otherwise acted in bad faith, or special circumstances make an award unjust.''.

(b) Section 504(b) of title 5, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''$75'' and inserting ''$125'';

(2) at the end of paragraph (1)(B), by inserting before the semicolon ''or for purposes of subsection (a)(4), a small entity as defined in section 601'';

(3) at the end of paragraph (1)(D), by striking ''and'';

(4) at the end of paragraph (1)(E), by striking the period and inserting ''; and''; and

(5) at the end of paragraph (1), by adding the following new subparagraph:

''(F) 'demand' means the express demand of the agency which led to the adversary adjudication, but does not include a recitation by the agency of the maximum statutory penalty (i) in the administrative complaint, or (ii) elsewhere when accompanied by an express demand for a lesser amount.''.

SEC. 332. JUDICIAL PROCEEDINGS.

(a) Section 2412(d)(1) of title 28, United States Code, is amended by adding at the end the following new subparagraph:

''(D) If, in a civil action brought by the United States, the demand by the United States is substantially in excess of the judgment finally obtained by the United States and is unreasonable when compared with such judgment, under the facts and circumstances of the case, the court shall award to the party the fees and other expenses related to defending against the excessive demand, unless the party has committed a willful violation of law or otherwise acted in bad faith, or special circumstances make an award unjust.''.

(b) Section 2412(d) of title 28, United States Code, is amended—

(1) in paragraph (2)(A), by striking ''$75'' and inserting ''$125'';

(2) at the end of paragraph (2)(B), by inserting before the semicolon ''or for purposes of subsection (d)(1)(D), a small entity as defined in section 601 of title 5'';

(3) at the end of paragraph (2)(G), by striking ''and'';

(4) at the end of paragraph (2)(H), by striking the period and inserting ''; and''; and

(5) at the end of paragraph (2), by adding the following new subparagraph:

''(I) 'demand' means the express demand of the United States which led to the adversary adjudication, but shall not include a recitation of the maximum statutory penalty (i) in the complaint, or (ii) elsewhere when accompanied by an express demand for a lesser amount.''.

SEC. 333. EFFECTIVE DATE.

The amendments made by sections 331 and 332 shall apply to civil actions and adversary adjudications commenced on or after the date of the enactment of this subtitle.

Subtitle D—Regulatory Flexibility Act Amendments

SEC. 341. REGULATORY FLEXIBILITY ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) SECTION 603.—Section 603(a) of title 5, United States Code, is amended—

(A) by inserting after ''proposed rule'', the phrase '', or publishes a notice of proposed rulemaking for an interpretative rule of general applicability involving the internal revenue laws of the United States''; and

(B) by inserting at the end of the subsection, the following new sentence: ''In the case of an interpretative rule involving the internal revenue laws of the United States, this chapter applies to interpretative rules published in the Federal Register for codification in the Code of Federal Regulations, but only to the extent that such interpretative rules impose on small entities a collection of information requirement.''.

(2) SECTION 601.—Section 601 of title 5, United States Code, is amended by striking ''and'' at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ''; and'', and by adding at the end the following:

''(7) the term 'collection of information'—

''(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

''(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the United States; or

''(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

''(B) shall not include a collection of information described under section 3518(c)(1) of title 44, United States Code.

''(8) RECORDKEEPING REQUIREMENT.—The term 'recordkeeping requirement' means a requirement imposed by an agency on persons to maintain specified records.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604 of title 5, United States Code, is amended—

(1) in subsection (a) to read as follows:

''(a) When an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States as described in section 603(a), the agency shall prepare a final regulatory flexibility analysis. Each final regulatory flexibility analysis shall contain—

''(1) a succinct statement of the need for, and objectives of, the rule;

''(2) a summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;

''(3) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available;

''(4) a description of the projected reporting, record keeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and

''(5) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.''; and

(2) in subsection (b), by striking ''at the time'' and all that follows and inserting ''such analysis or a summary thereof.''.

SEC. 342. JUDICIAL REVIEW.

Section 611 of title 5, United States Code, is amended to read as follows:

''§ 611. Judicial review

''(a)(1) For any rule subject to this chapter, a small entity that is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance with the requirements of sections 601, 604, 605(b), 608(b), and 610 in accordance with chapter 7. Agency compliance with sections 607 and 609(a) shall be judicially reviewable in connection with judicial review of section 604.

''(2) Each court having jurisdiction to review such rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with sections 601, 604, 605(b), 608(b), and 610 in accordance with chapter 7. Agency compliance with sections 607 and 609(a) shall be judicially reviewable in connection with judicial review of section 604.

''(3)(A) A small entity may seek such review during the period beginning on the date of final agency action and ending one year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of one year, such lesser period shall apply to an action for judicial review under this section.

''(B) In the case where an agency delays the issuance of a final regulatory flexibility analysis pursuant to section 608(b) of this chapter, an action for judicial review under this section shall be filed not later than—

''(i) one year after the date the analysis is made available to the public, or

''(ii) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in such provision of law that is after the date the analysis is made available to the public.

''(4) In granting any relief in an action under this section, the court shall order the agency to take corrective action consistent with this chapter and chapter 7, including, but not limited to—

''(A) remanding the rule to the agency, and

''(B) deferring the enforcement of the rule against small entities unless the court finds that continued enforcement of the rule is in the public interest.

''(5) Nothing in this subsection shall be construed to limit the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the requirements of this section.

''(b) In an action for the judicial review of a rule, the regulatory flexibility analysis for such rule, including an analysis prepared or corrected pursuant to paragraph (a)(4), shall constitute part of the entire record of agency action in connection with such review.

''(c) Compliance or noncompliance by an agency with the provisions of this chapter shall be subject to judicial review only in accordance with this section.

''(d) Nothing in this section bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise permitted by law.''.

SEC. 343. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 605(b) of title 5, United States Code, is amended to read as follows:

''(b) Sections 603 and 604 of this title shall not apply to any proposed or final rule if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. If the head of the agency makes a certification under the preceding sentence, the agency shall publish such certification in the Federal Register at the time of publication of general notice of proposed rulemaking for the rule or at the time of publication of the final rule, along with a statement providing the factual basis for such certification. The agency shall provide such certification and statement to the Chief Counsel for Advocacy of the Small Business Administration.''.

(b) Section 612 of title 5, United States Code is amended—

(1) in subsection (a), by striking ''the committees on the Judiciary of the Senate and the House of Representatives, the Select Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives'' and inserting ''the Committees on the Judiciary and Small Business of the Senate and House of Representatives''.

(2) in subsection (b), by striking ''his views with respect to the'' and inserting in lieu thereof, ''his or her views with respect to compliance with this chapter, the adequacy of the rulemaking record with respect to small entities and the''.

SEC. 344. SMALL BUSINESS ADVOCACY REVIEW PANELS.

(a) SMALL BUSINESS OUTREACH AND INTERAGENCY COORDINATION.— Section 609 of title 5, United States Code is amended—

(1) before ''techniques,'' by inserting ''the reasonable use of'';

(2) in paragraph (4), after ''entities'' by inserting ''including soliciting and receiving comments over computer networks'';

(3) by designating the current text as subsection (a); and

(4) by adding the following:

''(b) Prior to publication of an initial regulatory flexibility analysis which a covered agency is required to conduct by this chapter—

''(1) a covered agency shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with information on the potential impacts of the proposed rule on small entities and the type of small entities that might be affected;

''(2) not later than 15 days after the date of receipt of the materials described in paragraph (1), the Chief Counsel shall identify individuals representative of affected small entities for the purpose of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule;

''(3) the agency shall convene a review panel for such rule consisting wholly of full time Federal employees of the office within the agency responsible for carrying out the proposed rule, the Office of Information and Regulatory Affairs within the Office of Management and Budget, and the Chief Counsel;

''(4) the panel shall review any material the agency has prepared in connection with this chapter, including any draft proposed rule, collect advice and recommendations of each individual small entity representative identified by the agency after consultation with the Chief Counsel, on issues related to subsections 603(b), paragraphs (3), (4) and (5) and 603(c);

''(5) not later than 60 days after the date a covered agency convenes a review panel pursuant to paragraph (3), the review panel shall report on the comments of the small entity representatives and its findings as to issues related to subsections 603(b), paragraphs (3),

(4) and (5) and 603(c), provided that such report shall be made public as part of the rulemaking record; and

''(6) where appropriate, the agency shall modify the proposed rule, the initial regulatory flexibility analysis or the decision on whether an initial regulatory flexibility analysis is required.

''(c) An agency may in its discretion apply subsection (b) to rules that the agency intends to certify under subsection 605(b), but the agency believes may have a greater than de minimis impact on a substantial number of small entities.

''(d) For purposed of this section, the term covered agency means the Environmental Protection Agency and the Occupational Safety and Health Administration of the Department of Labor.

''(e) The Chief Counsel for Advocacy, in consultation with the individuals identified in subsection (b)(2), and with the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget, may waive the requirements of subsections (b)(3), (b)(4), and (b)(5) by including in the rulemaking record a written finding, with reasons therefor, that those requirements would not advance the effective participation of small entities in the rulemaking process. For purposes of this subsection, the factors to be considered in making such a finding are as follows:

''(1) In developing a proposed rule, the extent to which the covered agency consulted with individuals representative of affected small entities with respect to the potential impacts of the rule and took such concerns into consideration; or in developing a final rule, the extent to which the covered agency took into consideration the comments filed by the individuals identified in subsection (b)(2).

''(2) Special circumstances requiring prompt issuance of the rule.

''(3) Whether the requirements of subsection (b) would provide the individuals identified in subsection (b)(2) with a competitive advantage relative to other small entities.''.

(b) SMALL BUSINESS ADVOCACY CHAIRPERSONS.—Not later than 30 days after the date of enactment of this Act, the head of each covered agency that has conducted a final regulatory flexibility analysis shall designate a small business advocacy chairperson using existing personnel to the extent possible, to be responsible for implementing this section and to act as permanent chair of the agency's review panels established pursuant to this section.

SEC. 345. EFFECTIVE DATE.

This subtitle shall become effective on the expiration of 90 days after the date of enactment of this subtitle, except that such amendments shall not apply to interpretative rules for which a notice of proposed rulemaking was published prior to the date of enactment.

Subtitle E—Congressional Review

SEC. 351. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Title 5, United States Code, is amended by inserting immediately after chapter 7 the following new chapter:

''CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''Sec.
''801. Congressional review.
''802. Congressional disapproval procedure.
''803. Special rule on statutory, regulatory, and judicial deadlines.
''804. Definitions.
''805. Judicial review.
''806. Applicability; severability.
''807. Exemption for monetary policy.
''808. Effective date of certain rules.

''§ 801. Congressional review

''(a)(1)(A) Before a rule can take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule, including whether it is a major rule; and

''(iii) the proposed effective date of the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

''(i) a complete copy of the cost-benefit analysis of the rule, if any;

''(ii) the agency's actions relevant to sections 603, 604, 605, 607, and 609;

''(iii) the agency's actions relevant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive Orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the Chairman and Ranking Member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction in each House of the Congress by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect on the latest of—

''(A) the later of the date occurring 60 days after the date on which—

''(i) the Congress receives the report submitted under paragraph (1); or

''(ii) the rule is published in the Federal Register, if so published;

''(B) if the Congress passes a joint resolution of disapproval described in section 802 relating to the rule, and the President signs a veto of such resolution, the earlier date—

''(i) on which either House of Congress votes and fails to override the veto of the President; or

''(ii) occurring 30 session days after the date on which the Congress received the veto and objections of the President; or

''(C) the date the rule would have otherwise taken effect, if not for this section (unless a joint resolution of disapproval under section 802 is enacted).

''(4) Except for a major rule, a rule shall take effect as otherwise provided by law after submission to Congress under paragraph (1).

''(5) Notwithstanding paragraph (3), the effective date of a rule shall not be delayed by operation of this chapter beyond the date on which either House of Congress votes to reject a joint resolution of disapproval under section 802.

''(b)(1) A rule shall not take effect (or continue), if the Congress enacts a joint resolution of disapproval, described under section 802, of the rule.

''(2) A rule that does not take effect (or does not continue) under paragraph (1) may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a rule that would not take effect by reason of subsection (a)(3) may take effect, if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive Order that the rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802 or the effect of a joint resolution of disapproval under this section.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days, or

''(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, section 802 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying section 802 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register (as a rule that shall take effect) on—

''(I) in the case of the Senate, the 15th session day, or

''(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

''(e)(1) For purposes of this subsection, section 802 shall also apply to any major rule promulgated between March 1, 1996, and the date of the enactment of this chapter.

''(2) In applying section 802 for purposes of Congressional review, a rule described under paragraph (1) shall be treated as though—

''(A) such rule were published in the Federal Register on the date of enactment of this chapter; and

''(B) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(3) The effectiveness of a rule described under paragraph (1) shall be as otherwise

provided by law, unless the rule is made of no force or effect under section 802.

''(f) Any rule that takes effect and later is made of no force or effect by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect.

''(g) If the Congress does not enact a joint resolution of disapproval under section 802 respecting a rule, no court or agency may infer any intent of the Congress from any action or inaction of the Congress with regard to such rule, related statute, or joint resolution of disapproval.

''§ 802. Congressional disapproval procedure

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule submitted by the ____ relating to ____, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(2) For purposes of this section, the term 'submission or publication date' means the later of the date on which—

''(A) the Congress receives the report submitted under section 801(a)(1); or

''(B) the rule is published in the Federal Register, if so published.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission or publication date defined under subsection (b)(2), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''(g) This section is enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''§ 803. Special rule on statutory, regulatory, and judicial deadlines

''(a) In the case of any deadline for, relating to, or involving any rule which does not take effect (or the effectiveness of which is terminated) because of enactment of a joint resolution under section 802, that deadline is extended until the date 1 year after the date of enactment of the joint resolution. Nothing in this subsection shall be construed to affect a deadline merely by reason of the postponement of a rule's effective date under section 801(a).

''(b) The term 'deadline' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

''§ 804. Definitions

''For purposes of this chapter—

''(1) The term 'Federal agency' means any agency as that term is defined in section 551(1).

''(2) The term ''major rule'' means any rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100,000,000 or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

The term does not include any rule promulgated under the Telecommunications Act of 1996 and the amendments made by that Act.

''(3) The term 'rule' has the meaning given such term in section 551, except that such term does not include—

''(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(B) any rule relating to agency management or personnel; or

''(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

''§ 805. Judicial review

''No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''§ 806. Applicability; severability

''(a) This chapter shall apply notwithstanding any other provision of law.

''(b) If any provision of this chapter or the application of any provision of this chapter to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter, shall not be affected thereby.

''§ 807. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 808. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping, or

''(2) any rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.''.

SEC. 352. EFFECTIVE DATE.

The amendment made by section 351 shall take effect on the date of enactment of this Act.

SEC. 353. TECHNICAL AMENDMENT.

The table of chapters for part I of title 5, United States Code, is amended by inserting immediately after the item relating to chapter 7 the following:

''8. Congressional Review of Agency Rulemaking ..... 801''.